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NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
96G0215(IV)

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IN THE MATTER OF	)	
	)	
CHARLES A. HORN,	)	REPRIMAND
ATTORNEY AT LAW	)	
	)	

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On January 24, 1997, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Lois H.

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 and I am certain that you will understand fully the spirit in which this duty is performed.

Prior to March, 1994, you undertook to represent Ms. Lois H. respecting a domestic matter. The divorce was granted in March 1994 and the equitable distribution claim remained pending. In November 1995, prior to resolution of the equitable distribution case, Ms. H. decided to hire another

attorney and asked you to return her file materials to her. You refused to withdraw as Ms. H's attorney or return the file until she tendered to you all unpaid fees.

Rule 2.8 of the Rules of Professional Conduct requires attorneys to withdraw from a case when directed to do so by a client. The Rule also requires the attorney to return the client's file to the client. An attorney may never refuse to withdraw or hold client files hostage to secure payment of a fee. Your conduct in this matter constituted a violation of Rule 2.8.

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 5<sup>th</sup> day of February, 1997.



Ann Reed  
Chair, Grievance Committee  
The North Carolina State Bar