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STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
93G1154 (III) & 94G0083 (III)

IN THE MATTER OF
RICHARD I. SHOPE
ATTORNEY AT LAW

REPRIMAND

On October 20, 1994, the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by Linda H. Collins and Joseph A. Hockett.

Pursuant to section 13(A) of article IX of the Rules and Regulations 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, reprimand, or 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 and I am certain that you will understand fully the spirit in which this duty is performed.

On August 13, 1990, Ms. Linda Collins hired Marshall Dotson, an associate of Larry McNeil to represent her in a domestic case. At the time Mr. McNeil and you had separate practices although

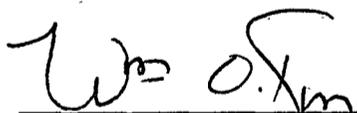
you shared a firm name and office expenses. Ms. Collins paid Dotson \$2,500 in August of 1990 as an advance payment of fees. Dotson placed this money in McNeil's trust account. A number of disbursements were made from the \$2,500 including checks made out to Dotson for fees. Mr. McNeil died in the March 1992. You then hired Dotson for a brief period. In May 1992 when Dotson left employment with your firm, Ms. Collins had a balance of approximately \$1,000 in unused fees. Although Ms. Collins' money remained in your trust account, you did not refund the balance of Ms. Collins' money until June 28, 1994 which was after Ms. Collins filed a grievance against you. By waiting more than two years to refund the unused portion of Ms. Collins' legal fees, you violated Rule 2.8(A)(3) of the Rules of Professional Conduct.

Additionally, you and Mr. Larry W. McNeil denominated yourselves as the firm of Shope & McNeil, P.A. on the sign in front of your office and on the letterhead of your stationery when you and Mr. McNeil actually had an office sharing arrangement after 1987. You continue to have Mr. McNeil on your letterhead even though you and Mr. McNeil were not partners at the time of his death in 1992. By denominating yourself as the firm of Shope & McNeil, P.A. when you are not actually partners with any other lawyer you violated Rule 2.3(E) of the Rules of Professional Conduct. You should act immediately to take the name of Larry McNeil off your letterhead and office signs. You should also not indicate that you are a professional corporation unless you are in actual partnership with another lawyer.

You are hereby reprimanded by the North Carolina State Bar due to 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 \$50.00 are hereby taxed to you.

Done and ordered, this 12 day of December, 1994.



William O. King, Chairman
The Grievance Committee
North Carolina State Bar

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