

NORTH CAROLINA

WAKE COUNTY

9407

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
97G0539(IV)

IN THE MATTER OF)

William W. Pettit,)
ATTORNEY AT LAW)

REPRIMAND

On July 16th and 17th, 1997, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by William Culton, Jr. of Net Realty Holding Trust.

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.

In approximately June 1996, you agreed to represent Net Realty Holdings Trust in an action against Lillian Lukic d/b/a Churchill's. You agreed to file and prosecute a summary ejectment action on behalf of Net Realty against Miss Lukic. The Committee found that, after agreeing to pursue the litigation, you repeatedly failed to

respond to letters and telephone calls requesting information about the status of summary ejectment action against Miss Lukic. The Committee also found that you twice continued the trial of the summary ejectment action without consulting with, notifying or obtaining the consent of Net Realty. Finally, the Committee found that you either failed to appear at the trial of the matter on September 3, 1996 or failed to take reasonable steps to avoid foreseeable prejudice to the client after withdrawing from representation. Your client's summary ejectment action was dismissed with prejudice as a result of your inaction.

Your above described conduct violated Rules 6(b)(1), (2) & (3) and 2.8(a)(3) of the Rules of Professional Conduct.

In deciding to issue you a reprimand, the Committee considered as mitigating circumstances: (1) your lack of any prior disciplinary record; and (2) the circumstances surrounding the illness of an associate in your office who was handling the matter. As aggravating circumstances, the Committee considered: (1) the multiple rule violations; (2) the prejudice to your client caused by your actions; and (3) what the Committee considered to be misleading answers in your response, in potential violation of Rule 1.1(a) and 1.2(c)

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. Failure to pay these costs within 15 days of receipt of this reprimand constitutes contempt of the Council and thus is grounds for independent discipline by the Committee pursuant to N.C. Gen. Stat. § 84-28(b)(3).

Done and ordered, this 5 day of August, 1997.



Ann Reed
Chairman, Grievance Committee
The North Carolina State Bar