

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
88 DHC 18

THE NORTH CAROLINA STATE BAR,
Plaintiff

v.

JOHN B. HATFIELD, JR.
Defendant

CONSENT ORDER OF DISCIPLINE

This matter came on before the hearing committee of the Disciplinary Hearing Commission composed of G. Ward Hendon, Chairman, James E. Ferguson, II, and R. Powell Majors pursuant to Section 14(8) of Article IX of the Rules and Regulations of the North Carolina State Bar. It appears that both parties have agreed to waive a formal hearing in this matter and it further appears that both parties stipulate and agree to the following Findings of Fact and Conclusions of Law recited in this Consent Order of Discipline and to the discipline imposed. The hearing committee therefore enters the following:

FINDINGS OF FACT

1. The Plaintiff, the North Carolina State Bar, is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar promulgated thereunder.
2. The Defendant, John B. Hatfield, was admitted to the North Carolina State Bar on September 27, 1973 and is, and was at all times referred to herein, an Attorney at Law licensed to practice in North Carolina, subject to the rules, regulations, the Code of Professional Responsibility and the Rules of Professional Conduct of the North Carolina State Bar, and the laws of the State of North Carolina.
3. During all of the periods referred to herein, the Defendant was actively engaged in the practice of law in the State of North Carolina and maintained a law office in the City of Greensboro, Guilford County, North Carolina.
4. The Defendant represented Clyde Eugene Woods in several counts of possession with intent to sell or deliver cocaine on September 12 and 17 of 1984. Woods was also represented by Robert S. Cahoon of the Guilford County Bar.
5. On May 8, 1986, Woods was convicted of a number of felony drug offenses and he was sentenced to 40 years in prison.
6. The Defendant had represented William Peoples on an assault with a deadly weapon charge and several other charges approximately two weeks before the Defendant represented Woods on his drug charges in May of 1986.

7. At some time before or during Woods's trial, Peoples told the Defendant that Woods had not sold or delivered cocaine to Frederick Bass on September 12, 1984 as was alleged in the indictment. Peoples told the Defendant that he (Peoples) sold cocaine to Bass on September 12, 1984.

8. In a letter dated March 30, 1988, the Defendant responded to the Letter of Notice issued by the North Carolina State Bar Grievance Committee relative to the grievance filed by Woods. In his response, the Defendant stated that "at no time, did Mr. Peoples tell me that he sold cocaine to Mr. Bass on September 12, 1984."

9. In sworn testimony at a hearing on a motion for appropriate relief for Woods on July 23, 1986, the Defendant testified as follows:

Q. And, what, if anything, else did Mr. Peoples say as to why he knew that?

A. I asked Mr. Peoples if he had delivered the cocaine to Freddie Bass.

Q. And, what did Mr. Peoples say?

A. He said different things at different times when I asked that.

Q. Did he ever say that he did, in fact, sell cocaine to Mr. Bass on September 12, 1984?

A. He did say that he had done that, yes.

10. Due to the Defendant's conflicting statements made to the Grievance Committee and at the appropriate relief hearing, the Plaintiff alleged in its second claim for relief of its complaint that the accused had misrepresented the facts or circumstances surrounding an allegation or charge of misconduct in violation of Rule 1.2(C) and (D) or in the alternative, the Defendant committed perjury during the hearing on a motion for appropriate relief, in violation of Rule 1.2(B), (C), and (D).

11. In his answer to the Plaintiff's complaint, the Defendant answered that he responded to the Grievance Committee's Letter of Notice without the benefit of the transcript from the hearing on the motion for appropriate relief. The Defendant contended that he was writing about his conversation with Peoples from his memory and without any notes. Defendant also alleged that he had seen Peoples on a number of occasions since Woods's trial ended and his memory of subsequent conversations with Peoples may have blended with his memory of some of the conversations which took place during the trial.

12. The Defendant alleges that he had no intention of misleading the Grievance Committee. The Plaintiff believes the Defendant's contention to be reasonable and credible.

13. The Plaintiff voluntarily dismisses all claims contained in the first claim for relief of its complaint and the claims contained in paragraphs 14 and 15 of the second claim for relief.

Based upon the foregoing Findings of Fact, the hearing committee makes the following:

CONCLUSION OF LAW

The Defendant's conduct as set forth above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. Section 84-28(b)(2) in that the Defendant violated the Rules of Professional Conduct as follows:

14. By responding to the North Carolina State Bar's Grievance Committee relative to a grievance filed by Woods in a way which failed to give a full and fair disclosure regarding the circumstances surrounding the grievance, the Defendant's carelessness in responding to the Grievance Committee was prejudicial to the administration of justice in violation of Rule 1.2(D).

Based upon the foregoing Findings of Fact and Conclusion of Law, the hearing committee, with the consent of the parties, enters the following:

ORDER OF DISCIPLINE

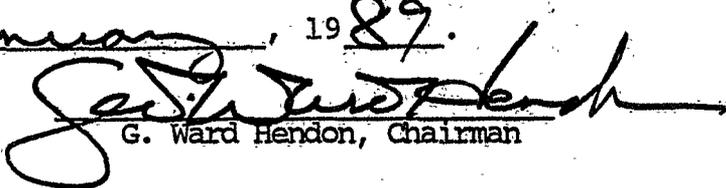
1. The appropriate discipline to be imposed for the conduct of the Defendant contained in this Consent Order of Discipline is a Private Reprimand. The Private Reprimand will be consistent with the Findings of Fact and Conclusion of Law entered in this Consent Order of Discipline.

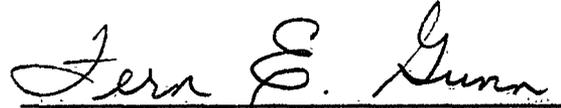
2. The chairman of the hearing committee shall sign the Private Reprimand and file it with the Secretary of the North Carolina State Bar and it shall be considered confidential pursuant to Section 23(A)(1) of Article IX of the Rules and Regulations of the North Carolina State Bar.

3. The Defendant is taxed with the cost of this action as assessed by the Secretary of the North Carolina State Bar.

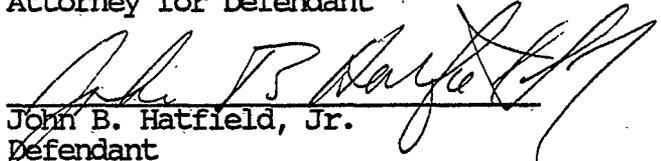
Consented to by the parties and signed by the chairman of the hearing committee on behalf of the hearing committee with the knowledge and consent of all members of the hearing committee.

This the 3rd day of January, 1989.


G. Ward Hendon, Chairman


Fern E. Gunn
Attorney for Plaintiff


Alonzo B. Coleman
Attorney for Defendant


John B. Hatfield, Jr.
Defendant

