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STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
92G0284 (IV)

IN THE MATTER OF)	
)	
Jon S. Johnson)	REPRIMAND
ATTORNEY AT LAW)	

On October 21, 1992, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Beverly Smith.

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.

The committee found that complainant retained you on July 26, 1989 to assist her in connection with her marital separation; that from the beginning, complainant had difficulty obtaining a response from you as to the progress of her case; that while there were periodic communications and meetings between you and complainant over the 2 1/2 years proceeding the filing of this grievance, there were long periods of time when complainant was not kept informed of the status of her case; and that you failed to respond to numerous telephone calls. The committee determined that this conduct violated Rule 6(B)(1) of the Rules of Professional

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Conduct which states that a lawyer shall keep the client reasonably informed about the status of a matter and promptly comply with reasonably requests for information.

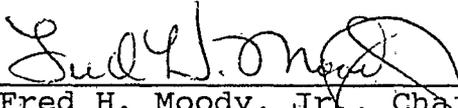
In addition, the committee found that you were advised of this complaint by letter dated December 23, 1991 from the local grievance committee; that you were requested to file a written response within three weeks; that on January 27, 1992 you were informed that your response was past due; that you were reminded by letter February 17, 1992 that your response was past due; that on March 4, 1992 you were contacted by telephone and again reminded that your response was past due; that the State Bar sent you a Letter of Notice dated June 5, 1992; that a follow-up letter was sent on July 13, 1992; that you were contacted by a staff attorney on August 13, 1992 and an extension was granted until August 28, 1992 to respond; that you failed to file a response by August 28, 1992 and consequently, a subpoena was issued requiring you to appear at the North Carolina State Bar on September 18, 1992; and that you finally produced a response to this grievance on September 18, 1992. The committee determined that this misconduct violated Rule 1.1(B) which states that a lawyer in connection with a disciplinary matter shall not knowingly fail to respond to a lawful demand for information from a disciplinary authority.

The committee found as an aggravating factor the Public Reprimand issued to you by the grievance committee in file number 88G0483 for failing to communicate with your client and for failing to respond to a grievance. The committee found as a mitigating factor the extreme personal hardships you were experiencing during this time period.

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 6 day of November, 1992.



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

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