

NORTH CAROLINA

WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
15G1225

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IN THE MATTER OF  
  
JOSEPH L. LEVINSON,  
ATTORNEY AT LAW

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REPRIMAND

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On October 24, 2019 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by C. R. 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 charged C.R. a \$6,500.00 flat fee for seeking reinstatement of his driver's license, including appearing at a DMV hearing. C.R. terminated the representation prior to any DMV hearing and without reinstatement of his driver's license. In the subsequent fee dispute mediation initiated by C.R., you agreed to refund \$2,500.00 of C.R.'s fees. By failing to issue a refund check for more than two months thereafter despite prompting from C.R., you failed to participate in good faith in the fee dispute process in violation of Rule 1.5(f) and failed

to take reasonably practicable steps to protect a client's interests upon termination of the representation in violation of Rule 1.16(d).

Just before he received the belated refund check, C.R. filed a small claims action against you seeking to recover the attorney's fees he had paid. You filed a response and counterclaim that was misleading, in that it implied your refund check was outstanding when you had actually stopped payment. The counterclaim was frivolous, in that you sought to recover from C.R. the purported value of services rendered based on your hourly rate, when your contract with him was not based on hourly billing. Your response and counterclaim lacked good faith basis in fact and/or law in violation of Rule 3.1.

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 20<sup>th</sup> day of November, 2019.



A. Todd Brown, Sr., Chair  
Grievance Committee

ATB/lb