

FILED

NORTH CAROLINA  
WAKE COUNTY

1979 JAN 24 PM 2:58  
S.E. JAMES, CL.  
THE N.C. STATE BAR

BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
78 DHC 12

THE NORTH CAROLINA STATE BAR,  
Plaintiff  
  
vs.  
  
REGINALD L. FRAZIER, Attorney,  
Defendant

FINDINGS OF FACT  
AND  
CONCLUSIONS OF LAW

This cause coming on to be heard and being heard before the under-  
signed Hearing Committee of the Disciplinary Hearing Commission of The North  
Carolina State Bar at a regularly scheduled hearing held on December 12, 1978,  
in the office of The North Carolina State Bar, 107 Fayetteville Street Mall,  
Raleigh, North Carolina, and said Hearing Committee having heard the evidence  
and arguments and contentions of counsel, makes the following findings of  
fact:

1. The plaintiff, The North Carolina State Bar, is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina.
2. The defendant, Reginald L. Frazier, is a citizen and resident of Craven County, North Carolina and was admitted to The North Carolina State Bar in 1960 and is, and was at all times relevant to this proceeding, an attorney at law licensed to practice law in the State of North Carolina and was and is subject to the Rules, Regulations, Canons of Ethics and Code of Professional Responsibility of The North Carolina State Bar and the laws of the State of North Carolina.
3. On January 21, 1977, Thurman Boykin, alias Albert Joyner, was convicted in the Superior Court of Edgecombe County of robbery with a firearm from which notice of appeal to the Supreme Court of North Carolina was given. George A. Goodwyn, attorney at law of Tarboro, North Carolina was appointed by the Court to perfect the appeal and was allowed 55 days to file record of case on appeal.

4. Mary Washington, mother of Thurman Boykin, contacted Reginald L. Frazier on January 22, 1977 and requested Mr. Frazier to represent her son on appeal.

5. Mary Washington again contacted Mr. Frazier at some time prior to March 15, 1977 at which time Mr. Frazier requested a fee of \$500.00.

6. On March 15, 1977, three days prior to the expiration of the 55 days allowed to file record of case on appeal, Mary Washington telephoned Reginald Frazier and agreed to send the requested fee. \$500.00 was sent to Reginald Frazier on March 15, 1977.

7. Upon receipt of the fee Reginald Frazier determined that Thurman Boykin had adequate representation at his trial and on his appeal but did nothing further.

8. During April 1977 Thurman Boykin contacted Reginald Frazier who represented to Thurman Boykin that he had not performed any services on the appeal. Upon Mr. Boykin's request of a refund of the fee, Mr. Frazier agreed to send \$350.00 to Mr. Boykin. The refund was never sent to either Mrs. Washington or to Mr. Boykin.

Based upon the foregoing findings of fact, the Hearing Committee hereby makes the following CONCLUSIONS OF LAW:

1. The defendant, a duly licensed attorney in the State of North Carolina subject to the Code of Professional Responsibility and of the laws of the State of North Carolina failed to refund the part of the fee he had not earned and that such acts involved professional conduct prejudicial to the administration of justice and professional conduct that adversely reflects upon his fitness to practice law, all in violation of Disciplinary Rules 2-110(A)(3) and 1-102(A)(5)(6) of the Code of Professional Responsibility of The North Carolina State Bar.

This 2nd day of January, 1978.

Winfred T. Wells  
Winfred T. Wells, Chairman

Jerry L. Jarvis  
Jerry L. Jarvis

Mary Alice Warren  
Mary Alice Warren

FILED

NORTH CAROLINA  
WAKE COUNTY

1979 JAN 24 PM 2:50

B.E. JAMES, SEC.  
THE N. C. STATE BAR

BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
78 DHC 8  
78 DHC 12

THE NORTH CAROLINA STATE BAR,  
Plaintiff

vs.

