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STATE OF NORTH CAROLINA  
COUNTY OF WAKE

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
91G0528(III)

IN THE MATTER OF )  
Charles R. Redden )  
ATTORNEY AT LAW )

REPRIMAND

On April 16, 1992, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Jack O. Green.

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 Grievance Committee found that Robert Green died on October 18, 1984 and the complainant was appointed executor of his estate. In the Spring of 1986, you were hired to help settle the estate after the complainant had discharged another attorney who did little with this estate for two years. Initially, some progress was made. However, for sometime thereafter, you failed to diligently pursue this matter. On the few occasions complainant was able to reach you, you repeatedly assured him that you would go to Myrtle Beach to close out the

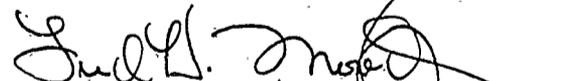
estate. However, you never did. In March of 1991, complainant was forced to hire yet another attorney to handle this matter. The Grievance Committee determined that your conduct violated Rule 6(B)(3) which states that "a lawyer shall . . . act with reasonable diligence and promptness in representing the client." Perhaps no professional shortcoming is more widely resented than procrastination. A client's interest often can be adversely affected by the passage of time or the change of conditions. 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 Grievance Committee also found that you knowingly made a false statement of material fact during the investigation of this matter. On April 22, 1991, Lynn P. Burleson, Esq., investigating member of the 21st Judicial District Grievance Committee had a telephone conversation with you concerning this matter. Ms. Burleson indicated to you that the local committee would consider dismissing this grievance if the estate could be closed out prior to the next committee meeting scheduled for May 15. You told Ms. Burleson that you would attempt to go to South Carolina within the next 10 days to finalize all matters relating to the estate. However, by the time this conversation occurred, the complainant had already discharged you, retrieved his file, and obtained a refund of the fee paid you. See, your firm check number 3144 made payable to Jack Green dated March 29, 1991 in the amount of \$300 with the notation "refund of fees paid." By knowingly making this false statement of material fact to Ms. Burleson concerning a pending disciplinary matter, you violated Rule 1.1(A) of the Rules of Professional Conduct. The Grievance Committee found as an aggravating factor the Letter of Admonition sent to you November 7, 1991 for your failure to act with reasonable diligence in representing the estate of Ester Moten Mays.

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 7 day of May, 1992.

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