

NORTH CAROLINA

WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
05G0967

IN THE MATTER OF

Stephen E. Huff,  
Attorney At Law

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REPRIMAND

On April 20, 2006 the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by Lisa R.

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.

In February 2002, your father died. He left his estate to his wife, Georgine, and his minor grandson, Benjamin, who is your nephew. Georgine received some property and ultimately renounced her remaining interest in the estate, leaving Benjamin as the sole beneficiary.

Your uncle, Henry Huff, was the executor of the will as well as trustee of a trust created for Benjamin pursuant to the terms of your father's will. Huff later asked you to serve as attorney of the estate. While serving as the estate's attorney, you told Huff that you were considering challenging the will. In April 2004, after various negotiations, Huff agreed to a settlement whereby you and your son received substantial amounts of property. Neither Benjamin nor your sister Lisa, who is Benjamin's guardian, were notified of these negotiations or the settlement.

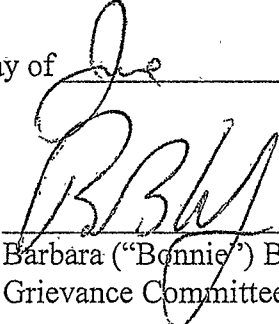
After Huff signed the settlement agreement on behalf of the estate, you drafted and filed a petition seeking court approval for the settlement. The court signed the order on April 30, 2004. Neither you nor Huff notified Benjamin or Lisa of the settlement or the petition until May 12, 2004, at which time they entered notice of appeal.

By acting as attorney for your father's estate while simultaneously challenging his will, you engaged in a conflict of interest in violation of Rule 1.7(a).

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 5 day of June, 2006

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

BBW/lr