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STATE OF NORTH CAROLINA  
COUNTY OF WAKE

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
94G1418 (II)

IN THE MATTER OF )

JOHN T. ORCUTT )  
ATTORNEY AT LAW )

REPRIMAND )

On April 14, 1995, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Mr. David M. Warren.

Pursuant to section 13(A) of article IX of the Rules and Regulations 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, reprimand, or 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 and I am certain that you will understand fully the spirit in which this duty is performed.

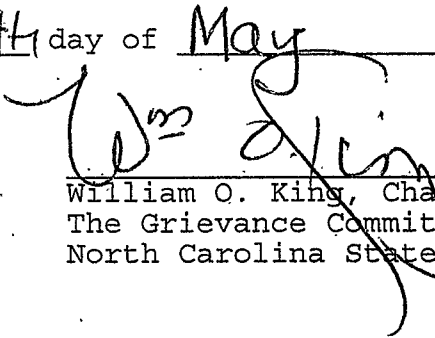
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The Grievance Committee found that Cynthia Ann Wouk met with one of your nonlawyer employees, Mr. Al Orcutt, to discuss the possibility of filing a bankruptcy petition; and that after reviewing Ms. Wouk's assets and liabilities, Mr. Al Orcutt opined that filing a Chapter 7 bankruptcy petition would be in her best interest. The committee determine that Mr. Al Orcutt engaged in the unauthorized practice of law when he advised Ms. Wouk that it would be in her best interest to file a Chapter 7 bankruptcy. The committee also determined that you knew or should have known that Mr. Orcutt was giving legal advice to prospective clients. The committee determined that your failure to take corrective action violated Rule 3.1(a) of the Rules of Professional Conduct ("A lawyer shall not aid a person not licensed to practice law in North Carolina in the unauthorized practice of law") and Rule 3.3(a) ("With respect to a nonlawyer employed or retained by or associated with a lawyer, a partner in a law firm shall make reasonable effort that the firm has in effect measures giving reasonable assurance that the nonlawyer's conduct is compatible with the professional obligations of the lawyer").

You are hereby reprimanded by the North Carolina State Bar due to 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 8th day of May, 1995.

  
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William O. King, Chairman  
The Grievance Committee  
North Carolina State Bar

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