

WAKE COUNTY
NORTH CAROLINA



9939

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
00 DHC 23

THE NORTH CAROLINA STATE BAR)
Plaintiff)

v.)

GEOFFREY C. MANGUM, ATTORNEY)
Defendant)

ORDER OF DISCIPLINE

THIS MATTER was heard on the 17th day of November, 2000 before a duly appointed Hearing Committee of the Disciplinary Hearing Commission composed of Elizabeth Bunting, Chair; Michael Bonfoey and Robert Frantz. Carolin Bakewell represented the North Carolina State Bar. The Defendant did not appear nor was he represented by counsel. Based upon the pleadings and the evidence introduced at the hearing, the hearing committee hereby enters the following:

FINDINGS OF FACT

1. The Plaintiff, the North Carolina State Bar, is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar promulgated thereunder.

2. The Defendant, Geoffrey Mangum (hereafter, Mangum), was admitted to the North Carolina State Bar in 1981, and is, and, except as set out herein, was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the rules, regulations and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

3. During all of the relevant periods referred to herein, Mangum was actively engaged in the practice of law in the State of North Carolina.

4. Mangum was properly served with the summons and complaint herein. He failed to file any responsive pleading nor did he request additional time in which to file a responsive pleading.
5. On Oct. 13, 2000, on motion of the Office of Counsel, the Secretary of the N.C. State Bar entered Mangum's default, based upon his failure to file any responsive pleadings.
6. On Oct. 13, 2000, the Office of Counsel filed its motion for entry of an order of discipline. The motion for order of discipline was properly served upon Mangum, along with with the Bar's motion for entry of default, entry of default, grounds for personal jurisdiction, and a notice, advising Mangum that the Bar's motion for order of discipline would be heard at 10 a.m. on Friday, Nov. 17, 2000 in the State Bar's courtroom.
7. Mangum did not contact the State Bar or file any pleadings on or after Oct. 13, 2000.
8. On or about Nov. 27, 1995, Mangum undertook to handle an appeal of a criminal conviction for Ronnie H. Wilkerson (hereafter, Wilkerson).
9. Mangum was paid a fee of at least \$6,500 for his work in handling the appeal for Wilkerson.
10. On two occasions in 1996, Mangum told Wilkerson that he was working on the appeal.
11. On July 26, 1996, the Council of the N.C. State Bar suspended Mangum's law license for failing to comply with the Bar's mandatory continuing legal education requirements.
12. Mangum has never been reinstated to the practice of law in North Carolina and his law license has remained suspended at all times on and after July 26, 1996.
13. Mangum did not advise Wilkerson that his law license had been suspended and that Wilkerson needed to retain new counsel to complete his appeal.
14. Mangum did not perfect the appeal on Wilkerson's behalf nor did he communicate with Wilkerson about his case at any time after 1996.
15. Mangum did not refund any portion of the \$6,500 fee which he received for his services in representing Wilkerson.

16. In or prior to 1992, Mangum was appointed to represent Terry L. Robinson (hereafter, Robinson), respecting Robinson's appeal of drug charges to the U.S. Circuit Court for the Fourth Circuit Court of Appeals.

17. In March 1995, the Fourth Circuit Court of Appeals affirmed Robinson's conviction.

18. Mangum failed to promptly advise Robinson that the Fourth Circuit Court of Appeals had affirmed his conviction, thereby depriving Robinson of the opportunity to pursue other timely post-conviction relief.

19. Mangum failed to communicate adequately with Robinson about the appeal and failed to respond to Robinson's request for copies of his file and the trial transcript after the appeal was completed.

20. On or about Oct. 19, 1999, Wilkerson filed a grievance against Mangum with the N.C. State Bar.

21. On or about Feb. 24, 2000, the Guilford County Sheriff served Mangum in person with the State Bar's Letter of Notice and Substance of Grievance regarding Wilkerson's grievance.

22. Pursuant to the N.C. State Bar's Discipline & Disability Rules, Mangum had until March 20, 2000 in which to respond to the State Bar's Letter of Notice and Substance of Grievance.

23. Mangum did not respond to the State Bar's Letter of Notice and Substance of Grievance respecting Wilkerson's grievance, nor did he obtain an extension of time in which to do so.

24. On or about July 27, 1998, Robinson filed a grievance with the N.C. State Bar against Mangum.

25. On or about April 5, 2000, the Guilford County Sheriff's Department served Mangum with the State Bar's Letter of Notice and Substance of Grievance regarding Robinson's grievance, by leaving copies thereof with Anne Mangum, Mangum's wife, who is an adult person residing with Mangum at Mangum's residence in Greensboro, N.C.

26. Pursuant to the N.C. State Bar's Discipline & Disability Rules, Mangum had until April 26, 2000 in which to respond to the State Bar's Letter of Notice and Substance of Grievance respecting Robinson's grievance.

