

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
12G0878

IN THE MATTER OF

Kristen N. Comerford,
Attorney At Law

)
)
)
)
)

REPRIMAND

On April 24, 2014 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Stephen R. Berlin of Kilpatrick, Townsend & Stockton, L.L.P.

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.

Soon after being hired, you were placed in charge of a discovery review project. You began making false entries in the document review software and the firm’s timekeeping system as to the time you were spending on the discovery review. You were not benefiting financially, but apparently made the false entries to enhance and meet your billable hours. The client challenged the billable hours. The firm investigated, found a discrepancy between the hours billed to the client and your time logged in the discovery review, and eventually wrote off the

client's hours in question. When confronted by your supervisor, you claimed that you had worked the reported time and that the document review software must not have recorded your time properly. Neither the software maker nor the firm could find anything wrong with the software, but the firm nevertheless reset your account at your request. Following the reset, your subsequent billable hours and your time logged into the document review software reconciled.


Months later, the firm discovered that some of your subsequent time entries in the document review software were for work that was not authorized, or was for valueless work (review of documents that were blank or computer gibberish). The firm undertook an extensive investigation. The investigation showed that significant time discrepancies by you occurred not only during months of document review in the client's case, but also over several months in your work on the cases of two other clients. These discrepancies were not found to exist with other staff working on the projects, and these discrepancies were not a result of a problem with your document review account. You eventually were allowed to resign from the firm.

By making false entries in the firm's document review software, you engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c). However, the Grievance Committee has taken into consideration your relative inexperience in practicing law at the time of such misconduct.

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 20th day of June, 2014.



John M. Silverstein, Chair
Grievance Committee

JMS/lb