

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
14G0652

IN THE MATTER OF)

Stephen M. Corby,)
Attorney At Law)

REPRIMAND)

On July 16, 2015 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Y. N. 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 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.

Mr. Y. N. hired you in May 2013 to pursue a claim against a contractor and his company. In July 2013, Mr. N. asked about the status of serving the defendants with the lawsuit. On July 10, 2013, you told Mr. N. that the Union County clerk of court wanted you to complete a different cover sheet so "your paperwork is going to be filed by tomorrow. I will update you on

the service of the defendant.” On August 5, 2013, Mr. N. emailed you and asked you for an update on the status of a lawsuit. On August 6, 2013, you replied that the defendant “has not responded quite yet.” You stated that the company had been served but the individual has not been served and that you would keep Mr. N. updated as you make additional service attempts. As of August 6, 2013, you had not filed the complaint and the defendant had not been served. On August 8, 2013, you emailed Mr. N. and stated that you would have to get the defendant served and that you were “staying on your [Mr. N.’s] case.” Again, no lawsuit had been filed in August 2013. The Grievance Committee found that your inaccurate statements about the filing of the lawsuit violated Rule 8.4(c) and (d) of the Rules of Professional Conduct, as well as Rule 1.4(a)(3) and (b).

A verified complaint against the contractor and his company was filed on October 17, 2013 in Union County Superior Court, two months after you told Mr. N. that you were trying to get the defendants served. The local grievance committee investigator reviewed the client file and could find no evidence of you trying to serve the defendants with the lawsuit after you filed it on October 17, 2013. The Grievance Committee found that you violated Rule 1.3 as you did not promptly attempt to serve the defendants in Mr. N.’s lawsuit.

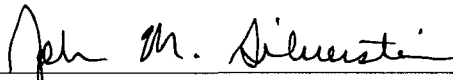
On February 15, 2014, Mr. N’s lawsuit was dismissed for failure to prosecute. Mr. N. did not know that his lawsuit was dismissed until he spoke with personnel in the Union County Clerk’s office. You stated in your response to this grievance that the clerk’s office did not notify you of the dismissal of the lawsuit. However, it is clear that you did not monitor Mr. N’s case so as to be informed about the dismissal for failure to prosecute. The Grievance Committee found that your failure to stay abreast of the status of the lawsuit violated Rules 1.3 and 8.4(d).

In December 2013, you told Mr. N. that he needed to retain new counsel. You did not promptly withdraw from Mr. N’s case in accordance with Rules 1.16(d) and 8.4(d).

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 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 reprimand by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this the 7th day of August, 2015.



John M. Silverstein, Chair
Grievance Committee