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NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
04G0400

IN THE MATTER OF

Clawson L. Williams,
Attorney At Law

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REPRIMAND

On Thursday, October 21, 2004 the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by M. M.

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.

You filed a complaint on behalf of M. M. in October 2002 in an effort to have a mobile home removed from land owned by Ms M. The defendants filed an answer and counterclaim. In August 2003, Ms M. sent you \$900 to be offered to defendants to settle the case, which sum you deposited into your trust account, then sent a settlement offer to defendants, which was rejected.

In October 2003, Ms M. instructed you to cease all activity, send her file to her, and return the funds belonging to her in your trust account.

In response, you obtained an order allowing your withdrawal as attorney of record and prepared a bill for \$120 in fees and \$80 for the filing fee you advanced. You deducted those amounts from Ms M.'s funds held in trust for settlement purposes and sent her the remaining \$700 without obtaining her permission to do so. This was in violation of Rule 1.15-2. In addition, the grievance committee found that you neglected Ms M.'s case by not filing a response to the counterclaim and not advising her of the consequences of the failure to respond to the counterclaim when you withdrew from her case. This was in violation of Rules 1.3 and 1.4.

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 19 day of November, 2004.



Henry Babb, Chair
Grievance Committee

HB/lr