

23302

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
02G1135 & 02G1139

IN THE MATTER OF)

TAMLA TYMUS-SCOTT)
Attorney At Law)

REPRIMAND

On January 23, 2003, the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by the State Bar and Cailyn J. Robinson.

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 North Carolina State Bar established a grievance against you relative to Kimberly Schull's allegations about your legal services in her child custody and child support case. The State Bar further alleged that you failed to respond to a petition for fee dispute resolution that Ms. Schull filed with the North Carolina State Bar.

A letter of notice with these allegations went out to you on September 24, 2002. The post office indicated that it tried to serve the State Bar's letter of notice on you on two occasions. The letter of notice was returned as "unclaimed" to the State Bar's office.

The State Bar served a subpoena duces tecum on you by the Mecklenburg County Sheriff's Department in October 2002. You filed a response to this grievance a month later.

Cailyn J. Robinson filed a grievance relative to your handling of her child custody case. Ms. Robinson also filed a petition for fee dispute resolution with the North Carolina State Bar. You were notified that you needed to respond to Ms. Robinson's petition for fee dispute resolution. You did not respond to the fee dispute resolution and the matter was referred to the Grievance Department.

The North Carolina State Bar sent a letter of notice, apprising you of Ms. Robinson's allegations and your failure to respond to Ms. Robinson's petition for fee dispute resolution. The letter of notice in Ms. Robinson's case was returned "unclaimed" to the State Bar's office. In October 2002, our office served a subpoena duces tecum on you regarding Ms. Robinson's grievance by the Mecklenburg County Sheriff's Department. You responded to Ms. Robinson's grievance in November 2002.

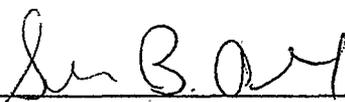
Your failure to respond promptly to the North Carolina State Bar in these two grievances violates Rule 8.1(b) of the Revised Rules of Professional Conduct. As a licensed attorney, you have an obligation to respond promptly to grievances filed against you.

Your failure to respond to the fee dispute petitions filed by Ms. Schull and Ms. Robinson violated Rule 1.5(f) 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 6 day of February, 2003.



Sharon B. Alexander, Chair
Grievance Committee

SBA/paa