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NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
95G0542(IV)R

IN THE MATTER OF)
)
EDWARD D. SELTZER,)
ATTORNEY AT LAW)
)

CENSURE

On July 25, 1996, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Ali Q.

Pursuant to section .0113(a) of the Discipline and Disability Rules 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, a reprimand, or a censure.

A censure is a written form of discipline more serious than a reprimand, issued in cases in which an attorney has violated one or more provisions of the Rules of Professional Conduct and has caused significant harm or potential significant harm to a client, the administration of justice, the profession or a member of the public, but the misconduct does not require suspension of the attorney's license.

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure. I am certain that you will understand fully the spirit in which this duty is performed.

You undertook to represent Mr. Ali Q. in early October 1994 respecting an immigration matter. Mr. Q. paid you \$1,500 and agreed to pay you an additional fee when the case was concluded. Although it appears that you were unable to complete the case because Mr. Q. failed

to provide you with some documents, you did not make it clear to him that you would not proceed without the documents, nor did you return the unearned portion of the \$1,500 fee to Mr. Q. Although you indicated that you were waiting to determine how the State Bar concluded Mr. Q's grievance, the fact that a grievance had been filed did not relieve you of your duty to handle your client's legal matters promptly. Consequently, the Grievance Committee concluded that you neglected a client's legal matter in violation of Rule 6(b)(3) and failed to return the unearned portion of a fee, in violation of Rule 2.8 of the Rules of Professional Conduct.

Additionally, the Grievance Committee found that you failed to respond to inquiries from Mr. Q or his other attorney about the matter, in violation of Rule 6(b)(1) of the Rules of Professional Conduct. Finally, the Committee found that you failed to respond promptly to the local grievance committee's letter of notice concerning Mr. Q's complaint, in violation of Rule 1.1(b) of the Rules of Professional Conduct.

Your misconduct in Mr. Q's case is aggravated by the fact that you have been previously disciplined by the State Bar for similar misconduct. The Grievance Committee wishes to emphasize that any future violations of the Rules of Professional Conduct may result in more substantial discipline.

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

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 censure by the Grievance Committee, the costs of this action in the amount of \$50.00 are hereby taxed to you.

Done and ordered, this 6th day of August, 1996.



Ann Reed, Chair Grievance Committee
The North Carolina State Bar