

12754

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
98G1716(I)

NORTH CAROLINA

WAKE COUNTY

IN THE MATTER OF)

EDWARD P. HAUSLE,)
ATTORNEY AT LAW)

REPRIMAND

On July 21, 1999, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by client A.

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 to the Respondent attorney.

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

The Grievance Committee was of the opinion that a Censure is not required in this case and issues this Reprimand to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this Reprimand and I am certain that you will understand fully the spirit in which this duty is performed.

Client A retained you in approximately September of 1998 to review an equitable distribution order entered by a trial court to determine if the matter could be appealed. Client A delivered materials to you to assist you in evaluating the equitable distribution order. He also paid you a fee of \$750 for those services.

You subsequently communicated to client A that you did not believe the order was appealable. After this conversation, client A made repeated attempts to contact you to retrieve his file and the materials he had provided to you in connection with your representation. The Committee found that you failed to respond to client A's requests and, ultimately, have been unable to locate his file or the materials he forwarded to you. Client A never received those materials back from you.

As a result, client A filed a grievance against you for your failure to return his phone calls and failure to return the file. You were served with the initial letter of notice on January 30, 1999, but failed to respond within 15 days. You were sent an additional letter and requested to respond by March 12, 1999, but failed to do so. The State Bar made subsequent attempts to get you to respond to client A's grievance on March 25, 1999, May 18, 1999, and June 14, 1999. You did not respond until shortly before the Grievance Committee meeting in July 1998 at which this matter was considered.

The Committee found that your above-described conduct violated several Rules and Revised Rules of Professional Conduct. First, the Committee concluded that your failure to respond to client A's request for the return of his file violated Revised Rule 1.4(a). Second, the Committee concluded that your failure to return the materials client A provided to you and your apparent loss of his file constituted a violation of Revised Rule 1.16(b). Third, your repeated failure to respond to the Grievance Committee regarding this matter violated Revised Rule 8.1(b).

You are hereby Reprimanded by the North Carolina State Bar due to your professional misconduct. The Grievance Committee trusts that you will heed this Reprimand, that it will be remembered by you, that it will be beneficial to you, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession.

In accordance with the policy adopted October 15, 1981 by the Council of the North Carolina State Bar regarding the taxing of the administrative and investigative costs to any attorney issued a Reprimand by the Grievance Committee, the costs of this action in the amount of \$50.00 are hereby taxed to you.

Done and ordered, this 17 day of August, 1999.


James K. Dorsett, III
Chair, Grievance Committee