

25051

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
02G1419

IN THE MATTER OF)	
)	
ARRIS N. KING,)	REPRIMAND
ATTORNEY AT LAW)	
)	

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

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 1999, you undertook to represent D. H. in a slander action against Habitat for Humanity. You withdrew from the case in early 2000 but, by January 3, 2001, agreed to resume responsibility for the matter. You were paid a \$2,000 fee.

Between late June and September 2001 opposing counsel served you with various discovery requests. Your responses to these requests were late, incomplete and in some cases, illegible. Although you stated that you intended to find other counsel to accept responsibility for the case because you had decided to leave the private practice of law in the summer of 2001, the

fact remains that you had not withdrawn as D.H.'s attorney and remained responsible for the proper handling of his legal matter.

You also failed to return a number of phone calls from opposing counsel, including inquiries about scheduling your client's deposition in late 2001. When defense counsel noticed your client for a deposition in December 2001, neither you nor D. H. appeared and defense counsel filed a motion for sanctions.

Your failure to file timely discovery responses, communicate with opposing counsel about the deposition and your failure to appear at the deposition constituted neglect in violation of Rule 1.3 of the Revised Rules of Professional Conduct.

Finally it appears that you retained an excessive fee in this matter. It is undisputed that D. H. paid you a \$2,000 retainer yet you devoted less than 3 hours of work to his case after you resumed your role in it in January 2001. Your conduct in that respect violated Rule 1.5.

In deciding to impose a reprimand instead of more substantial discipline, the Grievance Committee took into consideration that you appeared to be suffering from substantial emotional and personal difficulties at the time of your misconduct.

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 5 day of August, 2003.



Sharon B. Alexander
Chair, Grievance Committee