

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
13G0801

IN THE MATTER OF)

Claire J. Samuels,)
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 represented Ms. K. D. in a protracted and extremely contentious domestic case against her husband, M. D. On numerous occasions you argued the merits of the case through emails to the judge and her clerk. The emails were improper and violated Rules 3.5(a)(3) and 8.4(d) of the Rules of Professional Conduct. You stated in your response to this grievance that you were only responding, as an advocate for your client, to the emails that Mr. D first presented

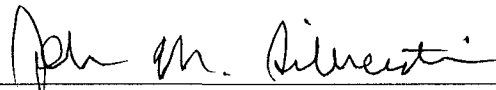
to the court. The Grievance Committee believed that because you were an advocate for your client, you were obligated to take the high road and not engage in those improper communications with Mr. D.

Finally, the Grievance Committee was concerned about your unprofessional conduct as exhibited in an April 26, 2013 email to Mr. D. where you lost your objectivity as an attorney and got "personal" with Mr. D. In that email you stated, "You're a terrible husband, father, lawyer, and human being." The Committee cautions you to maintain objectivity and professionalism, even in the face of a stressful and difficult case.

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 23rd day of Mar, 2014.



John M. Silverstein, Chair
Grievance Committee

JMS/lb