

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
07G1313

IN THE MATTER OF)
)
STEVEN P. RADER,) CENSURE
ATTORNEY AT LAW)
)

On July 17, 2008, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Mr. Dillahunt.

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. I am certain that you will understand fully the spirit in which this duty is performed.

Mr. Dillahunt hired you to represent him in a civil lawsuit. After the case was dismissed but the court, you timely gave notice of an appeal, but you did not perfect the appeal. The Committee found that you failed to request and obtain the transcript in a timely manner, failed to provide the opposing party a copy of the transcript in a timely manner, lost the record on appeal and did not file a record on appeal. Your conduct amounted to neglect of Mr. Dillahunt's in violation of Rule 1.3: Diligence. Your conduct was also prejudicial to the administration of justice in that you caused Mr. Dillahunt to lose his appeal without recourse. You have therefore violated Rule 8.4(d): Misconduct.

The Committee also concluded that your statement in the response to the grievance that you prepared and served a record on appeal was a false statement in violation of Rule 8.4(c): Misconduct and that your failure to explain adequately explain the circumstances surrounding the record on appeal was not a full and fair disclosure of the facts in violation of .0112(c).

The Committee further concluded that in your haste to accept a job in Russia, you violated Rule 1.16(c)(d): Declining or Terminating Representation by failing to calendar a motion to withdraw and receive the court's approval before you stopped working on Mr. Dillahunt's case and thus failed to protect Mr. Dillahunt's interests prior to withdrawing.

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 \$100.00 are hereby taxed to you.

Done and ordered, this 15th day of August, 2008.



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