

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
20G0180

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IN THE MATTER OF )  
 )  
JAMES A. ZELLINGER, ) REPRIMAND  
ATTORNEY AT LAW )

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On January 13, 2021 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by C. W. 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 allowed C.W. and R.W. to stay in your home for a period of time with the expectation that R.W. would do some work on the house. Upon your return, you determined that they had damaged your house and they owed you money for the damage. When they did not meet your demands, you filed a civil claim against them that included a claim that they owed legal fees for work you did on a Will and Medical Power of Attorney. Prior to filing this claim for legal fees, you had not given them notice about the possibility of using the State Bar’s Fee

Dispute Resolution Program followed by a 30-day wait for them to file a Fee Dispute. This violated Rule 1.5(f)(1).

After you filed the civil claim, you engaged in discussion about possible settlement. Knowing that a grievance had been filed against you, you repeatedly demanded that the grievance be withdrawn as part of the settlement. This demand violated Rule 8.4(d).

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 15<sup>th</sup> day of February, 2021.



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Matthew W. Smith, Chair  
Grievance Committee

MWS/lb