

7892

STATE OF NORTH CAROLINA

COUNTY OF WAKE

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
94G0570 (I)

IN THE MATTER OF )

BILLY H. MASON, )  
ATTORNEY AT LAW )

REPRIMAND

On October 20, 1994, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Herbert Munday, Jr.

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.

You agreed to bring a lawsuit on behalf of Herbert L. Munday, Jr.'s business against a shopping center landlord. On several occasions, you misrepresented to Munday that a lawsuit was in progress and that you had engaged in conversations with the lease manager for the landlord. You made these

representations although no lawsuit had been filed and you had not engaged in any conversation with the lease manager. Your misrepresentations violated Rules 1.2(C) and 7.2(A)(4). Your failure to file the lawsuit violated Rules 6(B)(3) and 7.1(A)(1). You also failed to return a videotape to Munday or his new counsel in violation of Rule 2.8(A)(2).

You failed to respond to a Letter of Notice in this matter in violation of Rule 1.1(B). You made no response until a subpoena was issued for your appearance.

The Grievance Committee was cognizant of the efforts you made in the past to deal with the problems that caused similar misconduct in the past. The Committee urges you to continue such treatment to prevent any recurrence of similar conduct in the future.

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 November, 1994.

W. Erwin Spainhour  
W. Erwin Spainhour, Chairman  
The Grievance Committee  
North Carolina State Bar

00872