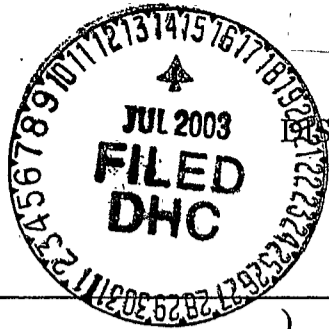


23241

NORTH CAROLINA  
WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
03 DHC 9

THE NORTH CAROLINA STATE BAR )  
Plaintiff )

v. )

JAMES R. LANGDON, ATTORNEY )  
Defendant )

CONSENT ORDER  
OF  
DISCIPLINE

This matter came before a Hearing Committee of the Disciplinary Hearing Commission composed of Richard T. Gammon, Esq., Chair; M. Ann Reed, Esq.; and H. Dale Almond, pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B Section .0114 (h) of the Rules and Regulations of the North Carolina State Bar. The defendant James R. Langdon, was represented by Alan M. Schneider. The plaintiff was represented by Fern Gunn Simeon. Defendant has agreed to waive a formal hearing in the above referenced matter. Both parties stipulate and agree to the findings of fact and conclusions of law recited in this consent order and to the discipline imposed. Further, the Defendant hereby waives his right to appeal this consent order or challenge in any way the sufficiency of the findings. Based upon the consent of the parties the hearing committee hereby enters the following:

**FINDINGS OF FACT**

1. The Plaintiff, 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, and the Rules and Regulations of the North Carolina State Bar promulgated thereunder.
2. The Defendant James R. Langdon (hereafter, Langdon), was admitted to the North Carolina State Bar on August 24, 1996, and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the rules, regulations and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.
3. During all of the relevant periods referred to herein, Langdon was actively engaged in the practice of law in the State of North Carolina and maintained a law office in Charlotte, North Carolina.
4. Langdon was employed as an associate with the Poyner & Spruill law firm and was

assigned to handle various cases.

5. In July 1999, Langdon agreed to file eight complaints against account debtors of Labor Day on behalf of his client.

6. Prior to December 22, 2000, Langdon misrepresented to his client that he had filed the eight lawsuits when in fact no lawsuit had been filed against the account debtors.

7. Langdon finally drafted the eight complaints against the account debtors of Labor Day on or about December 22, 2000.

8. Langdon was supposed to domesticate a foreign judgment against Labor Day and execute on the judgment, but failed to do so.

9. In March 1999, Langdon began representing a client regarding the client's lien on the Laniers' car (hereafter, the Lanier case).

10. Langdon was supposed to file a complaint on behalf of his client in the Lanier case, but he never filed it.

11. Langdon misrepresented to his client that he had initiated the lawsuit, when in fact he had not filed a complaint in the Lanier case.

12. In 1999, Langdon was supposed to draft a consent order in the Massey Chapter 13 bankruptcy matter. Langdon drafted the consent order, but never followed up to see that the court entered the order.

13. In May 1999, Langdon agreed to represent a client against Devise Aviation Contract Personnel Inc., (hereafter, Devise Aviation), Debra Cobb, and Damion Hayes.

14. Langdon filed a complaint against Devise Aviation, Debra Cobb, and Damion Hayes. Devise Aviation and Debra Cobb were served with the complaint.

15. Damion Hayes was not served properly with the complaint. Langdon told his client that he needed to hire a process server or private detective to find Hayes in order to serve the complaint on him. The client authorized Langdon to hire a process server or private detective to find Hayes. Langdon neither followed through with hiring anyone to serve the complaint on Hayes, nor took any steps to have Hayes served with the complaint.

16. Langdon never pursued default judgments against Devise Aviation and Debra Cobb, the parties that were served with the complaint.

