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NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
02G1439

IN THE MATTER OF)	
)	
R. GARY KEITH,)	CENSURE
ATTORNEY AT LAW)	
)	

On July 23, 2003, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Faye B. Robinson.

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 March 20, 1998, you undertook to represent Faye B. R. regarding injuries she suffered in an auto accident in May 1995. Although you filed a timely complaint, you were unable to serve the defendants. On May 10, 1999 you voluntarily dismissed the complaint but failed to obtain your client's consent before doing so. Your conduct in this regard violated Rule 1.2. Moreover, you failed to re-file the complaint by the May 10, 2000 deadline, thereby causing Ms. R's entire claim to be lost. Your failure to refile the lawsuit in a timely fashion constituted neglect in violation of Rule 1.3.

Next, you failed to advise Ms. R that the statute of limitations had run on her claim and in fact misled her into thinking that the matter was still pending by, among other things, avoiding many of her

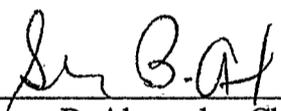
telephone calls and then telling her in a June 4, 2001 telephone conversation that you "had something for her" regarding her case. Your conduct in misleading Ms. R. about the status of her case violated Rules 1.4 and 8.4(c).

On Oct. 17, 2002, Ms. R. filed a grievance against you with the State Bar. On Jan. 3, 2003, bar counsel asked you for additional information. Bar counsel sent you a follow up letter on Jan. 31, 2003 when you did not respond. Ultimately, you filed a response on Feb. 27, but not until after bar counsel was forced to issue a subpoena to you. Your failure to file timely responses to bar counsel's requests for additional information constituted a violation of Rule 8.1.

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 5 day of August, 2003.



Sharon B. Alexander, Chair
Grievance Committee
The North Carolina State Bar