

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
09G0306

IN THE MATTER OF)

Mary C. Fairley,)
Attorney At Law)

REPRIMAND)

On January 14, 2010 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by J. R.

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.

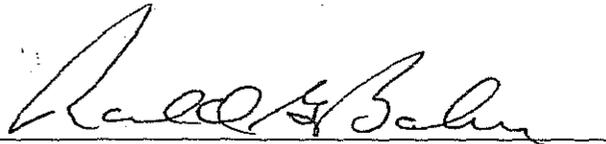
You undertook representation of J.R. in a real estate transaction in which J.R. bought property with N.P. and D.P. J.R. loaned N.P. and D.P. their share of the purchase price. You prepared the deed of trust by which this debt was to be secured by the property. You failed, however, to record the deed of trust. Additionally, although you had previously represented N.P. and D.P. on many prior occasions and also represented them in this transaction with J.R., you

failed to discuss with J.R. any potential or actual conflicts of interest or limitations on your ability to represent J.R., including but not limited to your inability to represent J.R. in subsequent litigation against N.P. and D.P. should they fail to make payments due to J.R., in violation of Rule 1.4(b) of the Rules of Professional Conduct. Furthermore, you failed to obtain informed consent confirmed in writing from J.R. to this representation in violation of Rule 1.7(b). Last, ~~you failed to timely respond to the letter of notice sent to you by the State Bar and provided no~~ response to the supplemental letter sent to you by the State Bar in this matter, in violation of Rule 8.1(b). In mitigation, it is the understanding of the State Bar that you have been experiencing financial and health problems while this grievance has been pending. Accordingly, the Grievance Committee determined that a reprimand was the appropriate discipline for your violations of the Rules of Professional Conduct.

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 22 day of Feb, 2010



Ronald G. Baker, Sr., Chair
Grievance Committee

RGB/lr