NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
99G0124

IN THE MATTER OF   )
)
C. L. GWALTNEY,   ).   REPRIMAND
ATTORNEY AT LAW   )
)

On October 20, 1999, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Denise T. Gallion.

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 September of 1997, you agreed to represent Denise T. Gallion in actions involving child custody and support, divorce, and equitable distribution of marital property. Ms. Gallion paid your attorney's fee of $1,250.00.

968

Ms. Gallion had difficulty communicating with you, beginning in September of 1998. Ms. Gallion left numerous messages on your answering machine, but you did not return those telephone calls. Ms. Gallion requested the return of her entire file, but you did not return it to her.

You admitted that Ms. Gallion's allegations were essentially true. You stated that you changed jobs and began working for a legal services organization. You indicated that you were trying to reach your former clients and discuss either settling their cases or withdrawing and returning their files.

Counsel for the State Bar contacted you by letter dated June 2, 1999 and asked that you provide additional information regarding Ms. Gallion's grievance. You did not respond to bar counsel's letter.

The Grievance Committee found that you violated Rules 1.3 and 1.4(a) and (b). You neglected Ms. Gallion's case and failed to communicate with her about it. You also failed to respond to the State Bar's further inquiry about this grievance in violation of Rule 8.1(b).

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 ___8___ day of ___November___, 1999.

_____
James K. Dorsett, III
Chair, Grievance Committee