

NORTH CAROLINA

WAKE COUNTY

12222  
BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
98G0078

IN THE MATTER OF )

T. O. STOKES, III, )  
ATTORNEY AT LAW )

REPRIMAND

On January 20, 2000, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by GO'S.

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.

In February 1997, you were forwarded a check from Integon Insurance Company made jointly payable to you and your client. As a condition of negotiating the check, the insurance company required that you have the client sign a property damage release and provide title with the lien released to the wrecked vehicle. You negotiated the check without obtaining the signed release, and without forwarding a title to the vehicle. You failed to respond to multiple letters from the insurance adjuster requesting the release and the title. Your failure to follow the instructions of the insurance company regarding the disbursement of the funds violates Rule

1.15-2. In deciding to issue a Reprimand, the Grievance Committee took into account your previous disciplinary history. The Grievance Committee further took into account the very short, two-page response which you filed which the Grievance Committee did not believe adequately addressed the issues in this matter.

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 13 day of March, 2000.

  
James K. Dorsett, III  
Chair, Grievance Committee