

25211

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
06G0325

IN THE MATTER OF)

Christopher Mauriello,)
Attorney At Law)

REPRIMAND

On October 19, 2006 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.

Capitol Closings & Title Agency (hereafter, Capitol Closings) holds itself out as able to perform legal services for the public, including the preparation of deeds, abstracting title, and updating the title search before recording documents from the closing. In offering these legal services to the public, Capitol Closings engaged in the unauthorized practice of law. You contracted with Capitol Closings to provide certain legal services in connection with those

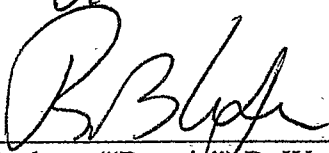
closings. The legal services you provided included reviewing the title abstract and any supporting documents on property for an opinion of final title, as well as reviewing and assisting in the preparation of the deed. As a result of you providing legal services to Capitol Closings, you assisted Capitol Closings in the unauthorized practice of law, which is in violation of Rule 5.5(d) of the Revised Rules of Professional Conduct.

In this instance, the Grievance Committee found that an attorney-client relationship was established between you and the buyers, Mr. and Mrs. J, and your responsibility to the buyers went beyond simply certifying title to the property. The closing was delayed for over a month due to the delay in getting the actual pay off amount on the seller's property. Mr. and Mrs. J indicated that a representative of Capitol Closings called them and said there was a problem, that they would have to move out of the house, and that their deed had been "unrecorded." This situation was extremely stressful for Mr. and Mrs. J, and delayed their move into their new home.

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 October 15, 1981 by the Council of the North Carolina State Bar regarding the taxing of the administrative and investigative costs to any attorney issued a reprimand by the Grievance Committee, the costs of this action in the amount of \$50.00 are hereby taxed to you.

Done and ordered, this the 8th day of December, 2006



Barbara ("Bonnie") B. Weyher, Chair
Grievance Committee

BBW/lr