NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
14G0290

IN THE MATTER OF	)	
	)	
Joel G. Bowden,	)	REPRIMAND
Attorney At Law	)	
	)	

On October 23, 2014 the Grievance Committee of the North Carolina State Bar met and considered the grievance 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.

You hired Deborah Sanders, who is not an attorney, to assist you in obtaining new clients. Sanders proceeded to personally visit the homes of individuals who had been involved in motor vehicle accidents and recommended your legal services. Her conduct on your behalf was a violation of Rule 7.3(a). While you may have believed that Sanders was first sending advertising mail and was then invited by the individuals to visit their homes, this explanation still runs afoul

of 2012 FEO 11. This Formal Ethics Opinion states that a non-lawyer field representative may only visit a prospective client after a lawyer has reviewed sufficient information from the prospective client to determine that an offer of representation is appropriate. Your admitted misunderstanding about Sanders' methods indicates that you failed to ensure this non-lawyer assistant was behaving in a manner compatible with your professional obligations as a lawyer in violation of Rule 5.3(b).

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 12th day of NOVEMBER, 2014.

John M. Silverstein, Chair
Grievance Committee

JMS/lb