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STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
91G0579(I) and 92G0362(I)

IN THE MATTER OF)
JERRY D. REDFERN,) CENSURE
ATTORNEY AT LAW)

On July 16, 1992, the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by Michelle M. Price and the North Carolina State Bar.

Pursuant to section 13(A) of article IX of the Rules and Regulations of the North Carolina State Bar, the Grievance Committee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Committee found probable cause. Probable cause 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 an admonition, reprimand, or a censure.

A censure is a written form of discipline more serious than a reprimand, issued in cases in which an attorney has violated one or more provisions of the Rules of Professional Conduct and has caused significant harm or potential significant harm to a client, the administration of justice, the profession or a member of the public, but the misconduct does not require suspension of the attorney's license.

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure. I am certain that you will understand fully the spirit in which this duty is performed.

I.

In the matter of Cynthia Monat (91G0579), the Committee found that Ms. Monat hired you shortly after her accident on December 15, 1987 to pursue her personal injury claim; that from March of 1988 through January 1990 there was little, if any work done on this matter; that a claim was filed with the insurance company in April of 1990; that from April of 1990 through October of 1990 there were ongoing settlement negotiations in an effort

to settle this matter; that Ms. Monat rejected the final settlement offer from the insurance company; that in January of 1991 the insurance company notified you that in their opinion, the statute of limitations had expired; and that a complaint was eventually filed in this matter on July 8, 1991.

In addition, the Committee found that you failed to respond to the Letter of Notice issued by the Chairman of the Grievance Committee concerning this matter and failed to appear and produce records as ordered by subpoena dated November 21, 1991.

The Committee determined that you failed to diligently pursue Ms. Monat's personal injury claim in violation of Rule 6(B)(3) and failed to respond to the Letter of Notice and subpoena served on you in violation of Rule 1.1 of the Rules of Professional Conduct.

The Committee found as an aggravating factor the Reprimand issued to you on February 16, 1992 for similar misconduct concerning Peter Warren. The Committee found in mitigation the personal problems you were experiencing during this time and your assurances that these problems are being dealt with.

II.

In the matter of Michelle Price (92G0362), the Committee found that you represented Ms. Price at a hearing for temporary alimony, custody and support held August 14, 1989; that Ms. Price was awarded temporary alimony, custody and support and you were requested to draw the order; that you failed to draft the order and have it signed despite numerous requests by Ms. Price to do so; that you were later hired by Ms. Price to represent her concerning her divorce and to resolve all issues concerning alimony, custody, support and visitation; that the divorce judgment was ultimately entered on January 23, 1992 but it failed to address the other outstanding issues; and that you failed to schedule a hearing and conclude these remaining matters in a diligent fashion.

The Committee determined that this conduct violated Rule 6(B)(3) which states that a lawyer shall act with reasonable diligence and promptness in representing the client. As stated in the comment to Rule 6, perhaps no professional shortcoming is more widely resented than procrastination. A client's interests often can be adversely affected by the passage of time or the change of conditions. In extreme instances, as when a lawyer overlooks a statute of limitations, the client's legal position may be destroyed. Even when the client's interests are not affected in substance, however, unreasonable delay can cause a client needless anxiety and undermine confidence in the lawyer's trustworthiness.

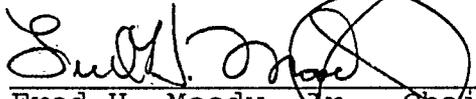
The Committee found in aggravation your previous Reprimand for similar misconduct concerning Peter Warren. The Committee found in mitigation the personal problems you were experiencing during this time and your assurances that these problems are being dealt with.

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, 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 censure 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.

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 censure by the Grievance Committee, the costs of this action in the amount of \$50.00 are hereby taxed to you.

Done and ordered, this 20 day of August, 1992.



Fred H. Moody, Jr., Chairman
The Grievance Committee
North Carolina State Bar

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