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NORTH CAROLINA

WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
98G1263(II) & 99G0007(II)

IN THE MATTER OF )

WILLARD T. BARKLEY, )  
ATTORNEY AT LAW )

REPRIMAND

On October 26, 1999, the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by the North Carolina State Bar.

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 responses to the letters 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.


For approximately two years you have been practicing law with James R. Miklosko. Mr. Miklosko represented himself as an attorney at law who was practicing with you. Mr. Miklosko performed title examinations, supervised the preparation of closing documents, and would be present at the time of closing in a very active residential real estate practice. On occasion, Mr. Miklosko would handle the closings when you were not present in the office. There were two sets of business cards that you or someone in your office had made showing Mr. Miklosko as an

attorney at law. Mr. Miklosko would distribute the cards to individuals indicating that he was an attorney in the office; when in fact he was not a lawyer. At the very least, you provided the instrumentality by which Mr. Miklosko was able to hold himself out as a lawyer without a license, and did not adequately supervise your employees. Your actions violated Rule 3.1 and Rule 3.3 of the Superseded Rules of Professional Conduct, and Rule 5.3 and Rule 5.5 of the Revised Rules of Professional Conduct.

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 19 day of November, 1999.

  
James K. Dorsett, III  
Chair, Grievance Committee