17. On August 19, 1999, a client asked Langdon to pursue legal action against Optical Fiber Network and David Middleton.

18. It took approximately six months for Langdon to file a summons and complaint against Optical Fiber Network and David Middleton.
19. Langdon obtained service by certified mail on Optical Fiber Network. Neither Optical Fiber Network nor David Middleton filed an answer. Langdon did not obtain a default judgment against Optical Fiber Network and David Middleton.
20. In March 2000, Langdon drafted complaints against Doug and Robert Uhlig on behalf of defendant's client. The complaint was never served on Doug Uhlig, and Langdon inadvertently filed the complaint against Robert Uhlig in the wrong county.
21. In late summer or early fall of 2000, Langdon's client asked him to seek a default judgment against Doug and Robert Uhlig. However, Langdon never corrected the improper filing of the complaint against Robert Uhlig and he never pursued a default judgment against Doug and Robert Uhlig, as instructed by his client.
22. In July 2000, Langdon was supposed to seek a claim and delivery of a car from David Hobbs. Langdon never filed a complaint for claim and delivery on his client's behalf against Hobbs.
23. In February 1999, Langdon filed actions against Katherine Dunn, Susan Dunn, and Bryan Dunn.
24. The Bryan Dunn case was on the clean-up calendar on October 14, 1999 and December 16, 1999. According to Langdon, on December 16, he obtained a continuance in the cases. He thought that the Bryan Dunn case was continued on December 16; however, the court dismissed it by clerical error.
25. Langdon failed to follow-up on the Bryan Dunn case to determine the status of the case, when he did not see the matter appear on any subsequent clean-up calendars.
26. On May 4, 2000, Langdon's client asked him to file motions for relief from stay in the Montjoy and Pittman cases.
27. Langdon did not draft the motions for relief from stay in the Montjoy and Pittman cases until December 4, 2000.
28. In December 1998, Wayne Sigmon, bankruptcy trustee for a debtor, Anne Michael Holdings (hereafter, Holdings), sued Langdon's client for fraudulently receiving merchandise from Holdings.
29. Langdon did not respond to the debtor's discovery in Holdings case.

30. Langdon did not conduct any discovery in the Holdings case.
31. None of Langdon's clients complained about the conduct referenced herein.
32. The above referenced conduct occurred during a period of time in which Langdon was experiencing significant personal problems in his life and was suffering from depression.
33. The above referenced conduct was causally connected to Langdon's depression.
34. As a result of the conduct referenced herein, Langdon voluntarily sought help from the Lawyers Assistance Program (hereafter, LAP) and was referred to the Pavillon International Treatment Center for inpatient treatment.
35. Upon successful completion of a 28-day inpatient treatment program, Langdon entered into a two-year Recovery Contract with LAP on May 7, 2001.
36. Langdon has fully complied with his LAP Recovery contract and has made excellent progress in addressing the personal problems he was experiencing during the time period in which the conduct at issue occurred.
37. The Director of LAP reports that, given Langdon's impeccable compliance, insight, acceptance of responsibility and his therapeutic work over the last two years, it is his opinion that Langdon does not pose a danger to clients and can safely engage in the practice of law.
38. Langdon is currently employed with Moore & VanAllen, PLLC (hereafter, MVA) and has been so employed since December of 2000.
39. Langdon has kept MVA fully informed about the misconduct that occurred at his former firm and has kept MVA fully apprised of his progress with the LAP program.
40. MVA reports that Langdon has made excellent progress and is handling any and all client matters promptly and diligently.
41. No grievances have been filed against Langdon with the North Carolina State Bar since he left his former firm in December of 2000.

Based upon the foregoing Findings of Fact, the Committee enters the following:

#### CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Committee, and the Committee has jurisdiction over defendant, James R. Langdon, and the subject matter of this proceeding.

2. The Defendant's conduct, as set out in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. 84-28(b)(2) as follows:

- a. By not acting with reasonable diligence and promptness in representing his various clients, Langdon neglected his clients' cases in violation of Rule 1.3 of the North Carolina Revised Rules of Professional Conduct.
- b. By misrepresenting to his client the true status of the actions against account debtors of Labor Day, Langdon engaged in conduct involving a misrepresentation in violation of Rule 8.4 (c) of the Revised Rules of Professional Conduct.
- c. By telling his client that he had filed a lawsuit in the Lanier case, when he had not filed a complaint and no legal action had been initiated, Langdon engaged in conduct involving a misrepresentation in violation of Rule 8.4 (c) of the Revised Rules of Professional Conduct.

