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NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
04G1187

IN THE MATTER OF)

L. Keith Hance,)
Attorney At Law)

REPRIMAND)

On January 20, 2005 the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by the North Carolina 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.

The North Carolina State Bar Grievance Committee issued a letter of warning to you on April 22, 2004 regarding your advertisement in the telephone book's yellow pages. This advertisement listed a telephone number for your law firm in Shelby, North Carolina. You did not have a law office in Shelby, North Carolina at the time the yellow pages advertisement was

published. The Grievance Committee found that your advertisement violated Rule 7.1(a)(1) of the Revised Rules of Professional Conduct. You received a letter of warning relative to your violation of Rule 7.1(a)(1) by certified mail on May 17, 2004.

As of September 29, 2004, you had neither removed the advertisement from the yellow pages, nor had the Shelby telephone number been disconnected.

The Grievance Committee took into consideration that you asked the telephone company to discontinue the advertisement in the yellow pages, but the ad could not be removed until the new telephone books were published for 2005.

However, the Grievance Committee was concerned that you did not have the Shelby telephone number disconnected expeditiously. The Grievance Committee was concerned that the Shelby telephone number was still in service four months after you had received the letter of warning regarding the yellow pages advertisement.

The Grievance Committee believed that you failed to comply with both the letter and spirit of the letter of warning, in violation of Rule 8.4(d) of the Revised Rules of Professional Conduct.

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 23 day of March, 2005.



Henry Babb, Chair
Grievance Committee

HB/lr