

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
14G0774

IN THE MATTER OF)	
)	
Maynard A. Harrell, Jr.)	REPRIMAND
Attorney At Law)	
)	

On January 22, 2015 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by D. D. 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 were representing D.D. on state criminal charges pending in Bertie County. D.D. received a target letter from federal authorities and another attorney was appointed to represent him in the federal matter. That attorney contacted you and you agreed to send her the client file.

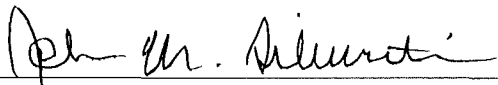
D.D. contacted the Attorney Client Assistance Program (ACAP) for assistance in communicating with you. ACAP contacted you and you informed ACAP that you had provided the client's file to the lawyer representing him on the federal charges. You maintain that you told ACAP that you were preparing to provide the file to the federal attorney. That notwithstanding, you had not delivered the file to D.D.'s federal defense attorney despite your assurance approximately two months prior that you would do so.

The Grievance Committee found that your failure to promptly turn over the client file demonstrated a lack of diligence in violation of Rule 1.3 and also violated Rule 1.16(d). In issuing a reprimand rather than a censure, the Grievance Committee took into account the fact that ultimately the federal charges were not brought against D.D. and therefore there was no actual client harm. However, failure to promptly deliver the client's file to his federal defense attorney was potentially prejudicial to the client and the administration of justice in violation of Rule 8.4(d). The Grievance Committee also considered the fact that you were reprimanded in 2011 for similar delay in turning over client files to three different clients.

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 9th day of February, 2015.



John M. Silverstein, Chair
Grievance Committee

JMS/lb