

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
21G0614

IN THE MATTER OF)
)
MATTHEW P. DOYLE,) REPRIMAND
ATTORNEY AT LAW)

On October 7, 2021 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by the North Carolina State Bar. 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 and your firm conducted a mortgage refinancing closing on July 9, 2021. The clients’ payoff involved a disbursement to PennyMac Loan Services, LLC (“PennyMac”). On July 13, 2021, you and your staff received e-mails from a fraudster posing as your client shortly before the disbursement indicating there would be an updated payoff statement due to a “minor mistake.” Later that day, you and your firm received a facsimile of the updated payoff statement including wiring instructions for the payoff to PennyMac to be wired to an account at JPMorgan Chase Bank instead of the Bank of America account

indicated in your firm's template for PennyMac payoffs. You proceeded to wire the disbursement payoff from your trust account per the wiring instructions without verifying the authenticity of the wiring instructions with the lending institution prior to initiating the wire transfer. As a result, a significant amount of the funds potentially could have been lost to the fraudster once you discovered the fraud in late July 2021. Fortunately, the receiving bank was able to return the funds and you were able to eventually wire the payoff to the correct account, along with per diem interest. This was also the second instance in which you and your firm had been victimized by a wire fraud event involving your firm's trust account, and you reportedly had instituted protocols to prevent such fraud from reoccurring. By failing to verify the wiring instructions with the lending institutions prior to the disbursements, you violated Rule 1.15(2)(a), Rule 1.15-2(k) and Rule 1.15-2(n). *See* 2015 FEO 6, Opinion #5 (attorney fails to use reasonable security measures if he does not verify disbursement change in wiring instructions).

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, 2021.



Matthew W. Smith, Chair
Grievance Committee

MWS/lb