

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
13G1142

IN THE MATTER OF)
)
Russell W. Warnock,) CENSURE
ATTORNEY AT LAW)
)

On July 24, 2014, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by J. F.

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.

A censure is a written form of discipline more serious than a reprimand, issued in cases in which an attorney has violated one or more provisions of the Rules of Professional Conduct and has caused significant harm or potential significant harm to a client, the administration of justice, the profession or a member of the public, but the misconduct does not require suspension of the attorney's license.

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

In 2011, J. F. hired you to file patent application. Mr. F. telephoned and emailed you in May 2012 for an update on the status of his patent application. You did not respond promptly to Mr. F.'s request for information. At some point, you told Mr. F. that his applications were moving forward. Mr. F. continued to telephone and email you about the status of his patent application. You did not respond to those inquiries. On November 21, 2013, Mr. F. asked you to return all of his documents and files. You did not respond to that request and you did not return his documents.

Mr. F. learned from another attorney in March 2014 that his patent application had been abandoned by the Patent Office as of April 27, 2012 for his failure to provide acceptable drawings.

You never told Mr. F. that the Patent Office had abandoned his patent application due to your failure to submit additional drawings.

In an email dated May 29, 2013, you told Mr. F. that his "patent application is in the queue but needs an updated Inventor statement." It appears that at the time you told Mr. F. on May 29 that his patent application was still pending, the United States Patent and Trademark Office had abandoned Mr. F.'s application as of April 2012.

The Grievance Committee found that you neglected Mr. F.'s case in violation of Rule 1.3. You also failed to keep Mr. F. apprised of the status of his patent application in violation of Rule 1.4(a)(1)(2) and (3). Furthermore, you misrepresented the status of Mr. F.'s patent application in violation of Rule 8.4(c).

The deputy counsel investigating this grievance wrote you on May 21, 2014 with additional questions regarding this grievance. You did not respond to the deputy counsel's May 21 letter by the deadline. You were given another opportunity to respond to those additional questions in a letter dated June 4, 2014, yet you failed to respond by the requested deadline. Your failure to cooperate with the investigation of this grievance violated Rules 8.1(b) and 8.4(d).

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

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 censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 15th day of August, 2014.



John M. Silverstein, Chair
Grievance Committee
The North Carolina State Bar