

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
10G0517

IN THE MATTER OF

William E. West, Jr.
Attorney At Law

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REPRIMAND

On October 28, 2010, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you.

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.

You represented C.M. in a Florida probate matter. C.M. is the beneficiary of her late husband’s trust. C.M. sought to increase her monthly benefit. C.M. retained you to represent her interests. C.M. signed a written contingency fee agreement allowing you to collect 22.5% of whatever increase in benefits you obtained. At the time C.M. retained you, she told you she was collecting \$50,000 a month. C.M. was actually receiving \$85,000. After you became involved,

you learned that C.M.'s monthly allowance was actually \$85,000. You maintained that your involvement in the matter resulted in the increase from \$50,000 to \$85,000. Your only involvement at the time was reviewing the file and collecting information from other involved professionals. You nevertheless collected 22.5% of the difference or \$7,875 a month for four months. Because you did not provide legal services that caused an increase to C.M.'s monthly benefit, you collected an excessive fee in violation of Rule 1.5(a).

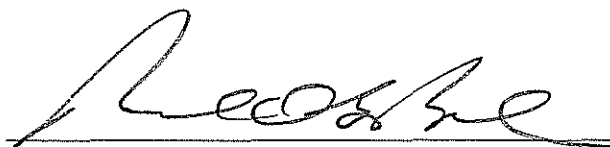
C.M.'s probate matter involved Florida law. You are not licensed to practice law in Florida. You knew you needed to seek *pro hac vice* admission and associate Florida counsel in order to represent C.M. Although you contacted a Florida law firm, you failed to complete the *pro hac vice* process. You represented C.M. at mediation. You negotiated a settlement wherein C.M. would receive \$10,000,000 in assets. Pursuant to your fee agreement, your fee was to be \$2,250,000. Because C.M. did not have cash with which to pay your fee, you reduced your fee to \$1,000,000. You thereafter negotiated an immediate \$1,000,000 payment to C.M. in order to satisfy your fee. Because you failed to obtain *pro hac vice* admission, you engaged in illegal unauthorized practice of law. Charging C.M. a fee based on illegal activity constitutes charging or attempting to collect an illegal fee in violation of Rule 1.5(a).

The Grievance Committee took into consideration that your fees were the subject of contested litigation in Florida. The Committee further considered that you were ordered by the Florida Court of Appeals to disgorge the fees you collected from C.M. and struck the \$1,000,000 fee.

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 January 24, 2008 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 \$100.00 are hereby taxed to you.

Done and ordered, this the 2 day of December, 2010



Ronald G. Baker, Sr., Chair
Grievance Committee

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