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NORTH CAROLINA

WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
03G1634

IN THE MATTER OF )

ALLEN W. ROGERS, )  
ATTORNEY AT LAW )

REPRIMAND

On January 18, 2007, the Grievance Committee of the North Carolina State Bar met and considered the grievance 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 in your case. After considering the information available to it, including your responses 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 Revised 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.

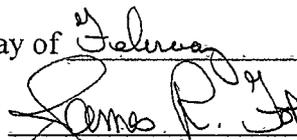
Beginning in early summer 1997, you represented T.L. in a personal injury case. You filed a complaint for T.L. in November 1999 but failed to serve the named defendant and failed to keep the summons alive via endorsement or alias and pluries summons. You made no effort to contact the named defendant until February 2000 when you made an unsuccessful effort. This attempt failed because you did not provide the necessary information about the named defendant to the locator service you employed. In March 2000, court personnel notified you that the case

had been removed from the active calendar. You did not inform T.L. that the case had been removed from the active calendar and instead represented falsely to T.L. that the case was moving along appropriately. When T.L. learned that the case had been transferred by court personnel to inactive status and confronted you, you assured her that the case was proceeding appropriately. On or about August 23, 2000, you filed a Notice of Service by Publication, knowing when you did so that the service by publication was ineffective because by the time the publication occurred the statute of limitation had already run. The Committee found that your conduct violated Rules 1.3, 1.4 and 8.4(c) of the Revised Rules of Professional Conduct. The Committee found that a reprimand was the appropriate disposition because you are already serving a license suspension imposed upon you by the Disciplinary Hearing Commission in 05 DHC 26 for substantially similar misconduct committed during substantially the same period as the misconduct involved in this matter.

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 22nd day of February, 2007.

  
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James R. Fox, Chair  
Grievance Committee

JRF/lr