

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
21G0536 & 21G0582

IN THE MATTER OF

PHILIP W. PAINE
ATTORNEY AT LAW

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REPRIMAND

On July 20, 2023, the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by A.C. and D.G. The grievances were assigned to a Subcommittee, which thoroughly reviewed the results of the State Bar staff's investigation of these matters.

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.

A.C. retained you to file a civil lawsuit against a homeowner and general contractor for nonpayment. You failed to file the complaint in A.C.'s matter and allowed the Statute of Limitations to run on A.C.'s claim. By failing to file a complaint on A.C.'s behalf, you failed to act with reasonable diligence and promptness in representing a client, in violation of Rule 1.3. A.C. repeatedly attempted to contact you by telephone call and email and often received no response from you. By failing to respond to A.C.'s communications, you failed to promptly comply with reasonable requests for information, in violation of Rule 1.4(a)(4).

In April 2018, D.G. retained you to handle a civil action regarding the illegal repossession of his vehicle. After discovering the vehicle was no longer in possession of the lender and there was nothing further you could do, you failed to inform D.G. of the same and stopped responding to his communications. By repeatedly misrepresenting the status of the matter to D.G., you failed to keep the client reasonably informed about the status of the matter, in violation of Rule 1.4(a)(3). By failing to respond to D.G.'s telephone calls, you failed to promptly comply with reasonable requests for information, in violation of Rule 1.4(a)(4). By failing to inform D.G. that the lender was no longer in possession of the vehicle and there was nothing further to do, you failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation, in violation of Rule 1.4(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 1st day of September, 2023.



Kevin G. Williams, Chair
Grievance Committee

KGW/lb