

NORTH CAROLINA  
WAKE COUNTY

FILED  
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S.E. JAMES G. WELLS  
Clerk of State Bar

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

THE NORTH CAROLINA STATE BAR, )  
Plaintiff )  
vs. )  
CHARLES B. LEFLER, JR., Attorney, )  
Defendant )

FINDINGS OF FACT  
AND  
CONCLUSIONS OF LAW

This cause was heard by the undersigned, duly appointed Hearing Committee of the Disciplinary Hearing Commission of the North Carolina State Bar on Friday, November 9, 1984. The Plaintiff was represented by L. Thomas Lunsford, II, and the Defendant proceeded pro se. Based upon the admissions contained in the answer and the stipulations of the parties which have been placed of record, the Committee makes the following FINDINGS OF FACT relative to the Plaintiff's First Claim for Relief:

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, and the Rules and Regulations of the North Carolina State Bar promulgated thereunder.
2. The Defendant, Charles B. Lefler, Jr., was admitted to the North Carolina State Bar on September 1, 1974, and is and was at all times referred to herein, an Attorney at Law, licensed to practice law in the State of North Carolina subject to the Rules, Regulations, and Code of Professional Responsibility of the North Carolina State Bar and the laws of the State of North Carolina.
3. At and during all of the times hereinafter referred to, the Defendant was actively engaged in the practice of law in the State of North Carolina and maintained a law office in the City of Albemarle, Stanly County, North Carolina.

4. On or about October 18, 1982, the Defendant was appointed by District Judge Ronald W. Burris to represent Richard Dean Mills, an indigent criminal defendant, relative to criminal charges which were then pending against Richard Dean Mills in Stanly County. The Defendant accepted the appointment and undertook the representation of Richard Dean Mills in case no. 82-CRS-6171, Stanly County.
5. On or about November 15, 1982, immediately before the scheduled probable cause hearing in Richard Dean Mills' case, the Defendant conferred privately with Richard Dean Mills and his father, William Alfred Mills. The Defendant told them that he would represent Richard Dean Mills in 82-CRS-6171 on a private basis for a fee of \$1,500.00.
6. In response to the Defendant's proposition, William Alfred Mills indicated to the Defendant that he had only \$100.00 with him, but that he would try to borrow additional sums to pay the Defendant the fee quoted. William Alfred Mills then paid the Defendant \$100.00 cash and received from the Defendant a handwritten receipt for \$100.00 dated November 15, 1982, and signed by the Defendant on the back of one of his business cards.
7. On or about December 16, 1982, William Alfred Mills tendered a check in the amount of \$1,000.00 to the Defendant in payment of the legal fee charged to Richard Dean Mills by the Defendant in 82-CRS-6171. The Defendant accepted the check, endorsed it with his signature, and deposited it at First Union National Bank in Charlotte, North Carolina for the payment of a personal loan.
8. On December 17, 1982, 82-CRS-6171 was called by the District Attorney. The Defendant represented Richard Dean Mills in pleading guilty to a misdemeanor pursuant to a plea bargain which provided that Richard Dean Mills would receive a suspended sentence. The Court accepted the plea and sentenced Richard Dean Mills to not less than twelve months nor more than twenty-four months in prison, said sentence being suspended for two years during a period of supervised probation. Richard Dean Mills was also fined \$100.00 and court costs and ordered to pay the State of North Carolina \$195.00 as restitution for the fee awarded by the Court to his appointed attorney, the Defendant, Charles B. Lefler, Jr.

9. Incident to the setting of the fee for the Defendant's services as appointed attorney for Richard Dean Mills, Presiding Superior Court Judge, Melzer A. Morgan, Jr., inquired of the Defendant whether he was appointed or privately retained and what amount of time he had spent on 82-CRS-6171. The Defendant responded that he was appointed and had spent 6.5 hours on the case. Judge Morgan then executed an Order of Payment for Legal Services for Indigent upon Form AOC-A90 in which he approved and ordered the State of North Carolina to pay a fee of \$195.00 to the Defendant.
10. At no time prior to the entry of the Order of Payment or afterwards did the Defendant inform Judge Morgan, the Administrative Office of the Courts, or any other judicial official that he had received any money from his client or his client's family toward payment of a privately negotiated fee.
11. In January, 1983, the Defendant received a check dated December 30, 1982, from the Administrative Office of the Courts in the amount of \$195.00 which represented payment to him from the State of North Carolina of legal fees awarded by the Court in 82-CRS-6171. The Defendant deposited the check into his firm's general account. It was subsequently collected and the resulting funds were used to satisfy firm obligations.
12. The Defendant has refunded all fees received from the State of North Carolina and the family of Richard Dean Mills since the institution of these proceedings.

