

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
04G0704, 04G0844 & 06G0481

IN THE MATTER OF	)	
	)	
Robert Train, III	)	CENSURE
ATTORNEY AT LAW	)	
	)	

On January 14, 2010, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by G. H, C. H., L. S. and the NC 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.

A censure is a written form of discipline more serious than a reprimand, issued in cases in which an attorney has violated one or more provisions of the Rules of Professional Conduct and has caused significant harm or potential significant harm to a client, the administration of justice, the profession or a member of the public, but the misconduct does not require suspension of the attorney's license.

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

In 2004 you contracted with American Family Legal Plan to provide legal services to consumers. American Family Legal Plan marketed a purported legal services plan to consumers that consisted of a limited legal service (revocable living trust) for a one-time fee. The "plan" did not qualify as a prepaid legal services plan under the Rules and Regulations of the North Carolina State Bar in effect at the time, and you therefore assisted American Family in the unauthorized practice of law. You participated in American Family's plan by preparing the revocable living trusts and related documents, for which you were paid by American Family a much lower fee than that charged to each consumer by American Family, without disclosure of that fact to the consumer. Representatives of American Family presented your employment contract to your clients and gathered personal information regarding the consumer's estate needs on your behalf and you subsequently allowed

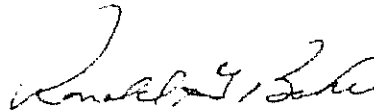
American Family to share that information with representatives of another company who used the information to market financial products to your clients. Your conduct violated Rules 7.3(d), 5.5(d), 1.4(b), 5.4(a), 1.6(a) of the Rules of Professional Conduct.

In issuing this discipline, the Committee was mindful of the length of the disciplinary process in this instance, your lack of a prior disciplinary record, and your inexperience in the practice of law at the time of your initial involvement with American Family.

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

In accordance with the policy adopted January 24, 2008 by the Council of the North Carolina State Bar regarding the taxing of the administrative and investigative costs to any attorney issued a censure by the Grievance Committee, the costs of this action in the amount of \$100.00 are hereby taxed to you.

Done and ordered, this 22nd day of February, 2010.



Ronald G. Baker, Sr., Chair
Grievance Committee
The North Carolina State Bar