

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
10G0295

IN THE MATTER OF	)	
	)	
Pamela A. Hunter,	)	CENSURE
ATTORNEY AT LAW	)	
	)	

On October 28, 2010, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by B. K.

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 July 2004, you filed a medical malpractice complaint on behalf of your client, B.K. You had no factual basis for the allegation in the complaint that "as a direct and proximate result" of the defendants' actions, B.K. was "totally incapacitated." Before you filed the complaint, no doctor agreed to testify that the defendants had not met the applicable standard of care, as required by Rule 9(j). By filing a complaint without sufficient basis in fact to allege causation and damages and without the required commitment of an expert witness, you brought a claim without factual basis in violation of Rule 3.1. By filing this frivolous lawsuit, you caused potential harm to the administration of justice.

Acknowledging that you could be sanctioned for going forward with B.K.'s malpractice case, in February 2007 you arranged to abandon the lawsuit and instead personally pay B.K. "\$20,000.00 over 2

years to cut [your] losses.” By July 2009, you had paid B.K. approximately \$22,500.00 of your personal funds in at least five separate installments. You did not adequately explain or communicate in writing the purpose of your payments to B.K., and as a result, B.K. was under the impression that her medical malpractice case had “settled.” This demonstrates that you did not explain the matter to the extent reasonably necessary to allow B.K. to make an informed decision, in violation of Rule 1.4(b).

Your payments to B.K. constituted either financial assistance to a client in connection with pending litigation in violation of Rule 1.8(e), settlement of a potential malpractice action in violation of Rule 1.8(h), or some other kind of business transaction with a client in violation of Rule 1.8(a). It is not clear which subsection of Rule 1.8 you violated because, as noted above, you did not adequately document or memorialize the nature of your agreement with B.K. In light of your prior discipline, the Grievance Committee found that your recurrent disregard for the Rules of Professional Conduct poses potential significant harm to the public and the profession.

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 January 24, 2008 by the Council of the North Carolina State Bar regarding the taxing of administrative fees and investigative costs to any attorney issued a censure by the Grievance Committee, an administrative fee in the amount of \$100.00 is hereby taxed to you.

Done and ordered, this 2 day of December, 2010.

A handwritten signature in black ink, appearing to read "Ronald G. Baker, Sr.", written over a horizontal line.

Ronald G. Baker, Sr., Chair
Grievance Committee
The North Carolina State Bar