

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
10G0312 and 10G0950

| | | |
|--------------------|---|---------|
| IN THE MATTER OF |) | |
| |) | |
| Travis H. Simpson, |) | CENSURE |
| ATTORNEY AT LAW |) | |
| |) | |

On January 20, 2011, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by J. L. and T. C.

Pursuant to section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Committee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Committee found probable cause. Probable cause is defined in the rules as "reasonable cause to believe that a member of the North Carolina State Bar is guilty of misconduct justifying disciplinary action."

The rules provide that after a finding of probable cause, the Grievance Committee may determine that the filing of a complaint and a hearing before the Disciplinary Hearing Commission are not required and the Grievance Committee may issue various levels of discipline depending upon the misconduct, the actual or potential injury caused, and any aggravating or mitigating factors. The Grievance Committee may issue an admonition, a reprimand, or a censure.

A censure is a written form of discipline more serious than a reprimand, issued in cases in which an attorney has violated one or more provisions of the Rules of Professional Conduct and has caused significant harm or potential significant harm to a client, the administration of justice, the profession or a member of the public, but the misconduct does not require suspension of the attorney's license.

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

J. L. filed a grievance against you with the 21st Judicial District Bar Grievance Committee (hereafter, local grievance committee) in March 2010. The local grievance committee asked that you respond to the grievance. On May 14, 2010, you requested an extension to respond until May 17. You did not respond by that date. On June 15, your assistant called the 21st Judicial District Bar office and stated that your response would be into the local bar office by the end of the week. On June 23, 2010, you were sent a letter from the local grievance committee advising that if your response was not received within ten days from the receipt of that letter, the file would be forwarded to the North Carolina State Bar. The local grievance committee received no response and referred the grievance to the North Carolina State Bar.

The North Carolina State Bar issued a letter of notice and you responded by enclosing a copy of a letter dated July 13, 2010, which you indicate your secretary sent to the local bar on July 13, 2010. The Grievance Committee found that you failed to respond promptly to the local grievance committee, in violation of Rule 8.1(b) and 8.4(d).

In your response to this grievance, you indicated that J. L.'s tape recording, which she gave you in connection with her legal matter, had been stolen when your office was burglarized. After our office sent you a letter of notice asking that you provide a copy of the police report regarding the burglary, you then stated that the tape was not stolen during the burglary of your office. You indicated that you did not intend to mislead the State Bar when you responded that Ms. L.'s tape recording was stolen from your office.

The Grievance Committee found that your response relative to the theft of the tape was reckless, and that you should have checked the police report before you responded. Your reckless response to the Grievance Committee violated Rule 8.4(d) as lawyers are required to give a full and fair disclosure of the facts surrounding the allegations of the grievance.

Ms. L. requested that you return her tape recording. Since your office last had the tape, the Grievance Committee found that you failed to turn over property that belonged to J. L. in violation of Rule 1.16(d).

In grievance file number 10G0950, T. C. hired you in November 2005 to represent her in a civil action. Ms. C. claims that depositions were taken in 2007. She further claimed that you had not contacted her since the depositions, despite her numerous calls to your office.

In your response to this grievance, you indicated that you did not remember a lot about the file. You did remember that you filed a lawsuit on Ms. C.'s behalf and that discovery was exchanged and depositions were taken. You admitted that you had not spoken with Ms. C. in about three years.

A review of the court file in the Forsyth County Clerk's office files reveals that the last action you took on Ms. C.'s behalf was the motion to transfer her case from district to superior court. That motion was denied on December 31, 2007. On September 25, 2008, a superior court judge signed an order closing out Ms. C.'s case and removing it from the active calendar since there had been no activity in the case.

The Grievance Committee found that you neglected Ms. C.'s case in violation of Rule 1.3. The Grievance Committee also found that you failed to keep Ms. C. apprised of the status of her case in violation of Rule 1.4(a)(1)(2).

Ms. C. asked for a copy of her file. You were very slow in returning that file to her. The Grievance Committee found that your failure to promptly return the file to Ms. C. violated Rule 1.16(d) of the Rules of Professional Conduct.

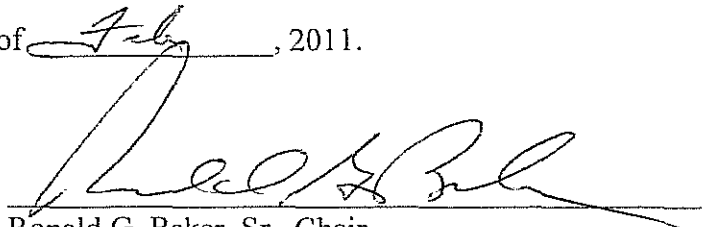
Finally, the State Bar's staff attorney sent you a letter dated December 16, 2010 with additional questions regarding this grievance. You were asked to respond to those questions by January 14, 2011. The Grievance Committee found that your failure to respond to the State Bar's staff attorney's letter violated Rule 8.1(b) and 8.4(d).

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the

error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

In accordance with the policy adopted January 24, 2008 by the Council of the North Carolina State Bar regarding the taxing of administrative fees and investigative costs to any attorney issued a censure by the Grievance Committee, an administrative fee in the amount of \$100.00 is hereby taxed to you.

Done and ordered, this 14 day of July, 2011.

A handwritten signature in black ink, appearing to read 'Ronald G. Baker, Sr.', written over a horizontal line.

Ronald G. Baker, Sr., Chair
Grievance Committee
The North Carolina State Bar