

NORTH CAROLINA  
WAKE COUNTY

JUN 26 7:30 AM  
10347  
BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
92 DHC 11

THE NORTH CAROLINA STATE BAR,  
Plaintiff

vs.

MARK V. L. GRAY, ATTORNEY  
Defendant

ORDER OF VOLUNTARY  
DISMISSAL

Plaintiff having moved the Chairman of the Hearing Committee for leave to dismiss this action and it appearing to the Chairman that leave ought to be granted,

IT IS THEREFORE ORDERED and adjudged that this action is dismissed on the condition that the Defendant, Mark V. L. Gray, accept the censure as prepared by the attorneys for the Plaintiff and the Defendant and signed by the Chairman of the Grievance Committee within 15 days of service upon him of the censure.

Signed by the Chairman of the Disciplinary Hearing Committee with the consent of all parties and all members of the Hearing Committee.

This the 18 day of June, 1992.

Robert C. Bryan  
Robert C. Bryan, Chairman  
Disciplinary Hearing Committee

00911



disbarment.

You undertook to represent Keretha Woolard and her minor child, Germaine, both of Florida, after Ms. Woolard's husband was killed in a work related accident in Florida in January, 1988. While you obtained worker's compensation benefits for Ms. Woolard, you failed to thoroughly pursue the correct calculation of benefits due her and you failed to thoroughly pursue any claim on behalf of the minor child. Your actions violated Rule 6(A)(2) of the Rules of Professional Conduct which provides that an attorney shall not handle a legal matter without adequate preparation under the circumstances.

During the period in which you represented Ms. Woolard, you received worker's compensation checks for Ms. Woolard. Some of the checks were placed in her file rather than a trust account and in fact became stale. While there was no fraud, deceit or misappropriation of client funds on your part, your conduct in this respect was in violation of Rule 10.1(C) of the North Carolina Rules of Professional Conduct, which requires attorneys to place funds of a client into a trust account.

It appears that you and Ms. Woolard agreed that some of the checks you were holding should be used to pay a funeral home bill, an autopsy bill and to reimburse you for expenses incurred in representing Ms. Woolard. Pursuant to Florida and North Carolina law, worker's compensation benefits are exempt from the claims of creditors. While you advised Ms. Woolard that she was not obligated to pay these claims, you prejudiced her in violation of Rule 7.1(A)(3) by failing to advise her that this exemption could not be waived.

Ms. Woolard discharged you in October 1989 and her new attorney, James T. Earle, Jr., the complainant, asked you for an accounting of the worker's compensation benefits that you had received in your office on Ms. Woolard's behalf. Although you may have had several telephone conferences with Mr. Earle and did in fact advise him of the checks in her file, as well as forward such checks to him on November 7, 1989, you did not respond to Mr. Earle's request for an accounting on Ms. Woolard's behalf until early April, 1990. Moreover, the accounting which you finally provided was inaccurate. For instance, the accounting mistakenly indicated that all of the worker's compensation checks listed on the accounting had been promptly relayed to Ms. Woolard when, in fact, some of the checks had been deposited in your trust account and others had become stale after being left in the file for a period of time. Rule 10.2(D) of the North Carolina Rules of Professional Conduct requires an attorney to provide accountings when requested to do so by a client. You violated this rule by failing to provide a prompt accurate response to Mr. Earle's request for an accounting on behalf of Ms. Woolard.

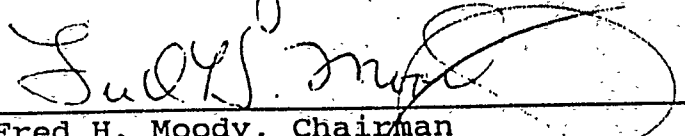
You are hereby censured by the North Carolina State Bar due to your professional misconduct and violation of the North Carolina Rules of Professional Conduct. The Grievance Committee trusts that this censure will be heeded by you, that it will be remembered by you, that it will be beneficial to you, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. In order to remain a respected member of the legal profession whose conduct may be relied upon without question, you must in the future carefully weigh your responsibility to the public, your clients, your fellow attorneys, and the courts. The Grievance Committee expects that no professional misconduct will occur in the future.

Pursuant to Section 23 of Article IX of the Rules and Regulations of the North Carolina State Bar, it is ordered that a certified copy of this censure be forwarded to the Clerk of the Superior Court of Guilford County for entry upon the judgment docket and to the Supreme Court of North Carolina for entry in its minutes. This censure will be maintained as a permanent record in the judgment book of the North Carolina State Bar and a copy shall be sent to the local newspapers in the county in which you practice. A copy also will be sent to the complainant.

If you have not accepted this censure within 15 days after it is served upon you, counsel shall thereafter be instructed to prepare and file a complaint against you with the Disciplinary Hearing Commission of the North Carolina State Bar. Your acceptance must be addressed to the Grievance Committee and filed with the Secretary. The hearing before the Disciplinary Hearing Commission is public, and all of its proceedings and its decision are public.

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 27 day of May, 1992.

  
Fred H. Moody, Chairman  
The Grievance Committee of the  
North Carolina State Bar