

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
17G0369

IN THE MATTER OF)
)
J. MICHAEL EDNEY,) REPRIMAND
ATTORNEY AT LAW)

On July 27, 2017 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by S. M. 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.

In December 2014, you were hired to handle the estate of Complainant's father who died in October 2014. At the December 2014 meeting, Complainant's mother, Mrs. L.M., gave you two checks made payable to her late husband or his estate. You did not place those checks in a fiduciary account, but placed the checks in a file where they remained until Complainant spoke with you in April 2017. You admitted that you took no substantive action in the administration

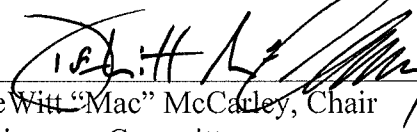
of the estate for over two years. You also admitted that you did not “adequately stay in touch” with Mrs. M. due to your busy law practice and other obligations.

The Grievance Committee found that you neglected the handling of Complainant’s father’s estate in violation of Rule 1.3. The Grievance Committee also found that you failed to communicate with Mrs. M. about the estate, in violation of Rule 1.4(a)(3)(4). Finally, the Grievance Committee found that you violated Rule 1.15-2(c) and Rule 1.15-3(e) when you did not place in trust the checks you received from Mrs. M.

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 5th day of August, 2017.



De Witt “Mac” McCarley, Chair
Grievance Committee

DM/lb