

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
10G0776

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IN THE MATTER OF	)	
	)	
Matthew R. Plyler,	)	REPRIMAND
Attorney At Law	)	
	)	

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On April 26, 2012 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.

C.Y. is employed as a paralegal and office manager for your firm. C.Y. has extensive experience with domestic litigation. You employed associate lawyers to handle the firm’s domestic matters. The lawyers prepared separation agreements and pleadings to be filed on behalf of clients. Pursuant to your direction, C.Y. reviewed the legal documents and critiqued the lawyers’ work product. For example, if the associate lawyers included alimony, division of

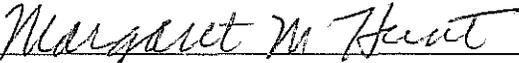
military retirement, or equitable distribution in a client's separation agreement, C.Y. informed the associate lawyers that you have a policy against including such claims for relief in separation agreements. C.Y. informed the associate lawyers that any language pertaining to alimony, division of military retirement, or equitable distribution must be omitted from the document. C.Y. then reported the associate lawyer's error to you. C.Y. substituted her professional judgment for that of the associate lawyers and corrected the associate lawyers' work product. The associate lawyers expressed dissatisfaction with C.Y.'s ability to correct their work product. You continued to allow C.Y. to oversee the associate lawyer's work product, a duty that belonged to you.

Because you allowed C.Y. to determine whether a legal document included and/or omitted certain claims for relief, you allowed C.Y. to direct and/or control the professional judgment of a lawyer in violation of Rule 5.4(d). Rule 5.3 requires you to ensure that the conduct of your nonlawyer staff is compatible with your professional obligations. You failed to ensure that C.Y. complied with your professional obligations and thus failed to supervise C.Y. in violation of Rule 5.3(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 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 19th day of May, 2012.

  
Margaret M. Hunt, Chair  
Grievance Committee

MMH/npm