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NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
01G0832

IN THE MATTER OF)

ROBERT L. BAYNES)
ATTORNEY AT LAW)

REPRIMAND

On April 17, 2002, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Mr. and Mrs. D.J. Jarrell.

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.

The Committee found the following facts. Mr. & Mrs. D.J. Jarrell retained you to represent them in connection with a civil action filed against them by Robert Goode in Guilford County Superior Court. Goode's civil complainant sought to enforce a contract for the sale of the Jarrells' real property. After being retained, you obtained an order allowing an extension of time until November 12, 1999 to file an answer or other reply to Goode's complaint.

You thereafter failed to file an answer or other reply to Goode's complaint on behalf of your clients, the Jarrells. You also failed to notify the Jarrells that your license to practice law had been suspended in March 2000. On application of Goode, an entry of default was entered against the Jarrells on April 10, 2000. A default judgment subsequently was entered against the Jarrells in the civil suit filed by Mr. Goode.

Pursuant to that default judgment, the agreement between Mr. Goode and the Jarrells was deemed to be a valid and binding contract for the conveyance of the Jarrells' premises. The Jarrells were ordered to convey marketable and fee simple title to Mr. Goode pursuant to that judgment. A constructive trust for the benefit of Mr. Goode was placed on the property until the Jarrells made such conveyance. The judgment also required the Jarrells to pay the cost of the action to Mr. Goode.

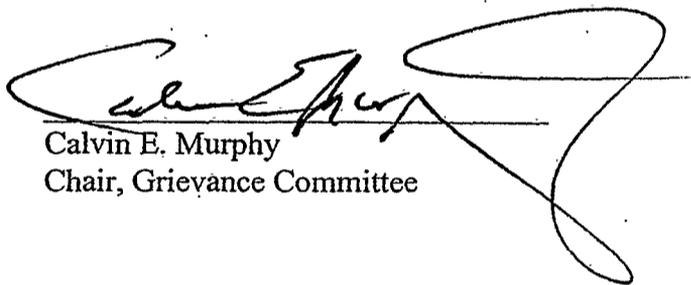
The Committee concluded that your conduct violated several Revised Rules of Professional Conduct ("Revised Rules"). First, you failed to act with reasonable diligence and promptness in violation of Revised Rule 1.3 by failing to file an answer or other reply to Mr. Goode's complainant on behalf of the Jarrells. Second, the Committee concluded that you failed to keep the Jarrells reasonably informed about the status of their case or explain the matter to the extent reasonably necessary to permit them to make informed decisions regarding the representation, in violation of Revised Rule 1.4(a) & (b). Part of this latter violation related to your failure to inform the Jarrells that your license to practice law had been suspended in March 2000.

In deciding to issue this Reprimand, the Committee considered several aggravating and mitigating factors. In aggravation, the Committee considered that you had considerable prior disciplinary history, including one matter involving similar violations. Second, the Committee considered that your violations appeared to cause significant prejudice to your clients. In mitigation, the Committee considered that you were experiencing personal and psychological problems during this time. The Committee also considered that you are currently under an active suspension of your law license. The Committee might have taken other action, such as referring this matter to the Disciplinary Hearing Commission, if you currently had an active law license or were likely to be reinstated in the near future.

You are hereby Reprimanded by the North Carolina State Bar due to 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 30th day of Apr. 1, 2002.



Calvin E. Murphy
Chair, Grievance Committee