

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
10G0727

IN THE MATTER OF)

Mary S. Phillips,)
Attorney At Law)

) REPRIMAND
)
)

On October 28, 2010 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by the North Carolina State Bar.

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.

Ms. R. H. hired you to obtain a divorce, resumption of her maiden name, and handle other domestic issues. A complaint was filed on January 15, 2009 and the case came on for hearing on March 23, 2009. At the conclusion of the hearing, the court granted the absolute divorce and allowed Ms. H. to resume the use of her maiden name. Other issues were reserved future disposition.

Sometime in January 2010, the clerk's office contacted you and advised that you needed to forward the divorce judgment to Judge Paul Hardison for his review and signature. The clerk contacted you numerous times, but with no response from you. In June 2010, Ms. H. contacted Judge Hardison regarding the divorce judgment. Judge Hardison instructed the clerk to contact you again to prepare the judgment for his signature. You did not respond to the judge's request that you prepare the judgment. On Thursday, July 22, 2010, Judge Hardison called your office and left a message that if the divorce judgment was not submitted on or before July 26, 2010, you would be reported to the North Carolina State Bar. You did not prepare the order by July 22, 2010 and your conduct was reported to the North Carolina State Bar. As a result of your failure to prepare the divorce order as Judge Hardison requested, Judge Hardison had the divorce order prepared and filed.

Your failure to prepare and file timely the divorce judgment violated Rule 1.3 of the Rules of Professional Conduct. Your failure to follow Judge Hardison's request to prepare and file the order 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 24 day of Dec., 2010.



Ronald G. Baker, Sr., Chair
Grievance Committee

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