

18723

NORTH CAROLINA

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
97G0779(III)

WAKE COUNTY

IN THE MATTER OF)	
)	
CATRINA H. MERCER,)	CENSURE
ATTORNEY AT LAW)	
)	

On July 16, 1998, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by The North Carolina State Bar.

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.

On May 9, 1997, a Show Cause Order was entered in the United States Bankruptcy Court for the Western District of North Carolina in the matter In Re Chandler, 97-30083. Pursuant to the Show Cause Order you were required to appear on June 2, 1997 at 9:30 a.m. and show cause why you should not be forever barred from the practice before the Bankruptcy Court, and why the Bankruptcy Court should not refer the matter to the U.S. District Court for further action. A hearing was held on June 24, 1997 before Chief Judge George R. Hodges. The evidence

presented at that hearing indicated that you had missed numerous meetings held in the Bankruptcy Court. You signed your clients' names to bankruptcy petitions on behalf of Howard Chandler, Jr. without reviewing those petitions with the clients.

In another matter, you also filed petitions for Michael L. Rummage and Deborah T. Rummage, and signed their names to the petitions without giving the Rummages the opportunity to review the petitions.

You also missed eight court dates in North Carolina District Court from May of 1996 to March of 1997. Your conduct as described above violates Rule 6.0 and Rule 1.2(d) of the North Carolina Rules of Civil Procedure. See also Rule 1.3, and Rule 8.4(d) of the North Carolina Revised Rules of Civil Procedure which were enacted on June 24, 1997 and contain similar provisions.

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 11th day of AUGUST, 1998.



T. Paul Messick, Jr.
Chair, Grievance Committee