

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
14G0718

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IN THE MATTER OF	)	
	)	REPRIMAND
SAM DREWES RYAN,	)	
ATTORNEY AT LAW	)	

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On October 22, 2015 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by P.B. 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 chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this reprimand.

You agreed to represent P.B. in defending a motion for modification of custody. You charged a minimum retainer of \$5,000.00 which P.B. paid in January 2013. After P.B. paid you, she did not see or speak with you again. P.B. called your office several times before her scheduled deposition. You did not return the calls. P.B. appeared for her deposition and was

informed by opposing counsel that the deposition had been continued. You emailed P.B. in April 2013 that you could no longer represent her due to family illness. She retained a new attorney. You refused to refund any portion of the fee even though the invoice you provided her showed a \$2,139.50 balance.

The Grievance Committee found that your failure to communicate with your client violated Rules 1.4 (a)(3) and (4). You insisted throughout the fee dispute and grievance process that P.B. was not entitled to a refund because you had charged a minimum retainer. 2008 FEO 10 provides: "Minimum Fee: consideration paid at the beginning of a representation to reserve the exclusive services of a lawyer; lawyer provides legal services up to the value of the minimum fee; earned upon payment; paid to lawyer or deposited in firm operating account; some or all of the minimum fee is subject to refund if clearly excessive under the circumstances as determined upon the termination of the client-lawyer relationship." Your fee was clearly excessive under the circumstances and your failure to refund any portion of the fee violated Rules 1.5(a) and 1.16(d). You also charged P.B. a \$500.00 administrative fee which the Grievance Committee found to be excessive. You also deposited P.B.'s \$40.00 check for costs into your trust account. The Grievance Committee found that this conduct violated Rules 1.15-2(a) and (b), but in light of the State Bar's audit of your trust account, accepted your representation that this was an inadvertent error.

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 12<sup>th</sup> day of November, 2015.

  
Michael L. Robinson, Chair  
Grievance Committee

MLR/hp