NORTH CAROLINA WAKE COUNTY	BEFORE THE GRIEVANCE COMMITTEE OF THE NORTH CAROLINA STATE BAR 22G0384

IN THE MATTER OF CHRISTOPHER S. SHUMATE, ATTORNEY AT LAW	))))	REPRIMAND

On January 18, 2024 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by M. W. 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.

On or about July 8, 2021, you were hired by V.H. for representation in a potential wrongful death action related to the death of her estranged husband, R.H. You immediately began pursuing the wrongful death action. On or about August 13, 2021, V.H. mailed an Application for Letters of Administration to the Rowan County Clerk of Court, seeking to have herself appointed the personal representative of her husband's estate. However, V.H. was never appointed by the Clerk of Court to serve in that capacity. Instead, on September 13, 2021, V.H. renounced her right to qualify as the personal representative of R.H.'s estate.

In North Carolina, the sole individual with authority to bring or settle a wrongful death action is the personal representative of the decedent's estate. You were never retained by the court-appointed personal representative to represent the estate in a wrongful death action. Nevertheless, you continued to perform work on the wrongful death action until on or about December 16, 2021. You falsely stated to multiple people that you represented the estate. You engaged in settlement discussions and negotiations with the alleged tortfeasor's insurance adjuster and counsel, despite lacking the authority to negotiate a wrongful death settlement on behalf of the estate. The Grievance Committee found that you engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation that reflects adversely on your fitness as a lawyer in violation of Rule 8.4(c) and engaged in conduct prejudicial to the administration of justice in violation of Rule 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 23rd day of February, 2024.

Kevin G. Williams, Chair
Grievance Committee

KGW/lb