

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
09G1428, 09G1450, 10G0531

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IN THE MATTER OF )

Maynard A. Harrell, Jr. )  
Attorney At Law )

REPRIMAND )

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On January 20, 2011 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by L. C., J. G. and T. W.

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 represented three clients in different criminal cases. Each client was convicted of criminal charges. Each client asked that you turn over their client files. You failed to promptly turn over the files to the three clients.

In grievance file number 09G1428, L. C.'s attorney wrote you on three occasions and asked that you turn over the file. You did not respond to L. C.'s attorney. You were also contacted by a member of the State Bar's Attorney/Client Assistance Program (hereafter, ACAP) relative to turning over L. C.'s file to his attorney. You did not respond to the State Bar's ACAP representative.

In grievance file number 09G1450, you finally turned over J. G.'s file to his new attorney. Again, J. G. and a representative from ACAP had to write you before you turned over the file.

In grievance file number 10G0531, T. W.'s new attorney wrote you on three occasions about the client's file. Once she received no response from you, she contacted ACAP. A representative from ACAP contacted you by letter and asked that you turn over the file to T. W. You did not respond to the ACAP representative's request.

The Grievance Committee found that your failure to promptly turn over your clients' files to them violated Rule 1.16(d) of the Rules of Professional Conduct. The Grievance Committee notes that you did finally turn over files to L. C. and T. W., but only after you had been subpoenaed to the North Carolina State Bar.

The Committee was also concerned about your failure to respond timely to a State Bar deputy counsel's questions. Another deputy counsel sent you a follow-up letter and asked that you respond to her colleague's questions. You did not respond to the questions and you were subpoenaed to the State Bar office for questioning. The Grievance Committee found that your failure to respond to the State Bar staff's attorneys letters violated Rule 8.4(d).

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 administrative fees and investigative costs to any attorney issued a reprimand by the Grievance Committee, an administrative fee in the amount of \$100.00 is hereby taxed to you.

Done and ordered, this the 14 day of Jul, 2011.

  
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Ronald G. Baker, Sr., Chair  
Grievance Committee