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STATE OF NORTH CAROLINA  
COUNTY OF WAKE

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
87GR 0511  
87GR 0512

IN THE MATTER OF  
  
GARY D. HENDERSON  
ATTORNEY AT LAW

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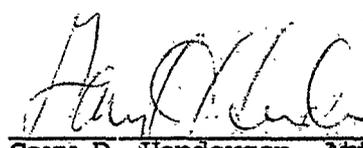
ACCEPTANCE/REJECTION OF  
PUBLIC REPRIMAND

TO: The Grievance Committee of the North Carolina State Bar  
ATTN: B. E. James  
Post Office Box 25908  
Raleigh, North Carolina 27611

I hereby give notice to the Grievance Committee pursuant to Section 13(11) of Article IX of the Rules and Regulations of the North Carolina State Bar as follows:

- I hereby accept the Public Reprimand issued by the Grievance Committee in the above-referenced grievance file understanding that the Public Reprimand will be filed as provided in Subsection 23(A) (2) of Article IX.
- I hereby reject the Public Reprimand issued by the Grievance Committee understanding that a Complaint will be filed in the Disciplinary Hearing Commission pursuant to Section 14 of Article IX.

This the 19 day of July, 1989.

  
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Gary D. Henderson, Attorney  
File No.: 87GR 0511 & 87GR 0512

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PUBLIC REPRIMAND

On April 13, 1989, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Larry & Barbara Butler.

Pursuant to Section 13(7) of Article IX of the Rules and Regulations of the North Carolina State Bar, the Grievance Committee, after considering the evidence, including your response to the Letter of Notice, found probable cause which is defined in the rules as "reasonable cause to believe that a member of the North Carolina State Bar is guilty of misconduct justifying disciplinary action."

The rules provide that after a finding of probable cause, the Grievance Committee may determine that the filing of a complaint and a hearing before the Disciplinary Hearing Commission are not required and the Grievance Committee may issue various levels of discipline depending upon the misconduct, the actual or potential injury caused, and any aggravating or mitigating factors. The Grievance Committee may issue a Private Reprimand, a Public Reprimand, or a Public Censure to the accused attorney.

The Grievance Committee was of the opinion that a complaint and hearing are not required in this case and issues this Public Reprimand to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this Public Reprimand and I am certain that you will understand fully the spirit in which this duty is performed.

A Public Reprimand is a serious form of discipline imposed by the Grievance Committee. The Grievance Committee felt that your conduct warranted public discipline due to your violation of the Rules of Professional Conduct. The committee trusts that this misconduct will not reoccur.

You represented Barbara P. Butler in a claim resulting from an automobile accident she was involved in on September 26, 1986. Prior to January 12, 1987, the case was settled with a representative of Nationwide Insurance Company. A draft was issued payable to you, your client, and her husband Larry Butler. You were advised and understood that Ms. Butler had authority to sign her husband's name for all bank deposits and checks. You supervised your client's execution of the release that accompanied the draft. You allowed Ms. Butler to sign both her and her husband's names to the release. You then signed the release in your capacity as a notary public acknowledging that they had both appeared before you and signed the release when in fact Larry Butler was not present and had not signed it.

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Your statement on the release that Larry Butler personally appeared before you and signed the release was not true. It violated Rule 1.2(C) of the Rules of Professional Conduct.

In deciding to issue this Public Reprimand, the committee was aware that you did not intend to deceive the insurance company or Larry Butler. The committee was also aware that neither of the Butlers were upset about your handling of this matter and that these grievances were inspired by a disgruntled former secretary of yours. The committee understood you were only attempting to get the matter settled as quickly as possible at your client's insistence. However, the committee still felt your conduct was wrong and warranted this action.

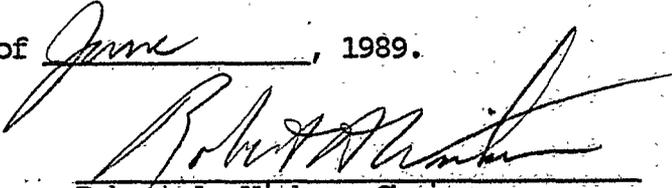
You are hereby publicly reprimanded by the North Carolina State Bar due to your professional misconduct. The Grievance Committee trusts that you will ponder this Public Reprimand, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This Public Reprimand should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

This Public Reprimand will be maintained as a permanent record in the judgment book of the North Carolina State Bar. Since a complaint was made and professional misconduct has been found, the complainant will receive a copy of this Public Reprimand. A copy also is available to the public upon request.

Within 15 days after this Public Reprimand is served upon you, you may refuse this Public Reprimand and request that charges be filed. Such refusal and request must be addressed to the Grievance Committee and filed with the Secretary. If you do file such refusal and request, counsel shall thereafter be instructed to prepare and file a complaint against you with the Disciplinary Hearing Commission of the North Carolina State Bar. The Hearing before the Disciplinary Hearing Commission is public and all of its proceedings and its decision are public.

In accordance with the policy adopted October 15, 1981 by the Council of the North Carolina State Bar regarding the taxing of the administrative and investigative costs to any attorney issued a reprimand by the Grievance Committee, the costs of this action in the amount of \$50.00 are hereby taxed to you.

Done and ordered, this 13 day of June, 1989.

  
Robert A. Wicker, Chairman  
The Grievance Committee  
North Carolina State Bar