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NORTH CAROLINA

WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
06G0438

IN THE MATTER OF

Reginald B. Kelly,  
Attorney At Law

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REPRIMAND

On July 20, 2006 the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by the North Carolina State Bar.

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.

Your law firm posted an ad on the internet about its services. The ad indicated that one needs "the best Winston-Salem personal injury lawyer available," which was a reference to your law firm. This statement compares your firm's services with other lawyers' services and that comparison cannot be factually substantiated in violation of Rule 7.1(a)(3) of the Revised Rules of Professional Conduct. Furthermore, the ad indicated that a person needed the best Winston-Salem personal injury lawyer available, and your firm does not have an office in Winston-Salem.

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personal injury lawyer available, and your firm does not have an office in Winston-Salem. The Grievance Committee believed that the above referenced statement implied that a lawyer in your firm was the best Winston-Salem personal injury lawyer available, and that statement contained a material misrepresentation of fact, in violation of Rule 7.1(a)(1) of the Revised Rules of Professional Conduct.

The ad further states that your firm is the "top choice" in Winston-Salem and throughout the state of North Carolina for personal injury representation. Again, this statement compares your law firm's services with other lawyers' services and that comparison cannot be factually substantiated, in violation of Rule 7.1(a)(3).

Finally, your website indicated that "You don't owe us any fees until we recover for your personal injury claim." The Grievance Committee found this statement was misleading and violated Rule 7.1(a)(1) because there is no mention that the client may be ultimately responsible for reimbursing your law firm for costs or litigation expenses your firm advanced on behalf of the client, even if there is no recovery.

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 October 15, 1981 by the Council of the North Carolina State Bar regarding the taxing of the administrative and investigative costs to any attorney issued a reprimand by the Grievance Committee, the costs of this action in the amount of \$50.00 are hereby taxed to you.

Done and ordered, this the 28<sup>th</sup> day of April, 2006

  
Barbara ("Bonnie") B. Weyher, Chair  
Grievance Committee

BBW/lr