Based upon the foregoing FINDINGS OF FACT, the Committee enters the following CONCLUSIONS OF LAW:

The Defendant, by soliciting and accepting a legal fee in addition to that solicited and received from the State of North Carolina and by misrepresenting his status to Judge Morgan, engaged in conduct involving dishonesty, fraud, deceit, and misrepresentation, engaged in professional conduct that was prejudicial to the administration of justice, engaged in professional conduct that adversely reflects on his fitness to practice law, concealed and knowingly failed to disclose that which he was required by law to reveal, and knowingly engaged in illegal conduct in violation of Disciplinary Rules 1-102(A)(4), (5), and (6), and 7-102(A)(3) and (8), respectively, of the North Carolina Code of Professional Responsibility, and, relative to

Disciplinary Rule 7-102(A)(8), §6.6 of Article VI of Appendix VIII to the General Statutes of North Carolina.

Based upon the admissions contained in the answer, the Committee makes the following FINDINGS OF FACT relative to the Plaintiff's Second Claim for Relief:

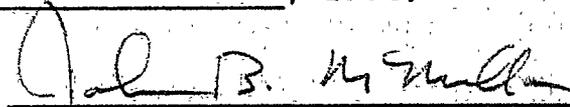
1. On February 13, 1984, the North Carolina State Bar received a grievance against the Defendant from Richard Dean Mills.
2. On March 9, 1984, the Chairman of the Grievance Committee, Rivers D. Johnson, Jr., sent the Defendant a Letter of Notice by certified mail pursuant to Rule 12(2) of Article IX of the Rules and Regulations of the North Carolina State Bar concerning Discipline and Disbarment of Attorneys along with a summary or "Substance of Grievance". The Defendant received the Letter of Notice and the Substance of Grievance on March 16, 1984.
3. By letter addressed to Rivers D. Johnson, Jr., dated March 19, 1984, the Defendant responded to the Letter of Notice. In his response, the Defendant stated that the only fee he received for representing Richard Dean Mills was \$195.00 paid from the indigency fund. He further stated that, relative to the \$1,000.00 check, he merely assisted William Mills (the father) in cashing the check at his (Lefler's) bank so that William Mills could use the money to purchase some equipment that he said he had located in Albemarle for use in his business.
4. On June 29, 1984, the North Carolina State Bar received another letter from the Defendant addressed to Rivers D. Johnson, Jr., dated June 28, 1984, in which the Defendant offered additional information bearing upon the Grievance not included in his letter of March 19, 1984. In this letter, the Defendant admitted soliciting from his client a fee of \$1,500.00. He further admitted receiving from William Alfred Mills a check for \$1,000.00 for application toward a "retainer fee" during the week of December 13, 1982.
5. The statements of the Defendant described in paragraph 3 above were false and were known by the Defendant to be false when the Defendant included said statements in his initial response to the Letter of Notice. They were included in the Defendant's response for the purpose of misleading

the Grievance Committee as to the Defendant's conduct in regard to the Mills case.

Based upon the foregoing FINDINGS OF FACT, the Committee enters the following CONCLUSIONS OF LAW:

The Defendant, by denying the receipt of more than \$195.00 for representing Richard Dean Mills and by stating that his only involvement with the \$1,000.00 check was to assist William Alfred Mills in cashing said check when in fact he received the check from William Alfred Mills in payment of legal fees for Richard Dean Mills, knowingly misrepresented the facts and circumstances surrounding allegations and charges of misconduct being investigated by the Grievance Committee in violation of North Carolina General Statute §84-28(b)(3), and engaged in conduct involving dishonesty, fraud, deceit, and misrepresentation, engaged in professional conduct prejudicial to the administration of justice, engaged in professional conduct that adversely reflects on his fitness to practice law, concealed and knowingly failed to disclose that which he was required to reveal, and knowingly made a false statement of fact in violation of Disciplinary Rules 1-102(A)(4), (5), and (6), and 7-102(A)(3) and (5) of the North Carolina Code of Professional Responsibility.

This the 20<sup>th</sup> day of November, 1984.

  
John B. McMillan,  
Hearing Committee Chairman  
(for the Committee)

NORTH CAROLINA  
WAKE COUNTY

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

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THE NORTH CAROLINA STATE BAR, )  
Plaintiff )  
vs. ) ORDER OF DISCIPLINE )  
CHARLES B. LEFLER, JR., Attorney, )  
Defendant )

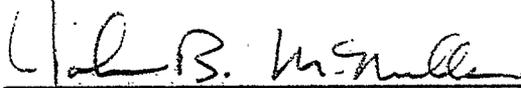
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This cause was heard by the undersigned, duly appointed Hearing Committee of the Disciplinary Hearing Commission of the North Carolina State Bar on Friday, November 9, 1984. Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW entered in this cause and the evidence presented relative to the appropriate disciplinary sanction, including all aggravating and mitigating evidence, the Hearing Committee enters this ORDER OF DISCIPLINE:

1) The Defendant shall be Publicly Censured for his misconduct in accordance with §23(A)(2) of Article IX of the Rules and Regulations of the North Carolina State Bar bearing upon Discipline and Disbarment of Attorneys.

