

IN THE MATTER OF

ARTHUR REDDEN,
ATTORNEY AT LAW

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CENSURE

On January 16, 1992, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Violet Brown.

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.

On or about March 11, 1991, you filed a complaint on behalf of your clients, Roger Allen Brown and wife, Cathy Tally Brown, seeking custody of Roger Brown's step-mother's two minor children. At your clients' request, you also prepared an answer and a consent judgment for the step-mother, Violet Brown. Violet Brown was brought to your office to sign the papers you had prepared. You were not present when Violet Brown appeared in your office and signed the answer and consent judgment. However, your having had the documents prepared for her facilitated her signing the papers without the benefit of independent counsel. She subsequently had to engage other counsel to seek to have the consent judgment set aside.

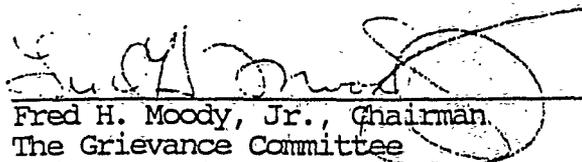
CPR's 121 and 125 and RPC 296 specifically prohibit the preparation of an answer or a consent judgment for an opposing party in situations similar to the Browns. Your preparation of the documents for Violet Brown to sign violated the advise given in the ethics opinions and her signing them in your

office violated rule 7.4(B) of the Rules of Professional Conduct, even though they were signed in your absence. Your preparation of legal documents for both parties in the matter violated rules 5.1(A) and (B) of the Rules of Professional Conduct.

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 17 day of March, 1992.


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

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