

NORTH CAROLINA

WAKE COUNTY

19943
 BEFORE THE
 GRIEVANCE COMMITTEE
 OF THE
 NORTH CAROLINA STATE BAR
 99G0344

IN THE MATTER OF)

DAVID J. PIKUL,)
 ATTORNEY AT LAW)

REPRIMAND

On July 19, 2000, the Grievance Committee of the North Carolina State Bar met and considered the grievance 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 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 1999, you were charged with six counts of obtaining property by false pretense and one count of attempting to obtain property by false pretenses. These charges arose out of your conduct in forging prescriptions to obtain medications, to which you had become addicted.

In January 2000, the criminal charges against you were dismissed, after you successfully completed a deferred prosecution program in Cumberland County.

Although you were not convicted criminally, there is considerable evidence that you were in fact guilty of the underlying offenses. In fact, you confessed your guilt to one of the investigating officers.

In mitigation, the Grievance Committee noted that you voluntarily ceased practicing law about the time of your arrest, that you have made attempts to recover from your addiction and that the addiction which caused your misconduct occurred from prescription medication and not illegal experimentation with drugs.

Because of the strong mitigating factors in your case, the Grievance Committee elected to impose discipline, rather than sending the matter for trial before the Disciplinary Hearing Commission.

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 7 day of August, 2000.



James K. Dorsett, III
Chair, Grievance Committee