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NORTH CAROLINA

WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
.04G1500

IN THE MATTER OF )

Charles L. Alston, Jr. )  
Attorney At Law )

REPRIMAND )

On January 19, 2006 the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by T. B.

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.

Prior to June 2001 you represented T. B. on an appeal of his criminal conviction. After the Court of Appeals ruled on the appeal, Mr. B. requested that you send him a copy of his transcript and his file so he could further pursue his case. Mr. B. maintains that you did not provide the transcript or file to him or his foster mother who contacted you on his behalf, even after you were contacted several times by a representative of the North Carolina State Bar Client

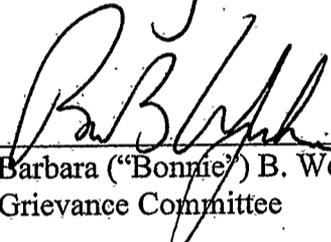
Assistance Program. Mr. B. filed a grievance against you and the State Bar sent you a Letter of Notice. Following your response to the Letter of Notice, counsel for the State Bar sent you a letter asking for additional information. You did not respond to the bar counsel and you did not provide evidence or information tending to show that you actually provided a copy of his transcript or file to Mr. B.

The Grievance Committee determined these actions were in violation of Rule 1.16(d) and Rule 8.1(b). In issuing this Reprimand, the Grievance Committee considered prior discipline you received for instances of failing to promptly respond to the Bar

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 13<sup>th</sup> day of February, 2006

  
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Barbara ("Bonnie") B. Weyher, Chair  
Grievance Committee

BBW/lr