

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
08G0339

IN THE MATTER OF	)	
	)	
Kimberly J. Jordan,	)	REPRIMAND
Attorney At Law	)	
	)	

On April 23, 2009 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Y. R.

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.

Y. R. retained you to prepare a separation agreement. You asked for and received an initial retainer of \$1,000.00 from Ms. R. Your written fee agreement also provided that Ms. R. would pay an additional \$1,500.00 at the time of the delivery of the final separation agreement. Ms. R. claims that she left several telephone messages for you in January 2008, but you did not return those telephone calls.

You and Ms. R. scheduled to meet in the law office Attorney J. L. on February 4, 2008. Ms. R. went to J. L.'s office at the appointed time, but you failed to appear.

Ms. R. also called you numerous times in February 2008 and left messages, but you did not return her telephone calls.

You indicated to an investigator of the 10th Judicial District Bar Grievance Committee that you had a completed draft of the separation agreement. However, you never produced a draft of the separation agreement.

The Grievance Committee found that you neglected Ms. R.'s domestic matter in violation of Rule 1.3 and Rule 8.4(d). You further neglected Ms. R.'s case by not appearing at an appointment in Attorney J. L.'s office. Furthermore, your conduct violates Rule 1.4(a)(1)(2) and (3) as you failed to return Complainant's telephone calls to discuss her case.

A staff attorney from the North Carolina State Bar sent you follow up questions regarding this grievance in October 2008. You did not respond to those questions and another letter was sent to you giving you an extension to respond. You did not respond by the deadline, but later called the staff attorney and asked for an extension to respond. You were afforded a second extension, but did not respond to the questions by the extended deadline. The staff attorney subpoenaed you to the North Carolina State Bar office and you were supposed to appear there on March 25, 2009. You did not appear at the State Bar office pursuant to subpoena. The Grievance Committee found that your failure to respond to the State Bar attorney's follow-up questions and your failure to comply with the State Bar's subpoena is in violation of Rule 8.1(b) and Rule 8.4(d) of the Rules of Professional Conduct.

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 15th day of May, 2009



James R. Fox, Chair
Grievance Committee

JRF/lr