

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
13G0661

IN THE MATTER OF

Stephanie L. Villaver,
Attorney At Law

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REPRIMAND

On January 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 advertised on the internet that you were "Jacksonville's best auto injury attorney" and you guaranteed to get a person "the settlement you deserve!" Your claim that you are the best auto injury attorney in Jacksonville violated Rule 7.1(a)(3) as you compared your services with the services of other lawyers when that comparison could not be factually substantiated.

Furthermore, you guaranteed that you could get a person the settlement he deserved which violated Rule 7.1(a)(2) of the Rules of Professional Conduct.

Your website also indicated that you were "Jacksonville, North Carolina's Personal Injury Specialist!" You are not a board certified specialist in personal injury law and you can not represent that you are a personal injury specialist. You indicated in another section of your website that your "legal team also specializes in traffic ticket matters." Again, you can not refer to yourself as a specialist in a field of practice. Your use of the terms "specialize" and "specialist" in describing your legal services violated Rule 7.4(b).

You responded to this grievance on September 6, 2013 by stating that you had reviewed the website information with your website designer and asked that he correct the problems on your website. You stated that you had asked for the changes before you went on medical leave. You further stated that the website information was "reviewed by myself and my staff prior to posting on the web." You responded that the website designer told you that he had forgotten to make changes to the website as you had requested.

State Bar staff counsel sent you supplemental questions regarding this grievance. You responded on October 4, 2013 that you had requested changes that addressed the concerns raised by the grievance before you went on medical leave. You also told the State Bar staff counsel in an October 15, 2013 telephone conversation that you texted the website designer in May 2013 and asked that he change your website to comply with the ethics rules. However, you were unable to provide proof of those texted messages due to some problem with your cell phone.

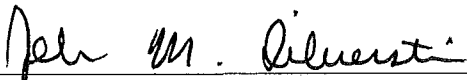
Twenty-one days after your October 4, 2013 response, you advised the Grievance Committee that you spoke with your staff who reviewed your response and you were told that you were "wrong on my timeline in my response." You then asked your staff to prepare affidavits to respond to the allegations in the grievance. You also admitted you didn't know what went on with your website since you were out of the office on medical leave. Your marketing director stated in an October 16, 2013 affidavit that the website designer put up the website without "our knowledge until the first letter from the State Bar." You should have asked your staff about the website before you prepared your first response to this grievance.

Rule .0112(c) of the Discipline and Disability Rules requires a lawyer to provide a full and fair disclosure of the circumstances surrounding the allegations of the grievance. The Grievance Committee was concerned that you either intentionally misled the Committee or submitted a response to this grievance with reckless disregard for the truth. The Grievance Committee found that your response to this grievance violated Rule 8.4(d) of the Rules of Professional Conduct. You are advised to fully and fairly respond to any grievances filed against you.

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 20th day of FEBRUARY, 2014.



John M. Silverstein, Chair
Grievance Committee

JMS/lb