

12353

NORTH CAROLINA

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
04G0744

WAKE COUNTY

IN RE: LEROY R. CASTLE,  
ATTORNEY AT LAW

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REPRIMAND

On 14 Apr 2005, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by the 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.

On March 23, 2004, you were informed by certified mail of a petition for resolution of a fee dispute filed with the State Bar by your former client with the initials AW. As stated in the letter informing you of the petition, you had 15 days under the rules of the North Carolina State Bar to respond to the petition. Further, you were required under Rule 1.5 of the Revised Rules of Professional Conduct to participate in good faith in the fee dispute resolution process.

After receipt of the notice by the Bar, you requested an extension of time to respond after the initial deadline had passed. Your request was granted. More than 10 days after the second deadline had passed, you still had not responded. The Bar sent you a second notice, which you received on June 3, 2004. That notice directed your response within 10 days. You did not respond.

As a result of your failure to respond, a grievance was opened. You were issued a Letter of Notice on the grievance, which you received on July 21, 2004. As stated in the Letter of Notice, you had 15 days under the rules of the North Carolina State Bar to respond to the grievance Letter of Notice. You did not respond in a timely manner. The Bar sent a follow-up letter to which you did not respond. A Bar Councilor contacted you and told you that a response was needed. You advised that one would be sent, but you did not respond. Finally, a subpoena was issued to compel your response.

Your response to the Letter of Notice was sufficient to resolve the underlying questions with respect to your representation of and fees paid by AW. However, your excuse that you failed to respond to the various notices of the Bar because of health issues and a heavy court schedule was not satisfactory.

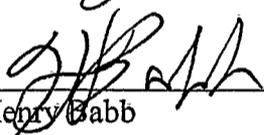
The Committee found that your above-described conduct violated several Rules and Revised Rules of Professional Conduct. By failing to respond to the notice of fee dispute, you failed to participate in good faith in the fee dispute resolution process in violation of Rule 1.5(f). Further, by failing to respond to the Letter of Notice issued as a result of the grievance for failing to respond to the fee dispute notice, you violated Rule 8.1.

In deciding to issue a Reprimand, the Committee considered whether there were any aggravating and mitigating factors. In aggravation, the Committee found that you have previously been admonished for failing to respond to the Bar. The Committee found no mitigating factors.

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 28 day of May, 2005.

  
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Henry Babb  
Chair, Grievance Committee