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NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
96G0711(IV)R

IN THE MATTER OF)	
)	
EDMOND R. JOHNSON,)	REPRIMAND
ATTORNEY AT LAW)	
)	

On July 17, 1997, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Jerry Thompson.

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, 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.

Jerry Thompson discharged you as his attorney in his worker's compensation case in January 1996. Mr. Thompson indicated that he asked you to file a motion to withdraw with the North Carolina Industrial Commission.

In your response to Mr. Thompson's grievance, you stated that you instructed a member of your staff to send a letter of release to Mr. Thompson, as well as a motion to withdraw to the Industrial Commission. You further stated that your instructions were not carried out by your staff. For approximately six months, various parties tried to get you to file the motion to withdraw with the Industrial Commission. You were even contacted by a member of the Industrial Commission's staff and a member of the State Bar's staff about this matter. The Industrial Commission finally received your motion to withdraw in June 1996.

Your failure to file timely the motion to withdraw with the Industrial Commission violates Rule 6(b)(3) of the Rules of Professional Conduct. That rule requires a lawyer to attend diligently to his client's legal matters. Also, your failure to withdraw formally from representation in the worker's compensation case is in violation of Rule 2.8(b)(4) of the Rules of Professional Conduct. The Grievance Committee took into consideration that your staff may have been less than diligent in carrying out your instructions about sending the motion to withdraw to the Industrial Commission. Nevertheless, you are responsible for your staff's actions. Your failure to withdraw promptly from Mr. Thompson's case delayed the Industrial Commission's approval of a settlement of his claim.

The Grievance Committee was also concerned about you placing a lien on Mr. Thompson's recovery from the Industrial Commission. The Grievance Committee directs your attention to the case of Mack v. Moore, 107 N.C. App. 87 (1992).

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 29th day of August, 1997.



Ann Reed
Chair, Grievance Committee
The North Carolina State Bar