

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
11G0516

IN THE MATTER OF

Frederick J. Owens,
Attorney At Law

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REPRIMAND

On October 20, 2011 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by J. C.

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.

J. C. filed a grievance against you with the 5th Judicial District Bar Grievance Committee. You were notified by the local grievance committee in a letter dated May 19, 2011 to provide a written response within fifteen days to Ms. C.’s grievance. Mr. John L. Coble, the local grievance committee investigator, did not receive a response from you by the deadline. On June 7, 2011, Mr. Coble called your office and left a message on your answering machine asking that

you call him. You returned Mr. Coble's call on June 8. At that time, you told Mr. Coble that you would have a response to him the next day, June 9. On June 13, Respondent received a one page letter from you.

Mr. Coble had questions after he read your response, as you did not provide any supporting documentation. Mr. Coble called you and asked for additional information by leaving a message with your office assistant. You called Mr. Coble but he was unavailable and you left a voice message for him. Mr. Coble returned your call but had to leave you a message. You did not return Mr. Coble's last call. On June 20, Mr. Coble faxed and mailed you a written request for additional information. As of June 29, 2011, Mr. Coble had not received a response from you.

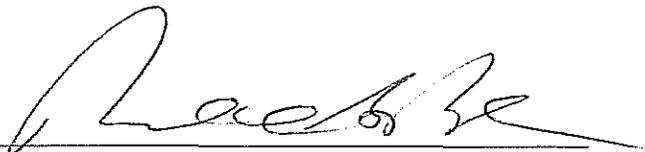
As a result of your failure to provide a full and fair disclosure of all the facts and circumstances relating to the allegations in the grievance, the grievance was returned to the State Bar with no recommendation of a disposition. By letter dated July 22, 2011, our office had to ask you to respond to questions relative to Ms. C's grievance.

Your failure to cooperate with the local grievance committee's investigation of this grievance by providing a full and fair disclosure of the facts and circumstances pertaining to the alleged misconduct violated Rule 8.4(d) of the Rules of Professional Conduct. You are reminded that ours is a self-regulated profession and members of the bar must adhere to the rules relative to the investigation of grievances.

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 July 23, 2010 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 \$350.00 is hereby taxed to you.

Done and ordered, this the 17 day of Nov., 2011.



Ronald G. Baker, Sr., Chair
Grievance Committee

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