

STATE OF NORTH CAROLINA

COUNTY OF WAKE

6448
BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
91G0420(IV)

IN THE MATTER OF)

RONALD C. WILLIAMS,)
ATTORNEY AT LAW)

REPRIMAND

On July 16, 1992, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by 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 censure to the respondent attorney.

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

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

You represented Bobby Charles Patrick in a claim for damages for injuries he received in an accident on December 5, 1984 while driving his employer's truck. You filed a civil action on his and his wife's behalf on July 1986. Three insurance companies were joined in the action to determine the Patricks' rights to compensation under their policies. In December, 1986, the primary defendant's attorney sent you an offer of judgment offering his insurance company's \$25,000 policy limits in settlement of the negligence claim against that defendant. By letter dated December 15, 1986, you notified counsel for the other two insurance companies of your intent to accept that offer. You

mistakenly thought that this preserved your clients' rights against those insurance companies. After a motion was filed asking the court to determine the appropriate disbursement of the insurance proceeds, you realized the effect of the judgment signed by the clerk based upon the offer of judgment. You filed a Rule 60 motion attempting to revive your clients' rights against the two remaining insurance companies. By order dated July 7, 1987, relief under Rule 60 was denied.

On July 8, 1987, you wrote to Mr. Patrick indicating that you had thoroughly researched the law that applied to the case and that the \$25,000 offered by the insurance company and accepted by you was all that the Patricks would be able to receive in the case. You failed to mention your error or the court's decision the previous day on your Rule 60 motion. Because your letter did not fully disclose the reason why there would be no further recovery for the Patricks in the case, it was misleading. In writing this letter, you violated Rule 1.2(C).

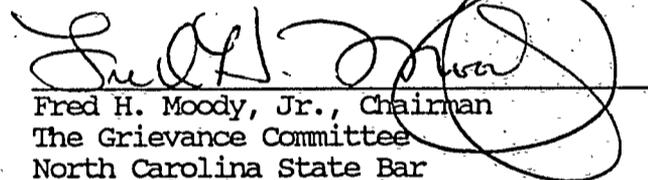
Although you may have assumed that your staff had sent a copy of the Rule 60 motion and the judge's order to the Patricks, your letter still failed to fully explain to the Patricks the significance of those documents.

The committee considered the civil settlement entered into with the Patricks when deciding not to send this matter to the Disciplinary Hearing Commission.

You are hereby reprimanded by the North Carolina State Bar due to your professional misconduct. The Grievance Committee trusts that you will heed this reprimand, that it will be remembered by you, that it will be beneficial to you, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession.

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 11 day of September, 1992.


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