

"10. The claims of Lindsay and Katherine Williams and of Stephen M. Craig have been turned over to the Respondent's liability insurance carrier and settlement of them is being negotiated, liability having been conceded.

"BE IT FURTHER RESOLVED that the Council concludes:

"A. E. Clayton Selvey failed to exert his utmost learning and ability to the end that nothing be taken or withheld from his client, saved by the rules of law, legally applied.

"B. E. Clayton Selvey failed in his duty to be punctual in the attendance and to be concise and direct in the trial and disposition of his client's cause.

"C. E. Clayton Selvey neglected a legal matter entrusted to him.

"D. E. Clayton Selvey intentionally failed to seek the lawful objectives of his clients through reasonably available means permitted by law and the disciplinary rules under the Code of Professional Responsibility.

"E. E. Clayton Selvey failed to carry out a contract of employment entered into with a client for professional services.

"F. E. Clayton Selvey prejudiced and damaged his clients during the course of the professional relationship existing between them.

"AND, BE IT FURTHER RESOLVED, that the acts and omissions of the Respondent be adjudged to be violations of the Canons of Ethics and Code of Responsibility adopted and promulgated by the Council of The North Carolina State Bar within the meaning of the language contained in Section 84-28(2)(f) of the General Statutes and as such justify appropriate disciplinary action.

"AND, BE IT FURTHER RESOLVED, that the Respondent, E. Clayton Selvey, Jr., be, and he is hereby suspended from the practice of law for a period of six months, beginning February 1, 1976.

"BE IT FURTHER RESOLVED, that the President is ordered and directed to enter a proper judgment in this cause."

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the Respondent, E. Clayton Selvey, Jr., be, and he is hereby suspended from the practice of law for a period of six months, beginning February 1, 1976.

AND, IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Respondent, E. Clayton Selvey, Jr., be taxed with the costs of this proceeding, as certified by the Secretary of The North Carolina State Bar and that a copy of this Judgment be certified to the N. C.

General Court of Justice and all federal courts sitting in the State of North Carolina.

BY ORDER OF THE COUNCIL, this 1st day of February, 1976.

Frank H. Watson, President
The North Carolina State Bar

The defendant filed exceptions to the Judgment and gave notice of appeal to the Superior Court.

IN THE MATTER OF CHARLES M. BROWN, JR., Attorney of Marion, the matter was heard on a motion for a preliminary injunction before Judge James H. Pou Bailey, Wake County Superior Court, on December 12, 1975. As a result of this hearing, Judge Bailey issued an Order that the Respondent surrender his license on or before January 15, 1976. The Respondent complied with the Order as herein set out.

This cause coming on to be heard and being heard by the undersigned pursuant to an order dated December 2, 1975, directing the Respondent to show cause why the injunction prayed for in the petition should not be granted; and,

the Court, having considered the matter based on the affidavits of both parties; the arguments of counsel for the Petitioner and the Brief of the Respondent,

the Court finds the following

FACTS:

1. The North Carolina State Bar is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted in Chapter 84 of the General Statutes of North Carolina.

2. The respondent, Charles M. Brown, Jr., was admitted to The North Carolina State Bar in December, 1969, and is, and was at all times referred to herein, an attorney at law licensed to practice in the State of North Carolina and subject to the rules, regulations, Canons of Ethics and Code of Professional Responsibility of The North Carolina State Bar and the laws of the State of North Carolina.

3. On August 28, 1975, the petitioner filed a formal complaint against the respondent alleging, in substance, that the respondent had engaged in improper professional conduct by forging the signature and seal of a notary public on court documents, by forging signatures of parties on court documents, and by co-mingling personal and fiduciary funds. This complaint was based upon investigation and preliminary inquiry under the procedures set forth in the Rules and Regulations of The North Carolina State Bar then in effect. As a part of those procedures, the respondent submitted a Letter of Explanation dated May 1, 1975 to the Grievance Committee in which he admitted the actions sub-

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sequently made the basis of the formal complaint. On October 6, 1975, the respondent answered the complaint, denying the material allegations thereof.