27. Mangum did not respond to the State Bar's Letter of Notice and Substance of Grievance respecting Robinson's grievance, nor did he obtain an extension of time in which to do so.

Based upon the foregoing FINDINGS OF FACT, the Hearing Committee hereby enters the following:

CONCLUSIONS OF LAW

1. The Defendant, Geoffrey C. Mangum, was properly notified of the State Bar's motion for entry of order of discipline and the notice of the hearing on the motion.

2. The N.C. State Bar Disciplinary Hearing Commission has jurisdiction over the person of the Defendant and the subject matter of this proceeding.

3. Mangum's conduct, as set out in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. Section 84-28(b)(2) as follows:

(a) By failing to perfect the appeal on Wilkerson's behalf, Mangum neglected a client matter in violation of Rule 6(b)(3), failed to seek the lawful objectives of his client in violation of Rule 7.1(a)(1) and prejudiced his client in violation of Rule 7.1(a)(3) of the former Rules of Professional Conduct.

(b) By failing to advise Wilkerson that his law license had been suspended on July 26, 1996 and that Wilkerson needed to retain new counsel regarding his appeal, Mangum failed to communicate with a client in violation of Rule 6(b)(1) and failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation in violation of Rule 6(b)(2) of the former Rules of Professional Conduct.

(c) By collecting and retaining the entire \$6,500 fee which he received from or on behalf of Wilkerson when he failed to perfect the appeal for Wilkerson and had not earned the fee, Mangum charged or collected a clearly excessive fee in violation of Rule 2.6(a) and failed to refund the unearned portion of a fee in violation of Rule 2.8(a)(3) of the former Rules of Professional Conduct.

(d) By failing to keep Robinson advised regarding the status of his appeal and by failing to promptly advise Robinson that his appeal had been denied by the Fourth Circuit Court of Appeals, Mangum failed to communicate with a client in violation of Rule 6(b)(1) of the former Rules of Professional Conduct.

(e) By failing to respond to Robinson's request for copies of his file and the trial transcripts in his case, Mangum failed to delivered to the client all papers and property of the client in violation of Rule 2.8(a)(2).

(f) By failing to respond to the Letter of Notice and Substance of Grievance regarding grievances filed by Robinson and Wilkerson, Mangum failed to respond to lawful demands for information from the N.C. State Bar in violation of Rule 8.1(b) of the Revised Rules of Professional Conduct

Based upon the foregoing Findings of Fact and Conclusions of Law and upon the evidence and arguments of the plaintiff concerning the appropriate discipline, the hearing committee hereby makes the additional

FINDINGS OF FACT REGARDING DISCIPLINE

1. Mangum's misconduct is aggravated by the following factors:
 - a) pattern of misconduct
 - b) substantial experience in the practice of law
 - c) lack of remorse
 - d) lack of restitution
 - e) multiple offenses
 - f) prior discipline, including a reprimand in 1996 and a Disciplinary Hearing Commission order entered in 1999 which suspended Mangum's license for four years but provided that he could seek a stay of the suspension after one year, on various conditions.
2. There are no mitigating factors.
3. The aggravating factors outweigh the mitigating factors.

Based upon the foregoing aggravating and mitigating factors and the arguments of the parties, the hearing committee hereby enters the following:

ORDER OF DISCIPLINE

1. The order of discipline entered against Mangum in N.C. State Bar v. Mangum, 99 DHC 15, on Aug. 18, 1999 is hereby adopted and continued in all respects.
2. In addition to complying with the terms and conditions of the order of discipline set out in 99 DHC 15, Mangum must demonstrate that he is not suffering from any mental or physical disability or impairment and that he is competent to practice law prior to seeking any stay of the suspension of his law license. If Mangum does not seek a stay of the suspension of his law license, he must demonstrate that he is not suffering from any mental or physical disability or

impairment and that he is competent to practice law prior to seeking reinstatement of his law license at the end of the four-year suspension imposed by 99 DHC 15.

3. In addition to complying with the terms and conditions of the order of discipline set out in 99 DHC 15, Mangum must demonstrate that he has paid \$6,500 in restitution to Ronnie H. Wilkerson prior to seeking any stay of the suspension of his law license. If Mangum does not seek a stay of the suspension of his law license, he must demonstrate that he has made restitution to Wilkerson in the amount of \$6,500 prior to seeking reinstatement of his law license at the end of the four year suspension imposed by 99 DHC 15.

4. Mangum shall pay the costs of this proceeding.

Signed by the Chair of the Hearing Committee with the consent of the other Hearing Committee members.

This the 19 day of December, 2000.



Elizabeth Bunting, Chair
Hearing Committee