

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
99G0095R

IN THE MATTER OF)

HARRELL POWELL, JR.,)
ATTORNEY AT LAW)

REPRIMAND

On July 21, 1999, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by client A.

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.

On approximately March 31, 1997, client A hired you to pursue his claims for equitable distribution, child custody and support, and alimony. Client A had dismissed his previous attorney and hired you with the express understanding that he needed immediate attention to these matters. Client A informed you that he was in difficult financial circumstances and consequently needed quick action on the matter. Client A paid you a retainer of \$2,500 to pursue this domestic litigation.

The Committee found that during the ensuing 16 months after he retained you, you did no significant work to pursue client A's domestic claims. The Committee found that as a result of your failure to take any significant action in the 16 months you represented him, client A's financial condition worsened significantly and he was unable to visit with his 14 year old daughter during this time period. The Committee found that during this 16 month period, you also failed to respond to repeated letters and other requests for information regarding the status of client A's case. Eventually, client A dismissed you from representing him in the domestic matter.

The Committee found that your above-described conduct violated several Revised Rules of Professional Conduct. First, the Committee found that your failure to take any significant action on client A's domestic claims for over 16 months violated Revised Rule 1.3. Second, the Committee concluded that your failure to respond to client A's request for information regarding the status of his case violated Revised Rule 1.4(a).

In deciding to issue a Reprimand, the Committee considered the following aggravating and mitigating factors. In aggravation, the Committee considered the prejudice caused to your client as a result of your failure to act with reasonable diligence and promptness in representing him and the fact that the Committee found multiple violations. In mitigation, the Committee considered the fact that you had no prior discipline.

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 17 day of August, 1999.


James K. Dorsett, III
Chair, Grievance Committee