

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
15G0423

IN THE MATTER OF)	
)	REPRIMAND
KENNETH T. DAVIES,)	
ATTORNEY AT LAW)	

On April 20, 2017, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by State Bar. 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 vice chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this reprimand.

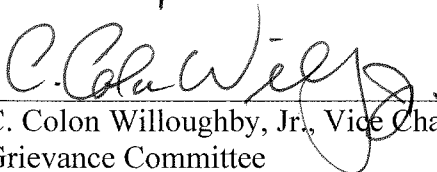
On or about June 1, 2012, you employed former North Carolina licensed attorney Neal Rodgers ("Mr. Rodgers") as your paralegal after his disbarment became effective. Mr. Rodgers introduced you to one of his former clients (L.C.L.) and thereafter L.C.L. and his companies became your clients. As your paralegal, Mr. Rodgers continued to work on the matters involving L.C.L. and his companies. Rule 5.5(h) of the Rules of Professional Conduct prohibits a law firm from employing a disbarred lawyer as a paralegal to work on the cases of the disbarred lawyer's former clients. When Rule 5.5(h) was brought to your and Mr. Rodgers' attention by opposing

counsel, Mr. Rodgers terminated his employment as your paralegal on or about August 9, 2012. Therefore, you violated Rule 5.5(h) during the approximate June 1, 2012 to August 9, 2012 time period that Mr. Rodgers worked as your paralegal at the same time that you represented Mr. Rodgers' former clients, L.C.L. and his companies. Even after Rule 5.5(h) was brought to your attention and Mr. Rodgers left your employment, Mr. Rodgers continued to work for and be paid by L.C.L., contrary to Rule 5.5(h). After leaving your employment, Mr. Rodgers continued meeting with L.C.L. and you at your firm to discuss the litigation and strategize about how to prepare for upcoming hearings and other issues. Mr. Rodgers' continuing communications and interactions with L.C.L. violated Rule 5.5(h) notwithstanding the client's desire for Mr. Rodgers to remain involved.

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 15 day of May, 2017.



C. Colon Willoughby, Jr., Vice Chair
Grievance Committee

CW/lb