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STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
93G0648 (IV) & 93G0649 (IV)

IN THE MATTER OF)
)
ANNE M. LAMM,)
ATTORNEY AT LAW)

REPRIMAND

On April 14, 1994, the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by Rosemary Donaldson and Frank Long.

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.

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In 1992, you undertook to handle the closing of a sale of a house owned by Frank Long and another individual. Although the closing was held on Sept. 10, 1992, you did not pay off a note for Long and the other seller for a month, despite several inquiries from Long about the matter. Moreover, you failed to pay the 1992 taxes on the property and failed to record the deed until April 1993. Your conduct in this matter violated Rule 6(B)(3), which requires attorneys to handle legal matters which they undertake with reasonable diligence.

Of equal concern to the Grievance Committee was your failure to respond promptly to the 27A Judicial District Grievance Committee and to the N.C. State Bar regarding Long's grievance. Although you were notified of the grievance by the local committee on Feb. 25, 1993, and received a reminder letter on April 20, 1993, you made no response whatever to the local committee. The N.C. State Bar's letter of notice sent to you in July 1993 was returned undelivered. It was not until November 1993, after you were served with the letter of notice by the sheriff's department, that you responded to the grievance.

Similarly, you were contacted by the 27A Judicial District Grievance Committee on Nov. 17, 1992 and asked to respond to the grievance of another client, named Rosemary Donaldson. You did not respond to the Nov. 17, 1992 letter or a follow up letter sent to you on April 6, 1993 by the local committee. The N.C. State Bar's July letter of notice also went unanswered. Again, it was not until November 1993, when you were subpoenaed to appear in Raleigh, that you filed a response to the Donaldson grievance.

Rule 1.1(B) of the Rules of Professional Conduct requires attorneys to respond promptly to inquiries of a disciplinary authority. You violated this rule by failing to respond promptly to the 27A Judicial District Grievance Committee and to the N.C. State Bar. Your misconduct is aggravated by the fact that you have been previously disciplined for similar misconduct.

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 5th day of May, 1994.

W. Erwin Spairhour
W. Erwin Spairhour, Chairman
The Grievance Committee
North Carolina State Bar

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