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STATE OF NORTH CAROLINA

COUNTY OF WAKE

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
95G0044 (I)

IN THE MATTER OF

BILLY H. MASON,  
ATTORNEY AT LAW

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REPRIMAND

On July 20, 1995, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Linda Clark.

Pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, Rule .0113(a) 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.

Linda A. Clark's husband, Randolph Clark, died owning 51% of R. Clark Electric, Inc. Terry McDonald owned the remainder of the business. Linda Clark was named executrix of her husband's estate. Linda Clark retained you to help settle the estate. You

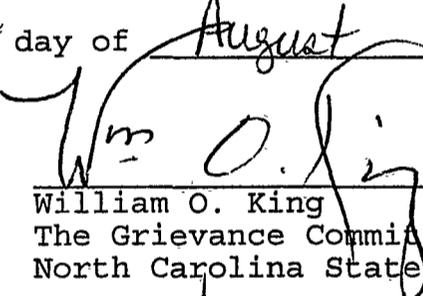
repeatedly told Ms. Clark that the matter would be resolved in two to four weeks. You did not get the estate settled. Linda Clark subsequently moved to Arizona. Since moving to Arizona, Linda Clark has been unable to get a status update from you. Linda Clark's phone bills show that over 200 telephone calls were made to your office between June and December 1994. Clark was not able to speak with you except on five or six of those occasions. Linda Clark has repeatedly asked you to send her documents and other evidence of progress in the estate. You have failed to send her any documents. Counsel for Terry McDonald has repeatedly asked you for information. You have not responded to opposing counsel. Your conduct in neglecting Linda Clark's matter and failing to respond to her requests for status updates violates Rule 6(b)(1) and (3) and 7.1(a)(1), (2) and (3).

You were sent a letter of notice in this matter which you received on March 20, 1995. You did not respond to the letter of notice. A follow up letter was sent to you on April 7, 1995 which you did not respond to. You were subpoenaed to appear before the Grievance Committee at its meeting on July 19, 1995. You received the subpoena on June 16, 1995. You did not appear pursuant to the subpoena. Your failure to respond to a lawful demand for information from the State Bar violated Rule 1.1(b).

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 28<sup>th</sup> day of August, 1995.

  
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William O. King  
The Grievance Committee  
North Carolina State Bar

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