REGINALD L. FRAZIER, Attorney,  
Defendant

ORDER OF PUBLIC CENSURE

This cause coming on to be heard and being heard before the undersigned Hearing Committee of the Disciplinary Hearing Commission of The North Carolina State Bar on December 11, 1978 in the office of The North Carolina State Bar, 107 Fayetteville Street Mall, Raleigh, North Carolina at ten o'clock a.m., and

The plaintiff represented by its counsel, M. Bays Shoaf, Jr. and C. Christopher Bean and the defendant by James E. Ferguson, II, and the Hearing Committee having heard the evidence and argument of counsel, and having made certain findings of fact and conclusions of law, all appearing of record herein;

NOW, THEREFORE, based upon such findings of fact and conclusions of law, the Hearing Committee of the Disciplinary Hearing Commission hereby issues the following Order of Public Censure to Reginald L. Frazier, Attorney:

Pursuant to Section 23 of the Discipline and Disbarment Procedures of The North Carolina State Bar this Public Censure is delivered to you. You have been found to have violated the Code of Professional Responsibility of The North Carolina State Bar by a Hearing Committee of the Disciplinary Hearing Commission sitting on December 11, 1978.

The fact that this Public Censure is not the most serious of possible discipline provided for in General Statutes 84-28 should not be taken by you to indicate that The North Carolina State Bar in any way feels

that your conduct in this matter was excusable or was considered by the members of the Hearing Committee of the Disciplinary Hearing Commission to be any less than a very serious and substantial violation of the Code of Professional Responsibility.

In 78 DHC 8 you prejudiced and damaged your client John Teel by allowing the time during which he had the right to appeal to lapse, and you failed to refund to John Teel the part of the fee that you had not earned. Your conduct in this matter adversely reflects on your fitness to practice law in this State.

In 78 DHC 12 you failed to refund the unearned part of the fee paid to you by Mary Washington to represent her son, Thurman Boykin, when you determined that Thurman Boykin had competent counsel representing him on appeal and that the services that you could render to Thurman Boykin were limited.

Your conduct was prejudicial to the administration of justice. This conduct is a direct violation of the Code of Professional Responsibility and in addition is a reflection upon you and entire Bar of this State. Your conduct was unprofessional. It violated not only the letter but also the spirit of the Code of Professional Responsibility of The North Carolina State Bar. It was not such conduct as is expected of a member of the legal profession. It brings discredit upon you and tends to place the courts of this State and your fellow members of the Bar in disrepute and further damages both in the eyes of the public.

Failure of attorneys to represent clients within the law and within the bounds of the Code of Professional Responsibility is the most serious complaint against our profession, and your failure to represent John Teel and Thurman Boykin adequately was your error here. You placed a privilege that you hold as a lawyer to serve the public in serious jeopardy.

The North Carolina State Bar is confident that this Public Censure will be heeded by you, that it will be remembered by you, and that it will be beneficial to you. We are confident that you will never again allow yourself to depart from strict adherence to the highest standards of

the legal profession. Accordingly, we sincerely trust that this Public Censure, instead of being a burden, will actually serve as a profitable reminder to weigh carefully your responsibility to the public, your clients, your fellow attorneys, and the court, with the result that you will be known as a respected member of our profession whose word and conduct may be relied upon without question.

Pursuant to Section 23 of the Rules of Disciplinary Procedure, it is ordered that a certified copy of this Public Censure be entered upon the judgment docket of the Superior Court of Craven County and also upon the minutes of the Supreme Court of North Carolina.

IT IS ORDERED that the defendant make restitution to John Teel in the amount of \$250.00.

IT IS ORDERED that the defendant make restitution to Mary Washington in the amount of \$350.00.

IT IS FURTHER ORDERED that the costs of this disciplinary action be paid by the defendant, Reginald L. Frazier.

This 2<sup>nd</sup> day of January, 1978.

Winifred T. Wells, Chairman  
Winifred T. Wells, Chairman

Jerry L. Jarvis  
Jerry L. Jarvis

Mary Alice Warren  
Mary Alice Warren