NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
09G1121

IN THE MATTER OF   )
)
A. Stanley Mitchell,   )   REPRIMAND
Attorney At Law   )
)
)

On July 22, 2010, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by D.H.

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.
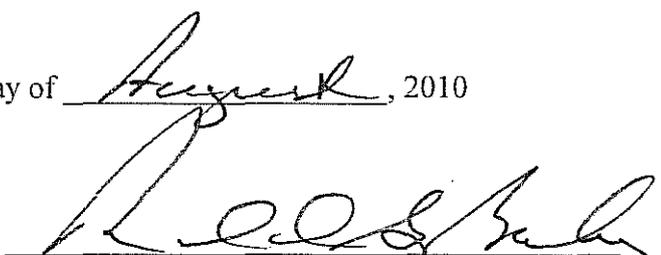
You represented M.B. in a civil eviction action filed by D.H. D.H. appeared *pro se*. After the August 2009 hearing on the matter, you were to draft an order detailing the outcome of the hearing. D.H. filed a grievance complaining that you failed to timely prepare the order. On October 13, 2009, you received the letter of notice for the grievance. You therefore had 15 days, or until October 28, 2009 to provide a written response. You failed to do so. The Office of

Counsel sent you a follow up letter reminding you of your obligation to provide a written response. You were given until January 15, 2010 to provide a written response. On January 15, 2010, you called Deputy Counsel. You left a voice mail message stating that you sent a written response in November 2009. Deputy Counsel returned your call and left a voice mail message informing you that the State Bar did not receive your response. You were directed to fax your response on January 15, 2010. You failed to do so. On January 31, 2010, you provided a written response via fax. You therefore failed to timely respond to the grievance in violation of Rule 8.1(b). On June 1, 2010, Deputy Counsel left you a voice mail message requesting a status of the order. You failed to respond in violation of Rule 8.1(b). The Grievance Committee did not find probable cause that you failed to timely prepare and file the order in violation 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 __26__ day of __August__, 2010

Ronald G. Baker, Sr., Chair
Grievance Committee

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