

915

STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
86G 0290(III)

| | | |
|------------------------------------|---|----------------|
| |) | |
| |) | |
| IN THE MATTER OF |) | |
| |) | PUBLIC CENSURE |
| KURT R. CONNER, ATTORNEY AT LAW |) | |
| |) | |

At its regular quarterly meeting on October 22, 1986, 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 brought to the State Bar's attention by Superior Court Judge Judson D. DeRamus, Jr. The Committee considered all of the evidence before it. 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 Committee determined that a complaint and a hearing were not warranted in this matter and the Committee issued a Public Censure upon your acceptance of it. Therefore, 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.

You were appointed by Superior Court Judge Julius A. Rosseau, Jr. by order dated December 12, 1984 to perfect the appeal of Frank Edward Griffin, Jr. upon his conviction of criminal charges in Wilkes County cases 84 CRS 5541, 5542, and 5543. Frank Edward Griffin, Jr.'s sentence of life imprisonment for his conviction of first degree sexual offense in 84 CRS 5542 was directly appealable to the North Carolina Supreme Court. The North Carolina Supreme Court entered an order bypassing the North Carolina Court of Appeals in the cases that were not appealable directly to the North Carolina Supreme Court. You sought and were granted extensions of time to serve your proposed record on appeal on the district attorney up through and including December 31, 1985. After no proposed record on appeal has been filed with the district attorney by May 21, 1986, he moved to dismiss the appeals in Wilkes County Superior Court and scheduled his motion for June 2, 1986. You were served with this motion. On June 13, 1986, Judge Judson D. DeRamus, Jr.

referred the matter to the North Carolina State Bar. You were sent a Letter of Notice by the Chairman of the Grievance Committee on June 17, 1986 via certified mail, return receipt requested. The return receipt was signed by your secretary, Janet L. McNeil, on June 20, 1986. You did not respond to the Letter of Notice. A follow-up letter was sent to you on July 21, 1986. You did not respond to it. You did, however, file a record on appeal with the North Carolina Surpeme Court in July, 1986 which the court accepted.

You were subsequently subpoenaed to attend the Grievance Committee meeting scheduled for the 22nd of October, 1986. Your secretary, Janet L. McNeil signed the return receipt for the subpoena on October 6, 1986. You did not show up in response to the subpoena. You did phone the State Bar office on the morning of October 22, 1986 to inform the Committee that the record on appeal had been filed in July 1986 and that Mr. Griffin's appeal was proceeding. You had no excuse for your failure to respond to the inquiries of the North Carolina State Bar other than the press of business.

In the North Carolina Code of Professional Responsibility, an attorney is advised about his obligations in handling his client's legal matters. Disciplinary Rule 6-101(A)(3) states that a lawyer shall not neglect a legal matter entrusted to him. Canon 7 charges an attorney with the duty of representing his client zealously within the bounds of the law. Disciplinary Rule 7-101(A)(1) provides that a lawyer shall not intentionally fail to seek the lawful objectives of his client through reasonably available means.

In addition, it is grounds for discipline pursuant to the N. C. Gen. Stat. §84-28(b)(3) to fail to answer any formal inquiry or complaint issued by or in the name of the North Carolina State Bar in any disciplinary matter.

You not only neglected to expeditiously perfect your client's appeal, you failed to answer the inquiries of the North Carolina State Bar concerning your inaction. Only because you did perfect Mr. Griffin's appeal during the Bar's inquiry into this matter did the Committee elect not to send this matter to the Disciplinary Hearing Commission.

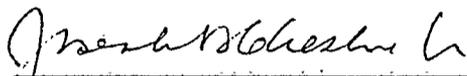
The Grievance Committee hopes that in the future your professional conduct will reflect credit on the legal profession and inspire the confidence, respect, and trust of your clients and of the public.

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 Wilkes 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 6th day of March, 1987.



Joseph B. Cheshire, Jr., Chairman
The Grievance Committee