

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
07G0232

IN THE MATTER OF)
)
Lennie L. Hughes,) CENSURE
ATTORNEY AT LAW)
)

On October 18, 2007, 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.

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.

Lawyer's Mutual Liability Insurance Company of North Carolina received a falsified declarations page which indicated that you were insured by Lawyer's Mutual from February 3, 2007 to February 3, 2008. You were not insured for the above referenced time period, and your malpractice coverage had lapsed with Lawyer's Mutual as of March 30, 2006. Your office sent this falsified declarations page to a mortgage company relative to a loan you were to close for the company.

In your response to this grievance, you indicated that you did not change or falsify the declarations page, but your secretary did it. You indicated that you took full responsibility for your secretary's actions. Our office spoke with your secretary who took responsibility for the misrepresentation.

Although your secretary takes responsibility for the misconduct in this matter, you have a responsibility to supervise properly your employees. Your failure to properly supervise your employee when she falsified the declarations page is in violation of Rule 5.3(b) of the Revised Rules of Professional Conduct.

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 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 censure by the Grievance Committee, the costs of this action in the amount of \$50.00 are hereby taxed to you.

Done and ordered, this 14th day of November, 2007.



James R. Fox, Chair
Grievance Committee
The North Carolina State Bar