

NORTH CAROLINA

WAKE COUNTY

FILED

1980 JUN -8 AM 9 53

75.2-44-18,510.
JUL 10 1980

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
79 DHC 20

THE NORTH CAROLINA STATE BAR,
Plaintiff,

-VS-

JEROME PAUL, Attorney,
Defendant.

FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

THIS CAUSE coming on to be heard and being heard before the undersigned Hearing Committee of the Disciplinary Hearing Commission of The North Carolina State Bar at a regularly scheduled hearing held on Thursday, May 15, 1980, in the office of The North Carolina State Bar, 208 Fayetteville Street Mall, Raleigh, North Carolina, and said Hearing Committee having heard the evidence and arguments and contentions of counsel make the following findings of fact:

FIRST CLAIM FOR RELIEF

1. 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.
2. The Defendant was admitted to the North Carolina State Bar in September, 1968, and is and was at all times referred to herein, an attorney at law, licensed to practice law in the State of North Carolina, subject to the rules, regulations, Canons of Ethics and Code of Professional Responsibility of The North Carolina State Bar and of the laws of the State of North Carolina. During the times hereinafter referred to, the Defendant was actively engaged in the practice of law in North Carolina and maintained an office in the City of Durham, Durham County, North Carolina. Subsequent to the institution of this action, the Defendant moved his residence to the City of New York, State of New York.
3. On or about November 28, 1977, the Defendant contracted with one Margaret Cady to perform legal services on behalf of her son, Robert L. Cady, then incarcerated in the North Carolina Prison System. In the contract of employment, the Defendant agreed with Mrs. Cady to review the transcript of her son's first-degree murder trial which took place in Cumberland County, North Carolina for the sum of \$200.00. Thereafter, the Defendant received a fee of \$1,000 for legal services to be performed for Robert L. Cady.

4. The Defendant contacted Mr. Robert L. Cady at North Carolina Central Prison and Mr. Cady directed him to effect or assist him in perfecting Appellate Review of his conviction of first-degree murder. At the time the Defendant contacted Robert L. Cady, Mr. E. Lynn Johnson, a court-appointed attorney, was representing Mr. Cady in an effort to seek Appellate Review of said conviction. The Defendant knew that Mr. Cady was represented by counsel in that matter.

5. At no time during the representation of Mr. Robert L. Cady did the Defendant make an effort to contact Mr. Robert L. Cady's court-appointed counsel to advise him of his involvement in the matter. The Defendant failed to enter an appearance in the case then pending and did nothing on Mr. Cady's behalf concerning the Appellate Review of his conviction and therefore the Defendant failed to carry out the contract of employment entered into between him and Mrs. Cady.

Based upon the foregoing findings of fact, the Hearing Committee makes the following conclusions of law:

1. The conduct of the Defendant as set forth above constitutes a violation of North Carolina General Statutes 84-28(b) (2), in that by failing to act on Mr. Cady's behalf, he neglected a legal matter which had been entrusted to him in violation of Disciplinary Rule 6-101(A) (3) of the Code of Professional Responsibility of The North Carolina State Bar.

2. The conduct of the Defendant as set forth above constitutes a violation of North Carolina General Statutes 84-28(b) (2) in that he intentionally failed to seek the lawful objectives of his client when he took no affirmative action in connection with Mr. Cady's Appellate Review, in violation of Disciplinary Rule 7-101(A) (1) of the Code of Professional Responsibility of The North Carolina State Bar.

3. The conduct of the Defendant as set forth above constitutes a violation of North Carolina General Statutes 84-28(b) (2) in that by failing to take any affirmative action in connection with Mr. Cady's Appellate Review, the Defendant intentionally failed to carry out a contract of employment entered into with the client for professional services in violation of Disciplinary Rule 7-101(A) (2) of the Code of Professional Responsibility of The North Carolina State Bar.

4. The conduct of Defendant as set forth above constitutes a violation of North Carolina General Statutes 84-28(b) (2) in that by failing to perform

the legal services for which he was hired and failing to take affirmative action concerning Mr. Cady's Appellate Review, thus resulting in Mr. Cady's appeal for the conviction being affirmed, he intentionally prejudiced or damaged his client during the course of the professional relationship in violation of Disciplinary Rule 7-101(A) (3) of the Code of Professional Responsibility of The North Carolina State Bar.

SECOND CLAIM FOR RELIEF

1. Paragraph 1 through 5 of the findings of fact set forth above are hereby incorporated by reference and made a part of the Second Claim for Relief as if fully set out herein.

2. On August 30, 1978, Robert L. Cady filed a grievance with The North Carolina State Bar complaining of the conduct of the Defendant.

3. Pursuant to Rule 12(2) of the Discipline and Disbarment Rules of The North Carolina State Bar, the Chairman of the Grievance Committee issued a Letter of Notice to the Defendant on or about October 16, 1978, which was mailed registered mail, return receipt requested pursuant to Rule 12(3) of the Discipline and Disbarment Rules. The Defendant received said Letter of Notice on October 26, 1978.

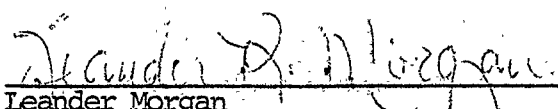
4. The Defendant failed to respond to the Letter of Notice as required by Rule 12(3) of the Discipline and Disbarment Rules of The North Carolina State Bar.

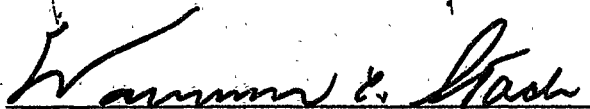
Based on the foregoing findings of fact, the Hearing Committee makes the following conclusions of law:

1. The conduct of the Defendant as set forth above constitutes a violation of North Carolina General Statutes 84-28(b) (3) in that he failed to answer a formal inquiry issued by The North Carolina State Bar when he failed to answer the Letter of Notice issued by the Chairman of the Grievance Committee of the North Carolina State Bar.

This the 23 day of May, 1980.


William Owen Cooke, Chairman
Disciplinary Hearing Committee


Leander Morgan


Warren Stack

NORTH CAROLINA

WAKE COUNTY

FILED BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
1980 JUN -3 AM 9:52 NORTH CAROLINA STATE BAR
79 DHC 20
G.E. CRATED, 350

THE NORTH CAROLINA STATE BAR,
Plaintiff,

-vs-

JEROME PAUL, Attorney,
Defendant.

ORDER

Based upon the foregoing findings of fact and conclusions of law and pursuant to Section 9 of Article IX, "Discipline and Disbarment of Attorneys," the undersigned Hearing Committee of the Disciplinary Hearing Commission hereby issues the following Order.

IT IS HEREBY ORDERED:

1. That the Defendant, Jerome Paul, be and he is hereby suspended from the practice of law in the State of north Carolina for a period of one (1) year.

2. IT IS FURTHER ORDERED, that Jerome Paul be taxed with the costs of this hearing.

This the 23 day of May, 1980.

William Owen Cooke
William Owen Cooke, Chairman
Disciplinary Hearing Committee

Leander R. Morgan
Leander Morgan

Warren C. Stack
Warren Stack