

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
97G0144(I)

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IN THE MATTER OF	)	
	)	
JOHN H. HARMON	)	REPRIMAND
ATTORNEY AT LAW	)	
	)	

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On January 15, 1998, the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by Mr. Harry Johnson Jr.

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 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.

You represented Harry Johnson Jr. in a lawsuit against Phillip Holloway concerning the lease of a nightclub. You stated that Johnson hired you to obtain a temporary restraining order against Holloway. You further claim that Johnson did not hire you to take any other action in the matter.

On June 3, 1994, you filed a lawsuit on Johnson's behalf against Holloway. Also, on June 3, 1994, you obtained a temporary restraining order against Holloway.

On June 13, 1994, Holloway filed an answer and counterclaim in the action that Johnson filed against him. You were served with Holloway's answer and counterclaim. You did not file a response to Holloway's counterclaim on Johnson's behalf. Neither did you notify Johnson that Holloway had answered and counterclaimed in the action. On July 19, 1994, Holloway obtained a default judgment in the amount of \$12,000.00 plus interest against Johnson.

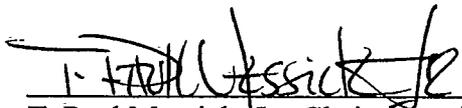
As the attorney of record in Johnson's lawsuit against Holloway, you had an obligation to notify him of Holloway's answer and counterclaim in the case. You had an obligation to notify Johnson of Holloway's actions, even if you were not hired to represent Johnson beyond obtaining a temporary restraining order.

Your conduct in this matter violated Rule 1.2(d) of the Rules of Professional Conduct. You conduct also violated Rule 7.1(a)(3) of the Rules of Professional Conduct.

You are hereby reprimanded by the North Carolina State Bar for 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 the 8<sup>th</sup> day of FEBRUARY, 1998.

  
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T. Paul Messick, Jr., Chair  
Grievance Committee

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