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STATE OF NORTH CAROLINA

COUNTY OF WAKE

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
91G 0211(III)

IN RE: HUBERT ROGERS, III
ATTORNEY AT LAW

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REPRIMAND

On October 16, 1991, 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 Sections 13(7) and 13(11) of Article IX of the Rules and Regulations of the North Carolina State Bar, the Grievance Committee, after considering the evidence, including your response to the Letter of Notice, found probable cause which 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 warranted 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 least serious form of discipline authorized is the issuance of a reprimand to the accused attorney.

The Grievance Committee was of the opinion that a complaint and hearing are not warranted 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 and I am certain that you will fully understand the spirit in which this particular duty is performed.

You were requested to sign certificates of title by your former law partner certifying that he had fee simple title to property in Parkton and in Laurinburg. Upon being presented with these title certificates, you signed them. By doing so, you held out to the lending institution to which they were presented that you had examined the public records and they revealed that he did have a marketable title. In signing such certificates of title, you relied on what your former partner told you about title rather than inspecting the public records. Although you did not intend to misrepresent the status of title to any lending institution, your stating that you had examined the public records, when in fact you had not, allowed your former partner to misrepresent the status of the title to the lending institutions. Your signing the certificates of title containing the misstatement about having examined the title violated Rule 1.2(C).

In deciding to issue only a reprimand in this matter, the Grievance Committee relied on your statement that your former partner assured you that he had marketable title when asking you to sign the certificates as an

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accommodation to him.

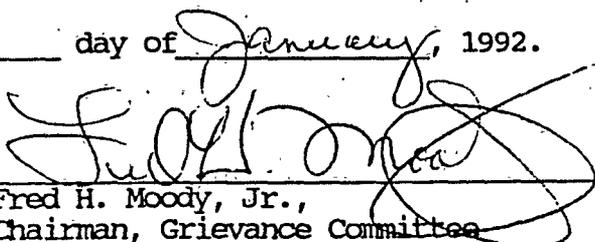
You are hereby reprimanded by the North Carolina State Bar for your professional misconduct. The Grievance Committee trusts that this discipline will be heeded by you and cause you to rededicate yourself to the adherence to the high ethical standards of the legal profession. Accordingly, I sincerely trust that this reprimand will serve as a profitable and ever present reminder 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 member of the legal profession whose conduct may be relied upon without question. This is a reprimand based upon professional misconduct that the Grievance Committee feels will be not repeated by you.

A record of this reprimand shall be maintained in the office of the Secretary. Since a complaint was made and professional misconduct has been found, the complainant will be notified of the issuance of the reprimand but will not be given a copy.

Within 15 days after this reprimand is served upon you, you may refuse this reprimand and request that charges be filed. Such refusal and request must be addressed to the Grievance Committee and filed with the Secretary. If you do file such refusal and request, counsel shall thereafter be instructed to prepare and file a complaint against you with the Disciplinary Hearing Commission of the North Carolina State Bar. The hearing before the Disciplinary Hearing Commission is public and all of its proceedings and its decisions are public.

In accordance with the policy adopted October 15, 1981 by the Council of the North Carolina State Bar regarding the taxing of the administrative and investigative costs to any attorney issued a reprimand by the Grievance Committee, the costs of this action in the amount of \$50.00 are hereby taxed to you.

Done and Ordered, this the 15 day of January, 1992.


Fred H. Moody, Jr.,
Chairman, Grievance Committee
The North Carolina State Bar

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