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NORTH CAROLINA

WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
05G0937

IN THE MATTER OF )

Donald A. Parker, )  
ATTORNEY AT LAW )

CENSURE

On January 19, 2006, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by R. D. Z., Jr.

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.

In 2004, R. D. Z., Jr., the managing partner of Lina Timber Associates (hereafter, LTA), contacted you on behalf of LTA and asked that you serve as the closing attorney for LTA's purchase of property. You recorded the deed for LTA's purchase of property, but you failed to do several things that LTA retained you to do, including complete and file all LLC documents for LTA with the Secretary of State's office, send LTA the property survey which the seller was to provide, send LTA final signed copies of all closing documents, obtain title insurance policy for LTA, disburse escrowed funds owed by the seller, disburse escrowed funds paid by the trailer camp from September through June, and send LTA a copy of the LLC documents that you were to file with the Secretary of State.

Mr. Z. made numerous telephone calls to you and sent letters asking that you perform the remaining services for LTA. In late May 2005, you agreed that all outstanding services would be

completed by the end of June 2005. Mr. Z. received no communication from you as of July 11, 2005, and advised you that he would file a formal grievance with the North Carolina State Bar if you did not complete all services.

Mr. Z. filed a grievance against you by letter dated August 31, 2005. You were served with a copy of Mr. Z's grievance on September 27, 2005. You were supposed to respond to the grievance within 15 days of receiving it. You did not respond to Mr. Z's grievance by the deadline.

By letter dated October 27, 2005, the North Carolina State Bar's deputy counsel advised you that you had an extension to respond to Mr. Z's grievance. You were given until November 3, 2005 to provide a response. You did not respond to this grievance by the extended deadline.

The North Carolina State Bar Office of Counsel subpoenaed you to appear at the North Carolina State Bar on November 30, 2005. You were personally served with the subpoena on November 16, 2005, but you failed to appear at the State Bar office on November 30, 2005 to respond to this grievance.

The North Carolina State Bar Office of Counsel then subpoenaed you to appear at the January 19, 2006 Grievance Committee meeting. You were personally served with that subpoena on December 12, 2005. You failed to appear before the Grievance Committee on January 19, 2006, pursuant to the subpoena.

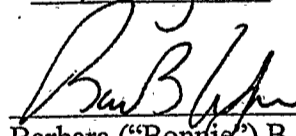
Your failure to perform the services as Mr. Z requested on behalf of LTA violated Rule 1.3 of the Revised Rules of Professional Conduct. Furthermore, when you failed to communicate with Mr. Z about the status of LTA's matters, you violated Rule 1.4 of the Revised Rules of Professional Conduct.

Your failure to respond to Mr. Z's grievance violated Rule 8.1(b) and Rule 8.4(d) of the Revised Rules of Professional Conduct.

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 13<sup>th</sup> day of February, 2006.

  
Barbara ("Bonnie") B. Weyher, Chair  
Grievance Committee  
The North Carolina State Bar