

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
09G0052

IN THE MATTER OF)	
)	
Clinton O. Light,)	REPRIMAND
Attorney At Law)	
)	

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

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.

In August 2008, J.B. retained you to represent her in a child custody action. J.B.’s estranged husband filed a custody and support action in Patrick Co., Virginia. J.B. and her child lived in North Carolina. J.B. received a summons to appear for a hearing on September 4, 2008 in Virginia. You sent a letter to the Virginia court making an argument that the Virginia Court did not have jurisdiction. Because you are not licensed to practice law in Virginia, your letter to the court constitutes the unauthorized practice of law in violation of Rule 5.5(a). Additionally, you did not send a copy of your letter to the court to opposing counsel. You therefore engaged in an *ex-parte* communication with a judge in violation of Rule 3.5(a)(3)(B).

You initially told J.B. not to plan on attending the hearing in Virginia because you would obtain a continuance. You then called J.B. the morning of the hearing telling J.B. the hearing in Virginia was still to be heard that day and you were not going. You told J.B. that you could not

advise her to go to court because you did not feel the Virginia court had jurisdiction. You advised J.B. that she did not need to appear in court. You directed J.B. to ignore the Virginia court's summons. You knowingly advised J.B. to disobey a legal obligation in violation of Rule 3.4(c).

When you found out J.B. had been summoned to appear in Virginia, you should have consulted with an attorney licensed to practice in Virginia or made J.B. aware it would be in her best interest to retain a Virginia attorney for the custody matter. You assumed the Virginia court would agree with your assessment that Virginia lacked jurisdiction and failed to seek further assistance from a Virginia attorney. You should have been more cautious in assuming J.B.'s North Carolina residency given J.B. had not worked in NC or obtained a NC driver's license until five days prior to the September 4, 2008 hearing. At the Virginia hearing on September 4, 2008, the court denied your jurisdiction request and issued a final custody order. You failed to act with reasonable diligence in representing J.B. in violation of Rule 1.3. Furthermore, you failed to thoroughly explain the jurisdiction issues and advise J.B. she should seek representation of a licensed Virginia attorney. You failed to provide your client with information necessary to make an informed decision in violation of Rule 1.4(b).

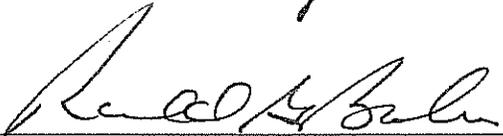
On September 3, 2008, you filed a complaint in North Carolina for divorce from bed and board, child custody, and child support. The only pleading in the court file is the complaint. In your response to the grievance, you included drafts of a separation agreement, an *ex-parte* order for emergency custody and a motion to be relieved as counsel, none of which were filed. On January 2, 2009, the North Carolina court discontinued the case. You failed to follow up on the complaint and therefore failed to diligently handle J.B.'s North Carolina filing. You violated Rule 1.3.

On September 28, 2008, J.B. sent you a letter ending her attorney-client relationship with you. You sent a response letter to J.B. and included a signed motion to withdraw and information about retrieving the client file. However, you failed to notify and seek the court's permission to withdraw by filing the motion to withdraw in violation of Rule 1.16(c).

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 February, 2010



Ronald G. Baker, Sr., Chair
Grievance Committee