2) The Defendant shall pay the costs of this proceeding.

This the 20<sup>th</sup> day of November, 1984.

  
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John B. McMillan,  
Hearing Committee Chairman  
(for the Committee)

NORTH CAROLINA  
WAKE COUNTY

FILED

1984 DEC 21

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

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

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THE NORTH CAROLINA STATE BAR, )  
Plaintiff )

vs. )

CHARLES B. LEFLER, JR., Attorney, )  
Defendant )

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PUBLIC CENSURE

This Public Censure is delivered to you pursuant to Section 23 of the Rules of Discipline and Disbarment of the North Carolina State Bar and pursuant to an Order of Discipline entered in the above-captioned action by a Hearing Committee of the Disciplinary Hearing Commission of the North Carolina State Bar bearing date of November 20, 1984, which Order was based upon Findings of Fact and Conclusions of Law resulting from a hearing in the cause on November 9, 1984, at which you admitted certain violations of the Code of Professional Responsibility which are set forth below.

The fact that this Public Censure is not the most serious discipline provided for in North Carolina General Statute §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 less than a very serious and substantial violation of the Code of Professional Responsibility.

On or about October 18, 1982, you were appointed by District Judge Ronald W. Burris to represent Richard Dean Mills, an indigent criminal defendant, relative to criminal charges which were then pending against him in Stanly County. You accepted the appointment and undertook the representation of Richard Dean Mills in case no. 82 CRS 6171, Stanly County.

On or about November 15, 1982, immediately before the scheduled probable cause hearing in the Mills case, you conferred privately with Richard Dean Mills and his father, William Alfred Mills. You told them you would represent Richard Dean Mills on a private basis for a fee of \$1,500.00.

In response to your proposition, William Alfred Mills indicated to you that he had only \$100.00 with him, but that he would try to borrow additional sums to pay you the fee quoted. William Alfred Mills then paid you \$100.00 cash and received from you a handwritten receipt for \$100.00 dated November 15, 1982, and signed by you on the back of one of your business cards.

On or about December 16, 1982, William Alfred Mills tendered a check in the amount of \$1,000.00 to you in payment of the legal fee charged in his son's case. You accepted the check, endorsed it with your signature, and deposited it at First Union National Bank in Charlotte, North Carolina for the payment of a personal loan.

On December 17, 1982, the Mills case was called by the District Attorney. You represented Richard Dean Mills in pleading guilty to a misdemeanor pursuant to a plea bargain which provided that he would receive a suspended sentence. The Court accepted the plea and sentenced Mills to not less than twelve months nor more than twenty-four months in prison, said sentence being suspended for two years during a period of supervised probation. Mills was also fined \$100.00 and court costs and ordered to pay the State of North Carolina \$195.00 as restitution for the fee awarded by the Court to you.

Incident to the setting of the fee for your services as appointed attorney for Richard Dean Mills, Presiding Superior Court Judge, Melzer A. Morgan, Jr., inquired of you whether you were appointed or retained and what amount of time you had spent on the Mills case. You responded that you were appointed and had spent 6.5 hours on the case. Judge Morgan then executed an Order of Payment in which he approved and ordered the State of North Carolina to pay you a fee of \$195.00.

At no time prior to the entry of the Order of Payment or afterwards did you inform Judge Morgan, the Administrative Office of the Courts, or any other judicial official that you had received any money from your client or your client's family toward payment of a privately negotiated fee.

In January, 1983, you received a check dated December 30, 1982, from the Administrative Office of the Courts in the amount of \$195.00 which represented payment to you from the State of North Carolina of legal fees awarded by the Court in the Mills case. You deposited the check into your firm's general account. It was subsequently collected and the resulting funds were used to satisfy firm obligations.

On February 13, 1984, the North Carolina State Bar received a grievance against you from Richard Dean Mills concerning your actions in his criminal case.

On March 9, 1984, the Chairman of the Grievance Committee, Rivers D. Johnson, Jr., sent you a Letter of Notice by certified

mail pursuant to Section 12(2) of the Rules of Discipline and Disbarment along with a summary or "Substance of Grievance." You received the Letter of Notice and the Substance of Grievance on March 16, 1984.

