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NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
95G0326(I)R

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|                  |   |           |
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| IN THE MATTER OF | ) |           |
|                  | ) |           |
| BILLY H. MASON,  | ) | REPRIMAND |
| ATTORNEY AT LAW  | ) |           |
|                  | ) |           |

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On April 11, 1996, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Carissa D. Ogden.

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, 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.

You were the closing attorney for the purchase of real estate by Ms. C. O. from a Mr. & Mrs. W. in May 1994. Ms. C. O. became dissatisfied with your services respecting that matter and filed a complaint with the N.C. State Bar in March 1995. You were notified of the grievance by the local committee on April 3 and asked to respond within 15 days. You did not respond, however and the case was referred to the N.C. State Bar for resolution. On Dec. 5, 1995, you were served with a letter of notice by the N.C. State Bar. Although the letter of notice directed you to answer Ms. C. O.'s grievance within 15 days, you did not make any response. The N.C. State Bar was forced to subpoena you to appear in person at the Bar's offices to respond to this matter.

Your failure to respond promptly to the inquiries of the local grievance committee and of the N.C. State Bar concerning Ms. C.O.'s grievance constituted a violation of Rule 1.1(b) of the Rules of Professional Conduct. Your misconduct is aggravated by the fact that you have been disciplined by the N.C. State Bar on a number of occasions in the past and have twice been disciplined for failing to respond to the Bar in other unrelated matters. The only reason that the Bar did not impose more serious discipline in this matter was that its investigation did not reflect that you had mishandled Ms. C. O.'s case.

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 24<sup>th</sup> day of April, 1996.

  
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Ann Reed  
Chair, Grievance Committee  
The North Carolina State Bar