

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
17G1251

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IN THE MATTER OF	)	
	)	REPRIMAND
THOMAS J. MOORE, II,	)	
ATTORNEY AT LAW	)	

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On October 25, 2018 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by M. H. 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. M. H. hired you in July 2014 to represent him in a personal injury case. At the time you were retained, you were a member of the H. M. and T. law firm. In 2015, you left the law firm and started your own practice. You and your former law partners agreed that the criminal cases would stay with the attorney initially handling the case. The personal injury case files would stay at the old law firm's office and would be administered by an assistant at the law firm.

You continued to represent Mr. H. while his file was monitored purportedly by the assistant at the old law firm. You indicated that you met regularly with the assistant to check on the status of the cases. At some point, communication broke down between you and the assistant.


In September 2017, you learned that the statute of limitations had expired in Mr. H.'s case. You also admitted that you missed the statute of limitations in two other cases.

Your failure to diligently attend to Mr. H.'s and two other clients' cases violated Rule 1.3 and 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 14<sup>th</sup> day of November, 2018.

  
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DeWitt "Mac" McCarley, Chair  
Grievance Committee

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