

14184

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
99G1453R

IN THE MATTER OF )

John F. Oates Jr. )  
Attorney At Law )

REPRIMAND )  
)  
)  
)  
)

On July 19, 2000 the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by Ellis Frazier.

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.

The Complainant, Ellis Frazier, filed a grievance against you on November 9, 1999. This grievance was referred to the Tenth Judicial District Bar Grievance Committee (hereafter local grievance committee) on November 16, 1999 for investigation. The local grievance committee notified you of Mr. Frazier's grievance and asked that you respond to it no later than January 10,

2000. You did not respond to the grievance by January 10 and a follow-up letter was sent to you on February 8, 2000 asking that you respond promptly to the grievance. You did not respond to the local grievance committee and the grievance was returned to the State Bar office for investigation.

You were served with a Letter of Notice in this grievance on March 30, 2000. You did not respond to this grievance within 15 days of receiving it. The State Bar then issued a subpoena duces tecum that required you to appear in the State Bar office to answer Mr. Frazier's allegations. You finally filed a written response to this grievance on June 5, 2000.

Your failure to respond to the Tenth Judicial District Bar Grievance Committee and your failure to respond promptly to the State Bar Grievance Committee is in violation of Rule 8.1(b) of the Revised Rules of Professional Conduct.

You are hereby reprimanded by the North Carolina State Bar for 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 the 7 day of August, 2000.

  
James K. Dorsett III Chair  
Grievance Committee

JKD/tec