

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
04G0155 and 05G0019

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IN THE MATTER OF )

John W. Alexander, )  
Attorney At Law )

REPRIMAND )

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On October 22, 2009, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by the North Carolina State Bar.

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.

In 2004 you were selected for a random audit of your trust account. The State Bar auditor, Bruno Demolli, found several deficiencies. Mr. Demolli instructed you to correct the deficiencies by a certain date. You failed to correct the deficiencies in violation of Rules 1.15-2(k), 1.15-3(a) and (c). You failed to respond to Mr. Demolli’s efforts to communicate with you.

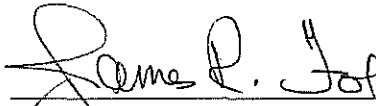
A grievance was therefore opened. You failed to respond to the grievance in violation of Rule 8.1(b).

In 2004 you undertook representation of E.O. in a traffic matter. E.O. paid you \$350. During the representation, you moved your law practice. You did not provide E.O. with your new contact information in violation of Rule 1.4(a). You did not handle E.O.'s ticket in violation of Rule 1.3. E.O. filed a fee dispute petition with the State Bar. You did not respond to the fee dispute in violation of Rule 1.5(f). Because you failed to respond to the fee dispute, a grievance was opened. You failed to respond to the grievance until you received a subpoena. Your failure to timely respond to the grievance is a violation of Rule 8.1(b).

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 20th day of November, 2009

  
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James R. Fox, Chair  
Grievance Committee

JRF/lr