

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
06G0820

IN THE MATTER OF)

Tonya L. Ford,)
Attorney At Law)

) REPRIMAND
)
)
)
)

On October 18, 2007 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by VM.

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.

You were retained by VM to represent her in a complaint she had filed in the United States District Court, Eastern District of North Carolina in May 2005. Between about July 27, 2005 and September 18, 2005, VM attempted to contact you by telephone and e-mail but you did not return her calls and e-mails. On September 13, 2005 VM received a document entitled Notice to Counsel of Failure to Make Service Within 120 Days from the court (hereinafter "Notice"). VM faxed and mailed the Notice to you on September 14, 2005. VM e-mailed you about this Notice and the status of her case on September 18, 2005. VM specifically expressed concern that the Notice said she had ten days to respond. You e-mailed VM on September 20, 2005, told her she had 10 plus 3 days to follow-up with the courts, that you had contacted the courts about this and would follow-up with the

2

courts on VM's behalf. Subsequently, VM again could not get in touch with you. You did not file anything addressing this Notice in VM's case and you did not communicate with VM any further about any proposed strategy regarding the Notice in her case. Your failure to respond to VM's inquiries and your failure to keep VM reasonably informed about her case are in violation of Rule 1.4(a)(3) and (4) of the Revised Rules of Professional Conduct.

VM filed a grievance concerning your conduct. You were notified of the grievance by the Tenth Judicial District Bar Grievance Committee and required to respond. Your response was due by October 16, 2006. You did not provide any response until November 22, 2006. Although you appear to indicate in your response that you were granted an extension of time to respond, there is no documentation or indication from the Tenth Judicial District Bar Grievance Committee granting any such extension. To the contrary, on October 24, 2006, the Tenth Judicial District Bar Grievance Committee returned the grievance file to the State Bar with an indication that no timely response had been received from you. Subsequently, you were sent a supplemental inquiry from the State Bar in the matter on March 7, 2007. Your response to this inquiry was due on April 9, 2007. You did not respond. This supplemental inquiry was sent again and was served on you by certified mail on May 17, 2007. Your response was due on June 4, 2007. You did not respond. You were served on July 19, 2007 with a final letter notifying you that your response was overdue and you needed to respond immediately and no later than August 3, 2007 to the supplemental inquiry. Despite contact by a State Bar councilor and State Bar staff attorney and telephone messages you left with the staff attorney indicating you were sending your response, you failed to respond. Your failure to timely respond to the notice from the Tenth Judicial District Bar Grievance Committee and your failure to respond to the State Bar's supplemental inquiry are in violation of Rule 8.1(b) of the Revised Rules of Professional Conduct and N.C. Gen. Stat. § 84-28(b)(3).

You are hereby reprimanded by the North Carolina State Bar for 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 the 19th day of November, 2007



James R. Fox, Chair
Grievance Committee

JRF/lr