

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
08G1302

IN THE MATTER OF)
)
Cheri C. Patrick,) REPRIMAND
Attorney At Law)
)

On April 23, 2009 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by J. 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.

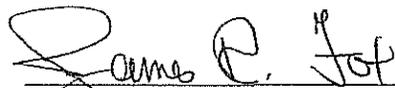
J.B. retained you in about August 2007 to represent him in a case involving issues of child custody, visitation, and support. J.B. paid you \$3,000.00 for legal services, which was to be deposited into your trust account to bill against during the representation. In March 2008, J.B. notified you he had decided to cease further action in the matter for which you were retained. He requested an accounting of the \$3,000.00 and a refund of the balance. You failed to respond to

his requests for an accounting and a refund of the balance until November 2008, after receiving the letter of notice from the State Bar in this matter, in violation of Rule 1.4(a)(4) and Rule 1.15-3(e). In November 2008 you wrote J.B. a check for the balance of his \$3,000.00, in the amount of \$1,319.00. You wrote the check from your trust account. In the course of responding to the State Bar's request for supporting documentation and J.B.'s client ledger in February 2009, however, you discovered you had not deposited J.B.'s \$3,000.00 into your trust account. It had mistakenly been deposited into your operating account. Your failure to properly maintain this client's funds in your trust account, inadvertent disbursement of other clients' funds from your trust account, and failure to realize your error resulted from your failure to properly maintain a client ledger for this client and your failure to reconcile your trust account during this time. This conduct is in violation of Rule 1.15-2(a) and (m) and Rule 1.15-3(b) and (d). The following information was considered in mitigation: you have no prior discipline; you reimbursed your trust account in May 2009; and your failure to maintain J.B.'s funds in your trust account and your disbursement of other clients' funds to J.B. from your trust account were inadvertent.

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 October 15, 1981 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 17th day of June, 2009


James R. Fox, Chair
Grievance Committee

JRF/lr