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NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
02G1039

IN THE MATTER OF)

AMANDA B. STROUD,
ATTORNEY AT LAW)

REPRIMAND

On April 17, 2003, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Tyrone Taft.

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.

Prior to January 2001, you undertook to represent Tyrone Taft regarding a child support matter. At a hearing on Jan. 8, 2001, the judge found that Taft was entitled to a credit of \$1,600 toward an arrearage of child support that Taft owed. You failed to draft an appropriate order, despite numerous inquiries from Taft.

In September 2002, Taft filed a complaint against you with the North Carolina State Bar. You were served with notice of the complaint on Sept. 26, 2002 and were asked to respond within 15 days. A follow up letter was sent to you on Nov. 1, 2002. When no answer was

forthcoming from you, the State Bar issued a subpoena to you, directing you to appear at the State Bar in person to respond to Taft's complaint. Although you were personally served with the subpoena you failed to appear as ordered on Jan. 31, 2003. Your conduct in failing to respond to the State Bar's letter of notice in a timely fashion and failing to appear as commanded by the Bar's subpoena violated Rule 8.1(b) of the Revised Rules of Professional Conduct.

Your misconduct is aggravated by the fact that you were admonished by the Grievance Committee in 1995 for neglecting a client's matter and for failing to respond in a timely fashion to a State Bar's inquiry about that matter.

In deciding to issue a reprimand to you rather than more substantial discipline, the Grievance Committee recognized that you were experiencing substantial personal and emotional difficulties during the period in question. While those circumstances mitigate, they cannot excuse your violation of the Rules. The legal profession cannot remain self-regulating if attorneys do not respond in a timely fashion to legitimate inquiries from the State Bar.

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 29 day of April, 2003.

Sharon B. Alexander
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Chair, Grievance Committee