

16044

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
97G0170(II)

IN THE MATTER OF)

Daniel K. Shatz,)
ATTORNEY AT LAW)

REPRIMAND

On July 17th, 1997 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by the 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 Chair of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this Reprimand and I am certain that you will understand fully the spirit in which this duty is performed.

The North Carolina Court of Appeals issued an order on the seventh day of February 1997 in the matter of The State of North Carolina vs. Rocky L. Merritt, number COAP97-52, which order provided in part:


"The court notes that Daniel K. Shatz was appointed to represent defendant on appeal and was given an extension of forty-five days to file defendant's brief. Counsel neglected to file the brief and has given no excuse for this failure. Defendant lost his right of appeal as a result thereby necessitating the issuance of this writ of certiorari. A copy of this order shall be filed with the North Carolina State Bar."

The only rationale that you provided for failure to file the brief in this matter was that you had "bitten off more than you could chew." You further admit that after the brief was due you received a telephone call from the associate attorney general representing the State in this case asking whether or not the brief had been filed. You admitted at that time that it had not been filed. You intended to file it shortly thereafter with a motion to deem the brief as timely filed. You never filed the brief. Your conduct in this matter violates Rule 6(b)(3) and 7.1(a)(1) in that you failed to act with reasonable diligence and promptness in representing your client and intentionally and willfully failed to seek the lawful objectives of the client. Your conduct further violated Rule 7.1(a)(3) in that you prejudiced or damaged your client during the course of the professional relationship.

You are hereby Reprimanded by the North Carolina State Bar due to 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 27th day of August, 1997.



Ann Reed
Chair, Grievance Committee
The North Carolina State Bar