4. On November 13 and 14, 1975 the Secretary-Treasurer and the Counsel of The North Carolina State Bar received numerous inquiries and complaints about the conduct of the respondent from, among others, Ruth B. Williams, Clerk of Superior Court, McDowell County; Everett C. Carnes, President of the McDowell County Bar, and Kenneth R. Youngblood, Councillor for the 29th Judicial District.

5. The respondent has continued and increased the kind of activity complained of by the State Bar on August 28, 1975 and has engaged in other illegal and unprofessional conduct.

6. Respondent has made false or misleading statements to his clients, including Jewel Stanley, Glenna DeSist, Jack Seay, Frances Allison, Robert N. Smith, Jr., Robert Truman Mess, Hazel Hackworth, Judi Boone, Wilma Bright, Eula Mae Lavender, and Margaret Minish, concerning the status of their cases and the handing of those cases by the Clerk of Court and Register of Deeds of McDowell County.

7. By letter dated May 1, 1975, addressed to the Grievance Committee of The North Carolina State Bar, the respondent stated he was willing to stop practicing law and asked for instructions as to how to effect that decision.

8. At the present time the respondent is in the process of handling several collections, a claim and delivery, two real estate title examinations and closings for savings and loan associations, one criminal appeal to the North Carolina Court of Appeals, an appeal to District Court from a claim and delivery hearing, negotiating a lease contract, obtaining several divorces and separation agreements, incorporating one business, advising a dentist on a professional corporation, answering written interrogatories in a personal injury action, negotiating for settlement and preparing for trial in several other civil actions, and has been employed in several criminal cases scheduled to be heard in the next month.

Based upon the foregoing findings of fact the Court makes the following

CONCLUSIONS OF LAW

1. The Courts of this State have inherent power and authority to control the practice of law and to discipline attorneys licensed to practice in North Carolina.

2. The activities and the course of conduct of the respondent adversely reflect on his fitness to practice law and are prejudicial to the administration of justice, as well as being illegal and improper. His acts have caused embarrassment to the clerk of court and the register of deeds in McDowell County and have interfered with their performance of their duties; further, his acts and course of conduct have subjected the legal profession and particularly his fellow attorneys in McDowell

County to embarrassment and ridicule: further, his acts and course of conduct have caused hardship to and have prejudiced and damaged his clients.

3. The best interests of the parties, the State, and the public, including respondent's clients, would be served by requiring the respondent to surrender his license to practice law on or before January 15, 1976 under the conditions set forth below.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

On or before January 15, 1976,

1. The respondent shall deliver his license to practice law in the State of North Carolina to the Secretary-Treasurer of The North Carolina State Bar.

2. Prior to such time, respondent:

(1) Shall promptly notify by registered or certified mail, return receipt requested, all clients being represented in pending matters, other than litigation or administrative proceedings, of the inability of the respondent to act as an attorney after January 15, 1976, and shall advise such clients to seek legal advice elsewhere.

(2) Shall promptly notify, or cause to be notified by registered or certified mail, return receipt requested, each client who is involved in pending litigation or administrative proceedings, and the attorney or attorneys for each adverse party in such matter or proceeding, of the inability of the respondent to act as an attorney after January 15, 1976. The notice to be given to the client shall recommend the prompt substitution of another attorney or attorneys in the case.

In the event the client does not obtain substitute counsel before January 15, 1976, it shall be the responsibility of the respondent to appear in the court or agency in which the proceeding is pending for leave to withdraw.

The notice to be given to the attorney or attorneys for an adverse party shall state the place of residence of the client of the respondent involved in the case.

(3) The respondent shall not accept any new retainer or engage as attorney for another in any new case or legal matter of any nature. However, during the period from the date of this order to January 15, 1976 the respondent may wind up and complete, on behalf of any client, all matters which are now pending.

(4) The respondent shall, on or before January 30, 1976, file with the Secretary-Treasurer of The North Carolina State Bar, an affidavit showing that he has fully complied with the provisions of this order. Such affidavit shall also set forth the residence or other address of the respondent to which communications may thereafter be directed.

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