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NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
03G0587

IN THE MATTER OF)

ROBERT A. KARNEY)
Attorney At Law)

REPRIMAND

On July 23, 2003, the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by the NC 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.

Your law firm sent a direct mail solicitation postcard to a prospective client who had been in a car accident. The postcard had the disclaimer, "This is an advertisement for legal services". You also indicated on the postcard that "[W]e can win your case and get you compensation for your pain and suffering, recover your lost wages, and pay your medical bills.

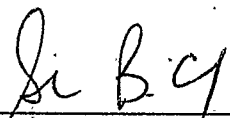
The Grievance Committee found that your direct mail solicitation violated Rule 7.3 of the Revised Rules of Professional Conduct, as the use of postcards are prohibited in direct mail solicitations.

Furthermore, the Grievance Committee found that your statement, "[W]e can win your case," violated Rule 7.1(a)(2) of the Revised Rules of Professional Conduct. The Grievance Committee believed that statement was a misleading communication about your services, in that the statement likely created an unjustified expectation about the results you could achieve.

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 12 day of August, 2003.



Sharon B. Alexander, Chair
Grievance Committee

SBA/nkt