

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
12G1191

IN THE MATTER OF)

William Andrew LeLiever)
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 the North Carolina State Bar.

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.

You were ordered by the United States Bankruptcy Court to produce certain documents by certain dates related to cases in which you had represented the debtor, MJ. You failed to timely and fully comply with the production orders and failed to properly appear at court hearing regarding his compliance. You also improperly indicated to counsel for the bankruptcy trustee that you were going to disburse to MJ funds that were required by applicable law to be turned over to the bankruptcy estate absent a court order. Your failure to timely comply with the

Bankruptcy Court's orders and failure to properly appear at compliance hearings was conduct prejudicial to the administration of justice in violation of Rule 8.4(d). Your failure to acknowledge and comply with your obligation to turn over the \$5,000.00 you received for MJ to the bankruptcy estate without a court order was also in violation of Rule 8.4(d).

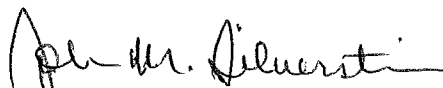
In addition to these violations of Rule 8.4(d), the evidence also shows violations of the trust account rules. The evidence did not establish misappropriation of entrusted funds but did show several other issues. You did not always indicate on your trust account checks the client from whose balance in your trust account you were disbursing funds in violation of Rule 1.15-3(b). Although you produced many records for your trust account, you failed to produce client ledgers for any client other than one for MJ and you failed to produce reconciliations in response to the State Bar's request in violation of Rule 8.1(b); it appears this is because you were not maintaining those records as required by Rule 1.15-3(b) and (d). You commingled your funds with MJ's funds in the trust account in violation of Rule 1.15-2(a) and (f). You disbursed funds by improper methods from your trust account, once by automated debit and once by debit card, in violation of Rule 1.15-2(i).

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.

Pursuant to N.C. Gen. Stat. § 84-28(c), the Grievance Committee is requiring you to complete continuing legal education (CLE) in addition to the minimum amount required by 27 N.C. Admin. Code 1D § .1518(a). Within 120 days from service of this reprimand upon you, you must complete the following: one trust account CLE taught by Peter Bolac, the State Bar Trust Account Compliance Counsel; and one CLE on professionalism in court. The courses must be approved in advance by Deputy Counsel Jennifer Porter, Office of Counsel, the North Carolina State Bar. The CLEs may be in online, video, or in person format. You must provide proof of compliance to Deputy Counsel Jennifer Porter within 120 days from service of this reprimand upon you.

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 5th day of JUNE, 2014.



John M. Silverstein, Chair
Grievance Committee