

STATE OF NORTH CAROLINA
COUNTY OF WAKE

FILED
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B.E. JAMES, SE
THE N.C. STATE BAR
BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
83G 0422(III)

IN THE MATTER OF)
)
)
AARON W. PERKINS, JR.,) PUBLIC CENSURE
ATTORNEY AT LAW)
)

At its regular quarterly meeting on October 17, 1984, the Grievance Committee of the North Carolina State Bar conducted a preliminary hearing under Section 13 of the Discipline and Disbarment Rules of the North Carolina State Bar regarding the grievance initiated against you by the North Carolina State Bar. The Committee considered all of the evidence before it, including your written statements to the Committee. Pursuant to Section 13(10) of the Discipline and Disbarment Rules, the Committee found probable cause. Probable cause is defined under the Discipline and Disbarment Rules as: "A finding by the Grievance Committee that there is reasonable cause to believe that a member of the North Carolina State Bar is guilty of misconduct justifying disciplinary action." The rules also provide that if, after a finding of probable cause, the Committee determines that a complaint and a hearing are not warranted, the Committee may issue a public censure upon the acceptance of the same by the attorney. That determination has been made by the Committee and the Committee issues this Public Censure to you.

As Chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this Public Censure and I am certain that you understand fully the spirit in which this duty is performed, that you will understand the censure, and appreciate its significance. The fact that a public censure is not the most serious discipline that may be imposed by the North Carolina State Bar should not be taken by you to indicate that any member of the Committee feels that your conduct was excusable or less than a serious and substantial violation of the Code of Professional Responsibility.

On September 9, 1983, your client, Jenny C. Barbee, signed a Chapter 13 Bankruptcy Petition which you had prepared for her. This document was filed in the United State Bankruptcy Court for the Middle District of North Carolina on September 13, 1983. That document stated that Jenny C. Barbee had not transferred any property within ninety days nor had she paid her attorney or transferred any property to him. However, by deed dated August 2, 1983 and filed with the Register of Deeds in Rowan County on August 8, 1983, Jenny C. Barbee had transferred real property to you.

Even though you originally prepared the document in May, 1983 prior to the transfer of the Rowan County property, you failed to properly review and

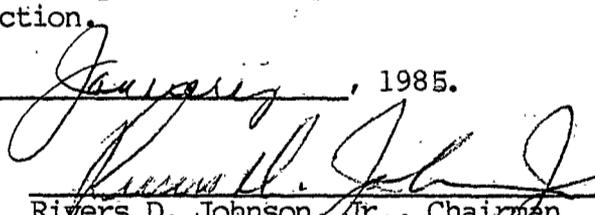
correct the document prior to allowing it to be filed. You failed to do this even though you knew full well that the property had been transferred into your name. While you may not have intentionally filed a document containing inaccurate statements, you certainly failed to adequately review the document to ascertain the accuracy of its contents. In doing so, you failed to handle a legal matter without preparation adequate in the circumstances in violation of DR 6-101(A)(2).

Your conduct was unprofessional. It violated not only the letter of the Code of Professional Responsibility but also its spirit. Your conduct was not the conduct expected of a member of the legal profession, and an officer of the court. It brought discredit upon you, the profession, and the courts. It damaged both your reputation and the profession's. It placed your privilege to serve the public as a lawyer in serious jeopardy.

The Committee is confident that this Public Censure will be heeded by you, that it will be remembered by you, and will be beneficial to you. The Committee is confident that you will never again allow yourself to depart from strict adherence to the highest standards of the profession. Instead of being a burden, this Public Censure should serve as a profitable and everpresent reminder to weigh carefully your responsibilities to your clients, to the public, to your fellow attorneys, and to the courts.

Pursuant to Section 23 of the Discipline and Disbarment Rules, it is ordered that a certified copy of this Public Censure be forwarded to the Superior Court of Cabarrus County for entry upon the judgment docket to the Supreme Court of North Carolina for entry in its minutes. This Public Censure will also be maintained as a permanent record in the judgment book of the North Carolina State Bar. Pursuant to policy adopted by the Council of the North Carolina State Bar on the taxing of costs in cases where discipline is entered by the Grievance Committee, you are hereby taxed \$50.00 as the administrative costs in this action.

This the 7th day of January, 1985.



Rivers D. Johnson, Jr., Chairman
The Grievance Committee