Based upon the consent of the parties, the hearing committee also enters the following:

#### FINDINGS REGARDING DISCIPLINE

1. Langdon's misconduct is aggravated by the following factors:
  - (a) multiple offenses; and
  - (b) a pattern of misconduct.
2. Langdon's misconduct is mitigated by the following factors:
  - (a) absence of any prior disciplinary record
  - (b) absence of selfish motive
  - (c) Langdon suffered from significant personal problems during the time period in which the violations occurred and has actively and successfully sought treatment and counseling since April 2001
  - (d) efforts to rectify the consequences of his misconduct
  - (e) full and free disclosure to the North Carolina State Bar and cooperative attitude toward the proceedings
  - (f) good character and reputation
  - (g) remorse
  - (h) interim rehabilitation; and
  - (i) The conduct in question occurred more than two years ago.
3. The mitigating factors significantly outweigh the aggravating factors.

Based upon the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW and the FINDINGS REGARDING DISCIPLINE and based upon the consent of the parties, the Hearing

Committee enters the following:

### ORDER OF DISCIPLINE

1. The license of the defendant, James R. Langdon, is hereby suspended for one year from the date this Order of Discipline is served upon him. The period of suspension is stayed for two years upon the following conditions:

- a. Langdon shall execute another 2-year Recovery Contract with the LAP Program and satisfactorily participate in the LAP Program throughout the period of his stayed suspension.
- b. Langdon shall sign appropriate waivers to permit LAP to make quarterly reports to the State Bar's Office of Counsel and to report any failure of Langdon to comply with this Order and his LAP recovery contract. Langdon is responsible to ensure that quarterly reports are received by the State Bar's Office of Counsel on January 1, April 1, July 1, and October 1 during each year of the stay.
- c. During the period of the stay, Langdon will pay all membership dues and Client Security Fund assessments and will comply with all Continuing Legal Education requirements on a timely basis.
- d. During the period of the stay, Langdon will keep his address of record with the North Carolina State Bar current, will accept all certified mail from the North Carolina State Bar, and will respond to all letters of notice and requests for information from the North Carolina state Bar by the deadlines stated in the communication.
- e. Langdon shall not violate any state or federal laws during the period of the stayed suspension.
- f. Langdon shall not violate any provisions of the Rules of Professional Conduct during the period of his stayed suspension; and
- g. Langdon shall pay all costs incurred in this proceeding, as assessed by the Secretary, within 30 days of service of the notice of costs upon him.

2. If, upon a motion by the State Bar, a Hearing Committee of the DHC finds that Langdon has violated any of the conditions in Section 1(a)-(e) of this Order of Discipline, the suspension of Langdon's license shall be activated. If the suspension is activated, prior to seeking reinstatement of his license, Langdon must:

- a. comply with all provisions of 27 N.C. Admin. Code Chapter 1, Subchapter

B, Sec. .0125(b) of the N.C. State Bar Discipline & Disability Rules; and

- b. satisfy all the conditions set forth in section 1 (a)-(e) of this Order of Discipline prior to seeking reinstatement.

Signed by the undersigned Chair with the full knowledge and consent of the other members of the Hearing Committee.

This the 30 day of June 2003



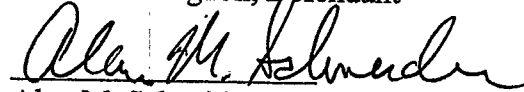
Richard T. Gammon, Chair  
Hearing Committee

*w/ consent of all panel members. RJS*

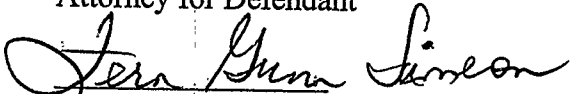
We Consent:



James R. Langdon, Defendant



Alan M. Schneider  
Attorney for Defendant



Fern Gunn Simeon  
Attorney for Plaintiff