

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
15G0147

IN THE MATTER OF)
)
ROBERT L. WHITE,) CENSURE
ATTORNEY AT LAW)

On October 22, 2015, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by RB.

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 information you provided on June 20, 2015, 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.

You and James Streeter ("Streeter") represented RB and family members of RB in a civil action in Martin County. Defendant JB was dismissed from the case by order of the superior court on or about May 24, 2010. On or about December 28, 2010, you and Streeter filed a notice of voluntary dismissal as to defendant WT, Inc., the sole remaining defendant. You did not consult with your clients about taking a voluntary dismissal as to WT, Inc., and you did not communicate to your clients that their case had been dismissed. Your clients sought information about the case after it was dismissed but you did not respond. Your clients learned of the voluntary dismissal from another source more than a year later when it was too late to refile.

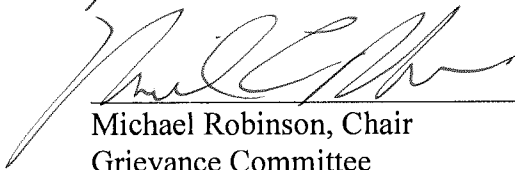
You did not file a timely response to the grievance but you did file a response after being notified that a timely response had not been filed. In your response to the grievance, you stated that you served in a consulting role in the case. However, documents in the case show that you, along with Streeter, were actively involved in all major aspects of the case including the signing of the pleadings, giving notice of appeal of a motion to dismiss, and signing the voluntary dismissal.

By failing to communicate with your clients about the decision to take a voluntary dismissal, failing to notifying them after the case was dismissed, and failing to respond to your clients' requests for information about the case, you violated Rule 1.4(a)(2), (a)(3), and (a)(4). By dismissing the case without the consent of your clients and without notifying your clients of the voluntary dismissal in time for them to refile the complaint, you violated Rule 8.4(d). By ending your representation of your clients without notice as required by Rule 16 of the General Rules of Practice for the Superior and District Courts, and without taking steps to protect your clients' right to refile the complaint, you violated Rule 1.16(c) and (d). By failing to timely respond to the letter of notice, and then mischaracterizing your role in the case as that of a consultant, you violated Rule 8.1(a) and (b).

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 6th day of November, 2015.



Michael Robinson, Chair
Grievance Committee
The North Carolina State Bar

MLR/hp