

23770

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
03G0638

IN THE MATTER OF)	
)	
RICHARD V. BROADNAX,)	REPRIMAND
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 Joyace M. Tate.

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, 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.

On April 17, 2003, the State Bar received a complaint that you had been appointed defense attorney by the Court for J.T., that you refused to return J.T.'s calls, that you failed to appear for J.T.'s hearing, and yet submitted a fee request for reimbursement to the Court, which was paid. You were sent a letter of notice from the State Bar by certified mail detailing this complaint and requiring your response within 15 days of receipt; this letter was received and signed for on May 1, 2003. You failed to respond to this letter. When you did not respond, the State Bar Office of Counsel sent you a follow up letter on May 23, 2003, reminding you that your response was overdue. You failed to respond to this letter as well.

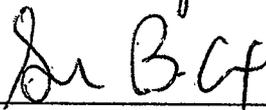
Your failure to respond to the State Bar constitutes grounds for discipline pursuant to N.C. Gen. Stat. §84-28(b), as a violation of Rule 8.1(b) of the Revised Rules of Professional Conduct which requires attorneys to respond to requests for information from a disciplinary authority, including the State Bar, and pursuant to N.C. Gen. Stat. §84-28(b)(3).

In deciding to issue you this reprimand, the Committee took into consideration that you were warned in 2000 for failing to respond in a timely fashion to a letter of notice in another grievance.

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 6 day of August, 2003.



Sharon B. Alexander
Chair, Grievance Committee