

6557

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
92G1029 (II) R

IN THE MATTER OF )  
 )  
LAURENCE D. COLBERT, )  
ATTORNEY AT LAW )

REPRIMAND

On July 8, 1993, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Canady Washington.

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.

00127

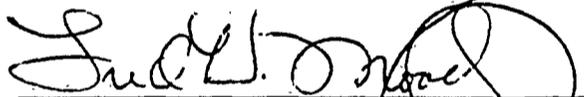
In 1989, you undertook to represent Canady Washington respecting charges of arson and conspiracy to commit arson. Washington was convicted of these charges in November 1989 and you entered a timely notice of appeal. Thereafter, however, you failed to perfect the appeal on Washington's behalf, despite the fact that your client wrote to you on at least one occasion in December 1989, inquiring about the status of the matter. By failing to perfect the appeal on Washington's behalf, you neglected a matter entrusted to you by a client, in violation of Rule 6(B)(3) of the Rules of Professional Conduct.

You engaged in additional misconduct by misleading your client about the status of the appeal. For instance, on April 18, 1991, you wrote to Washington and told him that you had been working on his appeal. This letter was misleading, since by April 18, 1991 the deadline for perfecting the appeal for Washington had long since passed. Your letter of April 18, 1991 to Washington constitutes dishonest conduct in violation of Rule 1.2(B) of the Rules of Professional Conduct. Finally, your failure to respond to other requests for information from your client violated Rule 6(B)(1) of the Rules of Professional Conduct.

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 10th day of August, 1993.

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

/sd-321

00128