

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
10G0657

IN THE MATTER OF

Charles D. Mooney,
Attorney At Law

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REPRIMAND

On April 21, 2011 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by R. M.

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.

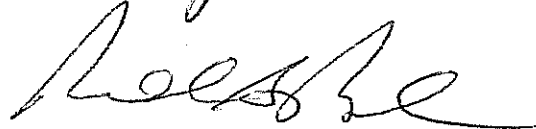
R.M. retained you in March 2008 for representation in a personal injury matter. You timely filed a complaint on R.M.'s behalf, but failed to serve the opposing party and failed to maintain a chain of summonses, causing the case to be dismissed. Throughout the course of the representation, you failed to maintain adequate communication with R.M. despite R.M.'s numerous requests for a status update on the case; and specifically, you failed to inform R.M.

when her case was dismissed due to your error. The statute of limitations is now expired on R.M.'s claim, leaving R.M. with no legal recourse to collect damages against the opposing party in this matter. Accordingly, you failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3, and you failed to keep the client reasonably informed about the status of the matter and promptly comply with reasonable requests for information in violation of Rules 1.4(a)(3) & (4). Your conduct also eliminated R.M.'s legal remedy in this matter and prevented R.M.'s case from being resolved on the merits, and was therefore 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 January 24, 2008 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 \$100.00 is hereby taxed to you.

Done and ordered, this the 18 day of May, 2011.



Ronald G. Baker, Sr., Chair
Grievance Committee

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