

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
08G0759

IN THE MATTER OF)	
)	
SCOTT B. SPRANSY,)	REPRIMAND
Attorney At Law)	
)	

On October 23, 2008 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by the State Bar.

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.

On or about February 25, 2008 D. Yost hired you to represent K. Barnes in a traffic matter. Ms. Yost paid \$375 for your services. Your legal assistant failed to open a file for Ms. Barnes and therefore the matter was never calendared resulting in the issuance of a failure to appear against Ms. Barnes. Ms. Barnes was also notified that her license was in jeopardy of

suspension. Your legal assistant also failed to relay messages left by Ms. Yost concerning this matter and failed to inform you of the fee dispute petition Ms. Yost filed.

As of at least January 2008 you were aware of problems created by your legal assistant, namely her acceptance of clients, collection of fees and failing to inform you of the same and failing to inform you of phone messages and correspondence from clients and the State Bar. Although you were aware of your legal assistant's failures, you failed to adequately supervise her in violation of Rule 5.3(c): Responsibilities Regarding Nonlawyer Assistants. Had you done so, the harm to Ms. Barnes would have been avoided. The Committee therefore concluded that you failed to handle Ms. Barnes' matter in violation of Rule 1.3: Diligence and Rule 8.4(d): Misconduct and failed to communicate with Ms. Barnes in violation of Rule 1.4(a): Communication.

Since you were not served with the certified letter containing notice of the fee dispute, the Committee determined that you had not violated Rule 1.5(f): Fees.

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 \$100.00 are hereby taxed to you.

Done and ordered, this the 13th day of November, 2008



James R. Fox, Chair
Grievance Committee

JRF/lr