

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
17G0534

IN THE MATTER OF)

JAMES R. LEVINSON,)
ATTORNEY AT LAW)

REPRIMAND

On April 16, 2020 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by A. S. 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.

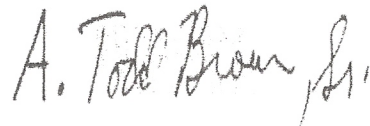
You were court-appointed to represent A.S. on several felony charges. Shortly thereafter, A.S.'s father came to your firm and met with your son, with whom you practiced law. A.S.'s father entered into a contract with your son to represent A.S. You failed to adequately explain to A.S. that you could continue as appointed counsel free of charge, in violation of Rule 1.4(b). Over the ensuing year, A.S.'s father paid your firm nearly \$15,000 for the case.

The substitution of your son as counsel for A.S. was not promptly approved by the court, nor was it disclosed to the court that A.S. had privately retained your firm and thus was not eligible for appointed counsel. Your failure to promptly notify the Court that A.S. had sufficient funds to pay for private counsel was in violation of G.S. § 7A-450(d). By failing to comply with that statute, you knowingly disobeyed an obligation under the rules of the tribunal in violation of Rule 3.4(c). Approximately 15 months after you were appointed to handle the case you filed a motion to withdraw. Your failure to timely withdraw was a technical violation of Rule 1.16(a).

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 13th day of November, 2020.



A. Todd Brown, Sr., Chair
Grievance Committee

ATB/lb