

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
19G0952 & 20G0038

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IN THE MATTER OF	)	
	)	REPRIMAND
R. STEVE MONKS,	)	
ATTORNEY AT LAW	)	

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On July 22, 2020 the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by E. V. and the North Carolina State Bar. These grievances were assigned to a Subcommittee, which thoroughly reviewed the results of the State Bar staff's investigation of these matters.

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.

In 2018, Ms. E.V. hired you to handle an immigration case. You filed a Form I-360 on behalf of Ms. V. in immigration court. On May 6, 2019, the U.S. Citizenship and Immigration Services (USCIS) entered a Notice of Intent to Deny (NOID) Ms. V.'s Form I-360 as additional evidence was needed to support her request. USCIS required a response from Ms. V. by June 8, 2019. You stated in your response to this grievance that the NOID was sent to your old office address and your office staff did not retrieve the NOID until June 26, 2019, after the deadline for Ms. V. to respond. You did not notify Ms. V. about the NOID until after the deadline for her to

respond. Your conduct in Ms. V.'s case violated Rules 1.3 and 1.4(a)(1)(2)(3) of the Rules of Professional Conduct.

You represented Mr. J.A. in his attempt to obtain a green card. In July 2018, you received a request for evidence in Mr. A.'s case from the USCIS. You replied to the request for evidence in October 2018, but your response omitted a required affidavit in support of the evidence. The application was denied in November 2018, but the denial was sent to your old office address. You discovered that the application had been denied in March 2019. You appealed the decision, but the appeal was denied. You reported your conduct to the State Bar on January 14, 2020.

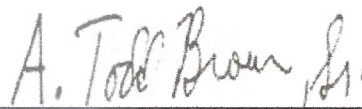
The Grievance Committee found that you neglected Mr. A.'s case in violation of Rule 1.3.

On February 3, 2020, Mr. A. signed a Release and Waiver, wherein he released you from "all manner of action(s), cause(s) of action, suits, debts, sums of money, accounts, reckonings, damages, judgment, claims and demands whatsoever..." You paid Mr. A. \$2500.00 to cover his "costs." You violated Rule 1.8(h)(1) when you had Mr. A. sign the release and waiver which would release you from all prospective malpractice and other liability as a result of your representation. You also violated Rule 1.8(h)(2) because you settled a claim or potential claim for liability with a former client without advising him in writing to consult independent counsel before he agreed to the settlement.

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 31<sup>st</sup> day of August, 2020.



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A. Todd Brown, Sr., Chair  
Grievance Committee

ATB/lb