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STATE OF NORTH CAROLINA  
COUNTY OF WAKE

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
94G0321(I)R

IN THE MATTER OF  
BILLY MASON,  
ATTORNEY AT LAW

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CENSURE

On October 19, 1995, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Susan Wheeler.

Pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, Rule .0113(a) of the Rules and Regulations 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 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 represented Susan Wheeler in obtaining an absolute divorce and in seeking equitable distribution. An equitable distribution hearing was conducted on September 16, 1991 before District Court Judge Charles E. Rice, III. You failed to prepare a judgment and present it to Judge Rice as you had the responsibility for doing after the equitable distribution hearing. Ms. Wheeler remarried and moved out of North Carolina in 1992. In December 1993, complainant wanted to force her ex-husband to list the beach home for sale as Judge Rice's oral judgment had ordered. She discovered that you had never filed a judgment in the case. Since Judge Rice was no longer on the bench, the matter will probably have to be retried before Ms. Wheeler can get a judgment entered that she can enforce.

Your failure to take prompt action to get a judgment entered in this matter violated Rule 6(b)(3) and 7.1(a). Since a proposed judgment can no longer be presented for Judge Rice's signature, Ms. Wheeler has been prejudiced or damaged by your failure to prepare the judgment in violation of Rule 7.1(a)(3).

Although your neglect in this matter would normally not rise to the level of a censure, the committee notes that you have twice been reprimanded for neglect within the last year. As a result, the committee feels that a censure is warranted in this case.

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 26<sup>th</sup> day of October, 1995.

  
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Ann Reed, Chair  
The Grievance Committee  
North Carolina State Bar