

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
18G0161

IN THE MATTER OF)
)
CRAIG O. ASBILL,) CENSURE
ATTORNEY AT LAW)

On April 25, 2019, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by W. O. Jr. The grievance was assigned to a Subcommittee, which thoroughly reviewed the results of the State Bar staff's investigation of this matter.

Pursuant to section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Subcommittee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Subcommittee 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.

You agreed to represent W. O. Jr. in a case involving injuries he received on the job. In July 2016, you filed a lawsuit on Mr. O.'s behalf. You filed multiple alias and pluries summons. You never served the defendants with the complaint in the lawsuit. On October 18, 2017, the court closed Mr. O.'s file due to no activity in the case. During the time that you represented Mr. O., he called you for updates about his case, but you did not return his calls.

You were served with a letter of notice in this grievance on March 29, 2018. You were given additional time to respond to the grievance. However, the State Bar did not receive a response to the grievance.

Your failure to promptly handle Mr. O.'s case violated Rule 1.3. Your failure to communicate with Mr. O. about his case violated Rule 1.4(a)(1)(2)(3). Your failure to respond to this grievance violated Rule 8.1(b) and 8.4(d).

Mr. O. informed the State Bar office that you collected \$1,400.00 as an attorney's fee to collect his \$5,000.00 medpay. By letter dated February 22, 2019, the State Bar deputy counsel asked you to respond to the allegation that you charged and collected a clearly excessive fee to collect Mr. O's medpay. You did not respond to the deputy counsel's letter. You charged and collected a clearly excessive fee in violation of Rule 1.5(a). Your failure to respond to the excessive fee question violated Rule 8.1(b) and 8.4(d).

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 July 23, 2010 by the Council of the North Carolina State Bar regarding the taxing of administrative fees and investigative costs to any attorney issued a censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 14th day of May, 2019.



A. Todd Brown, Sr., Chair
Grievance Committee
The North Carolina State Bar

ATB/lb