

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
12G1224

IN THE MATTER OF)

Shiloh A. Daum,)
Attorney At Law)

REPRIMAND)

On April 18, 2013 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 were associated with two out of state law firms: Sever Storey in Indiana and Biersdorf & Associates (Biersdorf) in Minnesota. Sever Storey advertises on the internet with the URL www.landownerattorneys.com. Sever Storey identifies you as a partner in the firm on its website and otherwise holds you out as responsible for its North Carolina services. Sever

Storey did not register its landownerattorneys.com URL as a trade name with the North Carolina State Bar in violation of Rule 7.5(a).

Sever Storey is not a law firm authorized to provide legal services in North Carolina. The firm may have initially received incorrect information about the need to register as a multi-state law firm with the State Bar. During the investigation of the grievance, the erroneous information was corrected and you were informed that Sever Storey was required to register. You advised the Office of Counsel that Sever Storey would immediately register. As of the date of the Grievance Committee's meeting on April 18, 2013, no registration had been submitted on behalf of Sever Storey. As a result, Sever Storey continued to hold itself out as able to provide legal services in North Carolina in violation of N.C. Gen. Stat. § 84-4 and you continued to hold yourself out as a partner in the firm. Therefore, you assisted the Sever Storey firm in the unauthorized practice of law in North Carolina in violation of Rule 5.5(d).

Sever Storey sent a targeted mail solicitation, postmarked October 31, 2012, to someone residing in North Carolina. The envelope containing the targeted mail solicitation had the advertising notice, THIS IS AN ADVERTISEMENT FOR LEGAL SERVICES, on the front of the envelope in a font that was smaller than any other printing on the envelope, in violation of Rule 7.3(c). Furthermore, the words "eminent domain attorneys representing land owners" and Sever Storey's internet URL appear on the front of the targeted mail solicitation envelope, in violation of Rule 7.3(c).

The Sever Storey targeted mail solicitation letter stated, among other things, that "[t]he attorneys at Sever Storey have over 25 years of legal experience." This is a false or misleading statement, in violation of Rule 7.1(a), as it states the number of years of experience of the lawyers in the firm without indicating that it is the combined legal experience of all lawyers in the firm. Furthermore, there was no mention of a North Carolina licensed attorney in the letter from Sever Storey, in violation of Rule 7.2(c).

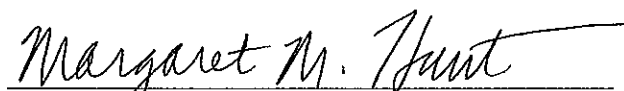
Sever Storey sent a targeted mail solicitation postcard to an individual, in violation of Rule 7.3(c). The front of the postcard had the following language: "Advertising Material and Recipient information obtained through a public records request." The Grievance Committee found that the postcard was sent to a targeted group who may be affected by the state's eminent domain project.

There were similar problems with the Biersdorf advertising. Biersdorf's internet URL, www.condemnation-law.com, was not registered as the firm's trade name in violation of Rule 7.5(a). You are identified as a part of the Biersdorf firm on its website even though you state that you never agreed to be a part of the firm. The Biersdorf targeted mail solicitation letter contained results that the firm had obtained for other clients, but the required disclaimers about achieved results were not made, in violation of Rule 7.1(a)(1). The words, "Your Source For Eminent Domain Law," appear on the front of the Biersdorf targeted mail solicitation envelope, in violation of Rule 7.3(c). Although you asserted that you were not formally associated with Biersdorf at the time the targeted mail solicitation was mailed, the Grievance Committee holds you responsible for the advertising as you are identified in the targeted mail solicitation letter as the North Carolina attorney who would be assigned to the prospective client's eminent domain case.

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 6th day of May, 2013.


Margaret M. Hunt, Chair
Grievance Committee

MMH/lr