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NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
05G1272

IN THE MATTER OF	)	
	)	
THEAOSEUS T. CLAYTON, SR.,	)	REPRIMAND
Attorney At Law	)	
	)	

On October 19, 2006 the Grievance Committee of the North Carolina State Bar met and considered the grievances 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.

Theaoseus T. Clayton, Jr., who was disbarred in 1998, worked in your office and held himself out as attorney able to practice law. Clayton, Jr. represented Lillian Best in 2002 and also represented various members of the Young family in 2001 and 2002 and therefore engaged in the unauthorized practice of law. The Grievance Committee determined that you assisted Clayton, Jr. in the unauthorized practice of law by failing to supervise Clayton, Jr. and by failing

to make it clear to the clients that you were the attorney providing representation and that Clayton, Jr. was not able to do so. You have therefore violated Rule 5.5(d), Unauthorized Practice of Law.

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 8th day of December, 2006

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

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