

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
97G1709(II)R

IN THE MATTER OF)
)
CONRAD A. AIRALL,)
ATTORNEY AT LAW)
)

CENSURE

On October 15, 1998, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Helen McIntyre.

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.

Helen McIntyre retained you in December 1996 to represent her on an employment discrimination claim. Ms. McIntyre filed a grievance against you in December 1997 for your representation of her on that claim. On approximately February 24, 1998, you were provided a copy of Ms. McIntyre's grievance by the 10th District Grievance Committee and requested to respond to within 15 days. On March 19, 1998, you requested an extension of time to respond until April 8, 1998, which was granted. Thereafter, you failed to respond until June 9, 1998,

after the 10th district Grievance Committee recommended a finding of probable cause for your failure to respond. The Grievance Committee found that your above-mentioned actions violated Revised Rule of Professional Conduct 1.1(b). However, the Committee found that, based on the information available to it, there was not probable cause to believe that you violated any Rules of Professional Conduct in representing Ms. McIntyre.

In deciding to issue a censure, the Committee considered the following aggravating and mitigating factors. In aggravation, the Committee noted that you had been warned twice in the last year -- once in November 1997 and again in February 1998 -- for your failure to respond to the Grievance Committee on other grievances and that your failure to respond, if repeated, would subject you to discipline. You received both warnings for failure to respond before failing to respond again in the above-mentioned matter. The Committee also considered that you were Reprimanded in 1995 and 1996 for other violations of the Rules. In mitigation, the Committee considered the fact that you were experiencing personal and family health problems during a portion of the time you failed to respond in this matter.

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 6 day of February, 1998.


James K. Dorsett, III
Chair, Grievance Committee

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