

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
13G0492

IN THE MATTER OF

William P. Bray,
Attorney At Law

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REPRIMAND

On July 24, 2014 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by E. V.

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.

Your law firm represented E. V. in various legal matters. You filed a lawsuit against Mr. V. when he did not pay legal fees to the firm. Attorney J. L. emailed Mr. V.’s attorneys on two separate occasions and conditioned settlement of the lawsuit upon Mr. V. withdrawing any grievances against you and Attorney L., which is a violation of Rule 8.4(d).

Your firm was retained to file a lawsuit against G. W. on behalf of Mr. V.'s company, L. S., LLC. In your response to the Grievance Committee, you stated that you thought a former associate had filed the lawsuit in August 2012. Mr. V. asked for updates on the status of the lawsuit and you indicated in several emails to him that you would check on whether the summons had been served on G.W. On September 19, 2012, you emailed Mr. V. and stated that you were having "a new summons issued tomorrow with an alternate address we found through our database" and "no worries, we will track her down." In a December 6, 2012 email to Mr. V., you stated: "G has not been served, checked while in court last week. She appears to be dodging. We are going to get it done, no worries." On December 11, you told Mr. V. in an email: "I'm filing a new summons today with G.'s business address. She is a slippery one." You indicated that after the last December email to Mr. V., you discovered that your associate had not filed the complaint against G. W. You then drafted a complaint and filed it on January 15, 2013. In a January 21, 2013 email to Mr. V. you stated: "What do you know? She finally signed for the complaint! So that case is now moving forward. She has 30 days to file a response. We'll see how it goes."

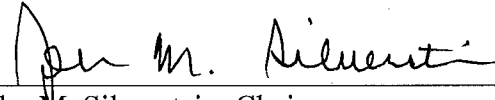
In the investigation of this grievance, you stated that you recall checking for service of the lawsuit on G.W. at the courthouse. You think you may have looked at information regarding other cases filed by Mr. V. or his company, and erroneously thought you were looking at information regarding the G.W. case. You stated that you were not intentionally giving Mr. V. false information about the status of the lawsuit against G. W. However, the Grievance Committee found that you were reckless in your research and reports to Mr. V. about the status of the G. W. lawsuit, in violation of Rule 8.4(d). As a result of your conduct, you did not keep Mr. V. reasonably informed about the status of his case, in violation of Rule 1.4(a)(3).

Finally, the Grievance Committee is concerned about comments you made on Twitter and LinkedIn about the fee dispute lawsuit. You congratulated your law partner for "[w]inning today in a ridiculous, frivolous motion by a former client we've sued for fees. Just pay your bill!" The Grievance Committee found that this comment on social media was inappropriate and unprofessional.

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 15th day of August, 2014.

A handwritten signature in cursive script, appearing to read "John M. Silverstein".

John M. Silverstein, Chair
Grievance Committee

JMS/lb