

16640

NORTH CAROLINA

WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
05G1060

IN THE MATTER OF

Glenn E. Gray,  
Attorney At Law

)  
)  
)  
)  
)

REPRIMAND

On April 20, 2006 the Grievance Committee of the North Carolina State Bar met and considered the grievances 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. 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.

You sent a direct mail solicitation to a person who had been charged with several traffic offenses. The advertising disclosure statement, "This is an advertisement for legal services," did not appear on the outside of the envelope in print as large as or larger than your name in the return address. Furthermore, the advertising disclosure, "This is an advertisement for legal services," did not appear in print as large as or larger than your firm's name on your letterhead.

Your failure to have the disclosure statement in the proper size on the outside envelope and on your stationery violated Rule 7.3(c) of the Revised Rules of Professional Conduct.

The letterhead on which you sent the direct mail solicitation showed your firm's name as "Gray and Associates." At the time you sent that letter, you were a solo practitioner, and thus it was misleading to use the name "Gray and Associates" when you had no associates in your law office. Your conduct in that regard violated Rule 7.5(a) of the Revised Rules of Professional Conduct.

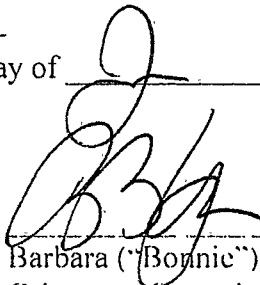
The Grievance Committee was concerned about the content of your direct mail solicitation, which in this instance, was sent to a person who was charged with DWI, and red light and open container violations. Your letter contained "general information about traffic offenses," instead of information pertaining to the person's offenses. The Grievance Committee believed that the letter was potentially misleading to the recipient because he may think that his DWI case could be handled in a way that you handle less serious traffic offenses. The Grievance Committee found that your letter could be misleading to the recipient, in violation of Rule 7.1(a) of the Revised Rules of Professional Conduct.

The Grievance Committee was also concerned about a statement in your letter that you can "negotiate with the district attorney and the court so that no insurance points or reduced charges (and reduced insurance points) are assessed against you." The Grievance Committee found that it is misleading to claim that you can negotiate with the court or a judge. This statement also violates Rule 7.1(a) of the Revised Rules of Professional Conduct.

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 19<sup>th</sup> day of July, 2006



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

BBW/lr