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NORTH CAROLINA

WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
9626GR046 & 97G1231(IV)

IN THE MATTER OF )

PAUL E. HEMPHILL )  
ATTORNEY AT LAW )

REPRIMAND

On April 16, 1998, the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by Ms. Angelia D. Whyte and Mrs. Betty J. Edmonds.

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.

In March or April of 1995, Angelia D. Whyte hired you to handle claims arising out of her purchase of a used car. On July 12, 1996, you filed a lawsuit in the matter. You took more than six months to file a motion for entry of default after obtaining service on the defendant in the action. You took nearly four months to file a motion for default judgment after having

obtained the entry of default. Ms. Whyte did not know the status of her case because you failed to communicate with her.

Your conduct in this matter violated Rules 6(b)(1)(2) and (3) of the North Carolina Rules of Professional Conduct. You did not handle Ms. Whyte's case in a diligent manner and you failed to keep her apprised of the status of her case.

The 26th Judicial District Bar Grievance Committee investigated this grievance against you. You failed to respond promptly to this grievance, although you received three notices from the local grievance committee. When you did respond, you responded in a cursory fashion.

The North Carolina State Bar sent you a letter of notice relative to the allegations filed by Ms. Whyte and relative to allegations that you failed to respond to the local grievance committee. You never responded to the State Bar's letter of notice.

Your failure to cooperate with the investigations conducted by the local and State Bar grievance committees violates Rule 1.1(b) of the North Carolina Rules of Professional Conduct.

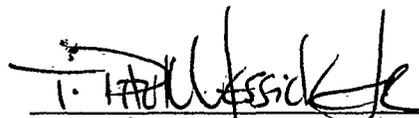
You agreed to assist Mrs. Betty J. Edmonds relative to personal injuries that she, her husband, and two sons sustained in a car accident in August 1992. You failed to comply with a discovery order and Mrs. Edmonds' case was dismissed. Furthermore, you did not tell the complainant that her case had been dismissed.

Your conduct in Mrs. Edmonds' case violated Rules 6(b)(1)(2) and (3) of the North Carolina Rules of Professional Conduct. Your neglect harmed Mrs. Edmonds' cause of action. In addition, you failed to keep Mrs. Edmonds updated on the status of her case. You should have told her that her case was dismissed by the court.

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 2nd day of May, 1998.



T. Paul Messick, Jr., Chair  
Grievance Committee

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