

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
08G0453

IN THE MATTER OF)

NaaDei Dzani,)
Attorney At Law)

REPRIMAND)

On July 23, 2009 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by S. P.

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.

S.P. contacted attorney Kenneth Snow for assistance in seeking to adopt her granddaughter. S.P. had an initial meeting with you and Mr. Snow, at which you presented her with an "Agreement for Legal Services" with Coble & Snow, LLP. You were not employed by Coble & Snow, but you arranged to "co-represent" S.P. Pursuant to this arrangement, which was not set forth in the written Agreement, you would receive 70% of the fees and Mr. Snow would

receive 30%. This arrangement was in violation of Rule 1.5(e), which prohibits the division of fees between lawyers not in the same firm.

Although you had never handled an adoption case before and did not associate with a lawyer who has experience in adoption matters, you agreed to be the lead attorney on S.P.'s case. In so doing, you violated Rule 1.1, which provides that a lawyer shall not handle a legal matter she is not competent to handle without associating with a lawyer who is competent to handle the matter.

The form adoption petition (which was almost entirely completed by S.P.) was signed and dated on 30 August 2007, but you did not file it until 23 October 2007. You did not take any steps on S.P.'s behalf after filing the petition, and three months after filing you "decided [you were] not going to commit to schedule a hearing date until payment was made." Your delay in filing S.P.'s petition and your failure to act on her behalf thereafter constitute a lack of diligence in violation of Rule 1.3.

In February 2008, you "decided . . . that [you were] no longer interested in assisting [S.P.] in her matter." Your motion to withdraw was eventually filed and calendared for hearing on 22 April 2008. You were granted permission to withdraw on 15 May 2008. Your representation of S.P. was *de facto* terminated when you "decided" you were not going to request a hearing on Complainant's petition. You should have notified S.P. of your intent at that time and promptly filed a motion to withdraw so S.P. could obtain alternate counsel or proceed *pro se*. By effectively ending the representation without promptly taking these steps, you failed to "take steps to the extent reasonably practicable to protect a client's interests" in violation of Rule 1.16(d).

You did not provide S.P. with sufficient information about who was primarily responsible for representing her or about the status of her case. Neither you nor Mr. Snow was able to produce any correspondence or other documentation to show that you communicated with S.P. about her case. Your failure to adequately communicate with S.P. was in violation of Rule 1.4(a).

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 January 24, 2008 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 18 day of August, 2009



James R. Fox, Chair
Grievance Committee

JRF/lr