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STATE OF NORTH CAROLINA

COUNTY OF WAKE

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
94G0039(III)

IN THE MATTER OF LAWRENCE G. GORDON, JR. ATTORNEY AT LAW	)))))	REPRIMAND

On October 20, 1994, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Ms. Kellie L. Stark.

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 you represented complainant in a custody dispute concerning her son; that after custody was award to the father, you, along with attorney Carroll Teeter, agreed to appeal the custody order for the sum of $2,500 plus costs; that on September 15, 1992, complainant wrote a check payable to you for $2,500 which you deposited into you office

account; that on September 22, 1992, you filed a notice of appeal with the Forsyth County Clerk of Superior Court; that on October 1, 1992, you paid Mr. Teeter $1,250 to prepare the record on appeal and have it filed with the Court of Appeals; that you agreed to prepare a record of the testimony since there was not court reporter at the custody hearing; that you prepared a proposed record of testimony which was objected to by Ms. Mundorf, opposing counsel; that since you did not request a hearing before the presiding judge within the time allowed, the record was deemed settled in accordance with the objections filed (App.R.11(c)); that you failed to advise Mr. Teeter that the record had been settled so that Mr. Teeter could file the record on appeal with the Court of Appeals within 15 days thereafter (App.R.12(a)); that on February 1, 1993, Ms. Mundorf filed a Motion to Dismiss due to your failure to perfect the record on appeal in a timely fashion; that a copy of the motion was served on you but you did not file a responsive pleading; that Ms. Mundorf sent you a notice of hearing for September 13, 1994; and that you failed to appear at the hearing on behalf of complainant which resulted in a dismissal of the appeal.

The committee found that this conduct violated Rule 6(B)(3) of the Rules of Professional Conduct which states that a lawyer shall act with reasonable diligence and promptness in representing a client. As stated in the comment to Rule 6: "Perhaps no professional shortcoming is more widely resented than procrastination. A client's interests often can be adversely effected by the passage of time or the change of condition; in extreme instances, as when a lawyer overlooks the statute of limitations, the client's legal position may be destroyed. Even when the client's interests are not effected in substance, however, unreasonable delay can cause a client needless anxiety and undermine confidence in the lawyer's trustworthiness."

In addition, the Grievance Committee found that throughout your representation of complainant with her appeal, you failed to keep her reasonably informed about the status of her case and promptly comply with reasonable requests for information in violation of Rule 6(B)(1) of the Rules of Professional Conduct. As stated in the comment to Rule 6: "The guiding principal is that the lawyer should fulfill reasonable client expectations for information consistent with the duty to act in the client's best interests, in the client's overall requirements as to the character of the representation."

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 15 day of Nov, 1994.

William O. King, Chairman
The Grievance Committee
North Carolina State Bar

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