

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
15G0564

IN THE MATTER OF)	
)	REPRIMAND
JASON P. KIMBLE,)	
ATTORNEY AT LAW)	

On January 21, 2016 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by W. M. 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 represented Mr. W. M. in a criminal case. Mr. M. asserted that you had not met with him while he was in jail for a year. You indicated in your response to this grievance that you had discussed Complainant's case with him and told him that he needed to be patient.

The deputy counsel assigned to this grievance wrote you on August 12, 2015 and asked you to respond to additional questions as the investigation of the grievance continued. You were asked to respond directly to Mr. M.'s allegation that he had been in jail for a year and you had not met with him. You were also asked other questions about your handling of Mr. M.'s case. You did not respond to the deputy counsel's letter of August 12 as requested.

On December 1, 2015, the deputy counsel wrote you and asked that you respond to the questions posed in her August 12, 2015 letter. You were given ten days to respond to the December 1 letter. You did not respond to the deputy counsel's additional attempt to get answers to her follow-up questions prior to this matter going to the Grievance Committee on January 21, 2016.

The Grievance Committee found that you did not adequately communicate with Mr. M. while he was incarcerated, in violation of Rule 1.4(a)(1).

The Grievance Committee also found that you failed to respond to additional questions raised during the course of this investigation, in violation of Rule 8.1(b) and 8.4(d). Although you were given two opportunities to respond to deputy counsel's questions, you failed to respond. The Grievance Committee is concerned about your lack of cooperation in the investigation of this grievance and reminds you of your obligation as an attorney to cooperate in the investigation of a grievance filed against you.

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 8th day of February, 2016.



Michael L. Robinson, Chair
Grievance Committee

MLR/lb