

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
16G0549, 16G0634, 16G0701

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IN THE MATTER OF	)	
	)	REPRIMAND
WILLIAM J. VASQUEZ,	)	
ATTORNEY AT LAW	)	

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On January 26, 2017 the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by M. H., J. M. and R. C. 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.

You were retained to represent M. H., J. M., and R. C., Jr. in different legal matters. All three clients decided to fire you and go with Attorney C. M., a former associate in your firm. The clients, through Attorney M., requested that you turn over their files to their new attorney.

The Grievance Committee found that you did not promptly turn over the clients' entire files as they requested. Your failure to promptly turn over the clients' files to their new lawyer violated Rule 1.16(d).

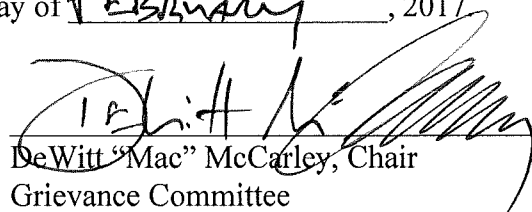
Furthermore, the Grievance Committee found that some provisions of your fee contract violated the rules of ethics. First, you indicated in the fee contract that you may retain or dispose of the client's "property" at your "reasonable discretion" if the client does not accept the "property." That provision violates Rule 1.16(d). With a client's consent, a closed file may be destroyed at any time. However, a closed file must be retained for a minimum of six years after the conclusion of the representation if the client does not consent to destroying his file. See RPC 209.

You asserted an attorney's lien when you stated in the fee contract that "[a]ttorney will have a lien for attorney's fees, cost [sic], or both advanced on behalf of Client, on all funds obtained by judgment, settlement or arbitration award payable to Client." North Carolina law does not recognize a lien under the circumstances set out in your fee contract. The Grievance Committee determined that your conduct violated Rule 1.5(a) and 7.1(a)(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 10<sup>th</sup> day of FEBRUARY, 2017

  
DeWitt "Mac" McCarley, Chair  
Grievance Committee

DM/lb