

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
12G0332

IN THE MATTER OF)

JAMES P. SLEDGE)
Attorney At Law)

REPRIMAND)

On July 18, 2013 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by H. B.

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.

You became the Executor and a beneficiary of the P. R. W. Estate. In September 2009, the Court notified H. B. that she was a beneficiary of that Estate. After you failed to contact H. B. with a status update relating to the estate, you were contacted by H. B.'s husband in January 2011. You told him that the decedent's house had just sold when the house actually sold in May 2010. You were not able to close the estate after the sale because you were out of your office due

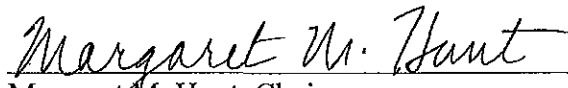
to medical issues, which was a sufficient reason to explain any delay may have occurred. Any misstatement made to H. B.'s husband, if made, was unintentional and there is insufficient evidence of delay in the estate caused by neglect.

You, however, did prepare P. R. W.'s will, upon her request, prior to her death. Because the client wanted to remain in her home after surgery, she asked you to care for her and receive payment for your services after her death. You, therefore, prepared a document on your client's behalf that left you a substantial gift along with a generous way to calculate your executor's commission. You failed to advise your client to seek independent legal advice from another attorney. Your conduct violated Rule 1.8(c).

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 22nd day of August, 2013.


Margaret M. Hunt, Chair
Grievance Committee

MMH/lb