

STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
86G 0456(1)

IN THE MATTER OF
RAY C. BLACKBURN, JR.,
ATTORNEY AT LAW

PUBLIC CENSURE

At its regular quarterly meeting on October 21, 1987, 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 filed against you by receipt of a copy of an Order by Superior Court Judge Bradford Tillery. 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 Rules of Professional Conduct.

You were appointed to represent Roger Lee Spurbeck at the trial of his criminal cases in New Hanover Superior Court on or before November 14, 1985. Spurbeck was convicted and received an active prison sentence. You filed written notice of appeal to the North Carolina Court of Appeals in Spurbeck's cases on November 14, 1985. You failed to file a record on appeal in Spurbeck's case or take any other action to perfect Spurbeck's appeal or otherwise protect his rights to an appeal. You took no action on Spurbeck's behalf until you prepared a Motion for Appropriate Relief which you mailed to him on or about August 5, 1986.

In the Rules of Professional Conduct, an attorney is advised of his obligations in handling his client's legal matters. Rule 6(B)(3) states that a lawyer shall act with reasonable diligence and promptness in representing the client. Rule 7.1(A)(1) states that a lawyer shall not intentionally fail

to seek the lawful objectives of his client through reasonably available means. In failing to perfect Spurbeck's appeal, you prejudiced or damaged your client during the course of the professional relationship in violation of Rule 7.1(A)(3).

The fact that Judge Tillery appointed another attorney to seek appellate review on Spurbeck's behalf some 9 months after the trial does not excuse your failure to take any action on Spurbeck's behalf prior to that.

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 Clerk of Superior Court of Pender 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 1 day of March, 1988.



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