



maintained a law office in the city of Wilmington, New Hanover County, North Carolina.

4. On December 14, 1982, District Court Judge John M. Walker appointed the Defendant to represent James Bernard Cooper, an indigent person charged with eight felony drug offenses in New Hanover County.
5. On February 23, 1983, James Bernard Cooper was convicted of all charges after a trial at which he was represented by the Defendant.
6. Following sentencing on February 23, 1983, James Bernard Cooper gave notice of appeal in open court and the presiding judge appointed the Defendant to represent him on the appeal.
7. The Defendant failed to perfect his client's appeal pursuant to the North Carolina Rules of Appellate Procedure.
8. On November 10, 1983, the Grievance Committee of the North Carolina State Bar issued a letter of Private Reprimand against the Defendant in another case, (83G 0177(I)) involving similar facts as in this case.

Based upon the foregoing Findings of Fact, the Hearing Committee makes the following:

#### CONCLUSIONS OF LAW

Defendant's conduct constitutes grounds for discipline pursuant to N. C. Gen. Stat. §84-28(a) and (b)(2) in that Defendant violated the Disciplinary Rules of the Professional Responsibility as follows:

1. The Defendant by failing to perfect his client's appeal, neglected a legal matter which had been entrusted to him in violation of Disciplinary Rule 6-101(A)(3) of the North Carolina Code of Professional Responsibility.

Based upon the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW and upon the consent of the parties, the Hearing Committee enters the following:

#### ORDER OF DISCIPLINE

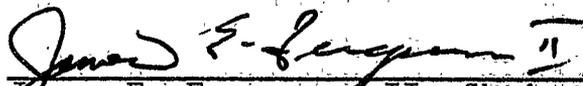
1. The Defendant shall be publicly censured for his misconduct in accordance with Section 23(A)(2) of Article IX of the Rules and Regulations of the

North Carolina State Bar relative to discipline and disbarment of attorneys.

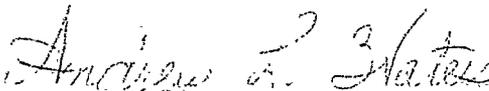
2. The Defendant shall pay the costs of this proceeding.

This the 24 day of May, 1985.

By consent of the other members of the Hearing Committee, the Chairman signs this order on behalf of the Hearing Committee.

  
James E. Ferguson, II, Chairman  
Hearing Committee

Consented to by:

  
Andrew L. Waters, Defendant

  
Fern E. Gunn  
Trial Attorney  
The North Carolina State Bar

STATE OF NORTH CAROLINA  
COUNTY OF WAKE  
1985 MAY 28 AM 9:12  
B.E. JAMES, SEC  
THE N.C. STATE BAR

BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
85 DHC 9

THE NORTH CAROLINA STATE BAR,  
Plaintiff

vs.

ANDREW L. WATERS,  
Defendant.

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 a Consent 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 May 24, 1985, which Order was based upon Findings of Fact and Conclusions of Law which were stipulated to and agreed upon by the parties in this action.

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.

In February, 1983, you were appointed by the Superior Court of New Hanover County to represent James Bernard Cooper, an indigent person, in the perfection and presentation of his appeal of his criminal conviction to the North Carolina Court of Appeals. You had represented Cooper previously in the defense of eight criminal charges of which he was convicted.

After your appointment, by the Court, you neglected your responsibility to perfect the appeal of your client. You failed to file a record on appeal in a timely fashion and you failed to move for an extension of time to permit a late filing.

You have presented no excuses for your neglect. Therefore, your disregard of your client's rights was, under the circumstances, disgraceful.

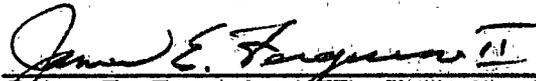
By failing to fulfill your responsibilities in this manner you violated not only the letter of Disciplinary Rule 6-101(A)(3), but also the spirit of the Code of Professional Responsibility. It was not such conduct as is expected of an officer of the court. It brought discredit upon you and tends

to place the courts and your fellow members of the Bar in disrepute with the public. It mocked the public policy and the law of North Carolina, which you are sworn to uphold, by denying a citizen, your client, the full measure of protection the criminal law of our state is designed to provide.

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 New Hanover County for entry upon the judgment docket and 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 24 day of May, 1985.

  
James E. Ferguson II, Chairman  
Hearing Committee