By letter addressed to Rivers D. Johnson, Jr., dated March 19, 1984, you responded to the Letter of Notice. In your response, you stated that the only fee you received for representing Richard Dean Mills was \$195.00 paid from the indigency fund. You further stated that, relative to the \$1,000.00 check, you merely assisted William Mills (the father) in cashing the check at your bank so that William Mills could use the money to purchase some equipment that he said he had located in Albemarle for use in his business.

On June 29, 1984, the North Carolina State Bar received another letter from you addressed to Rivers D. Johnson, Jr., dated June 28, 1984, in which you offered additional information bearing upon the Grievance not included in your letter of March 19, 1984. In this letter, you admitted soliciting from your client a fee of \$1,500.00. You further admitted receiving from William Alfred Mills a check for \$1,000.00 for application toward a "retainer fee" during the week of December 13, 1982.

Thus, several of your statements in your letter of March 19, 1984 were false. They were included in your response for the purpose of misleading the Grievance Committee as to your conduct in regard to the Mills case.

By soliciting and accepting a legal fee in addition to that solicited and received from the State of North Carolina and by misrepresenting your status to Judge Morgan, you engaged in professional conduct that was prejudicial to the administration of justice, engaged in professional conduct that adversely reflects on your fitness to practice law, concealed and knowingly failed to disclose that which you were required by law to reveal, and knowingly engaged in illegal conduct in violation of Disciplinary Rules 1-102(A)(4), (5), and (6), and 7-102(A)(3) and (8), respectively, of the North Carolina Code of Professional Responsibility; and, relative to Disciplinary Rule 7-102(A)(8), §6.6 of Article VI of Appendix VIII to the General Statutes of North Carolina.

By denying the receipt of more than \$195.00 for representing Richard Dean Mills and by stating that your only involvement with the \$1,000.00 check was to assist William Alfred Mills in cashing said check when, in fact, you received the check from William Alfred Mills in payment of legal fees for Richard Dean Mills, you knowingly misrepresented the facts and circumstances surrounding allegations and charges of misconduct being investigated by the Grievance Committee in violation of North Carolina General Statute §84-28(b)(3), and you engaged in conduct involving dishonesty, fraud, deceit and misrepresentation, engaged in professional conduct prejudicial to the administration of

justice, engaged in professional conduct that adversely reflects on your fitness to practice law, concealed and knowingly failed to disclose that which you were required to reveal, and knowingly made a false statement of fact in violation of Disciplinary Rules 1-102(A)(4), (5), and (6), and 7-102(A)(3) and (5) of the North Carolina Code of Professional Responsibility.

Your conduct toward the Court and the Grievance Committee was most unprofessional. It violated not only the letter, but also the spirit of the Code of Professional Responsibility. It brought discredit upon you and tends to place the Courts and the Bar in disrepute.

Honesty is expected of every lawyer. Truth and integrity are the cornerstones of our profession. A lawyer who cannot be trusted, whose word cannot be relied upon, is of little use to his clients and the Court. By seeking to deceive the Court and the Grievance Committee concerning your status as an attorney dependent upon the State for compensation, you displayed a casual disregard for the truth and a willingness to place consideration of your fee above your reputation and your responsibility as an officer of the Court. Such an attitude is intolerable and is entirely inconsistent with our profession's traditional subordination of private gain to public service.

It should also be mentioned that your failure to truthfully respond to the inquiries of the Grievance Committee dishonored another great tradition of the Bar, that of self-regulation. The profession is privileged to regulate its own members because it is deemed best able to formulate, interpret, and enforce high standards of ethics. When you attempted to deceive the Grievance Committee you compromised the effectiveness of the Bar's investigative procedures and the principle of self-regulation.

The Hearing Committee was not insensitive to certain mitigating factors in your case. Although restitution can never excuse such transgressions, it can ameliorate the consequences. The fact that you have reimbursed both the State and the Mills family is some testimony to your present good faith. More significant were your own personal expressions of remorse and regret and your admission of the facts alleged against you. These manifestations of your present state of mind, in combination with the fact that you have practiced for 10 years without having previously run afoul of the Code of Professional Responsibility, have convinced the Disciplinary Hearing Commission that suspension of your law license is not necessary to protect the public's interest.

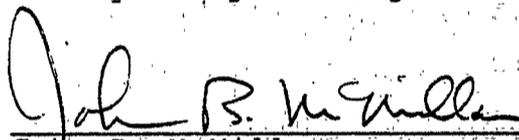
The North Carolina State Bar is confident that this Public Censure will be heeded by you, that it will be remembered by you, and that it will be beneficial to you. We are confident that you will never again allow yourself to depart from strict adherence to the highest standards of the legal profession.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

This the 20th day of December, 1984.

W. Osborne Lee, Jr., Vice Chairman for  
Naomi E. Morris, Chairman  
Disciplinary Hearing Commission

  
John B. McMillan  
Hearing Committee Chairman