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NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
04G0662 & 04G1134

IN THE MATTER OF)
)
Nancy P. Quinn,) CENSURE
ATTORNEY AT LAW)
)
)

On January 19, 2006, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by P. N. and P. T.

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.

You represented P. T. in his workers' compensation case. P. T. filed a grievance against you, complaining that you held $1,600.00 of his money in your trust account and you had not paid his hospital bill.

A North Carolina State Bar investigator contacted you on June 15, 2004 and advised you of P. T.'s grievance. The investigator asked that you send a copy of your client ledger regarding P. T.'s case and the court order directing payment of his medical bills. You were also asked to send bank records related to all receipts and disbursements in P. T.'s case.

After the investigator did not receive the information, he contacted you again on July 26, 2004 and asked that you provide the requested information. You did not provide the requested bank records until the North Carolina State Bar issued a letter of notice and subpoena for cause audit. Even after the State Bar served a subpoena for cause audit on you, the investigator had to write you again and ask that you provide necessary information in investigating P. T.'s grievance against you.

On November 16, 2004, a State Bar Deputy Counsel wrote you and asked about P. T.'s hospital bill that appeared to be unpaid. Deputy Counsel asked that you contact the hospital and ascertain the balance that P. T. owed, and disburse payment to the hospital. Deputy Counsel asked that you respond to her request for information no later than January 7, 2005. The State Bar office heard from you by letter dated January 14, 2005. However, you did not pay P. T.'s hospital bill until July 7, 2005. The Grievance Committee found that you did not promptly disburse P. T.'s funds to pay his hospital bill, in violation of Rule 1.3 and Rule 1.15-2(m). The Grievance Committee also found that you failed to respond promptly to the North Carolina State Bar during its investigation of P. T.'s grievance against you, in violation of Rule 8.4(d) of the Revised Rules of Professional Conduct.

You represented P. N. in both his workers' compensation and personal injury claims. It appears that P. N. settled his workers' compensation claim. However, the insurer in the workers' compensation case had a subrogation lien against any recovery P. N. may have recovered in his pending civil action. In your response to P. N.'s grievance, you stated that you would "continue to attempt to reach a reduced amount on his behalf and that is why the funds are still in trust."

State Bar Deputy Counsel wrote you on November 17, 2004 regarding P. N.'s grievance. You were asked if you had been able to negotiate a reduced lien amount, as you had indicated in your response to the grievance. State Bar Deputy Counsel asked that you respond to her November 17, 2004 letter no later than January 7, 2005. You never responded to Deputy Counsel's November 17, 2004 letter. Furthermore, it appears that you continue to hold funds in trust for P. N.

The Grievance Committee found that you violated Rule 1.3 of the Revised Rules of Professional Conduct by not following through on your attempts to reduce P. N.'s employer's lien on his workers' compensation claim. Furthermore, according to your last response to this grievance, funds still remain in your trust account for P. N. Your failure to disburse promptly those funds is in violation of Rule 1.15-2(m).

The Grievance Committee found that your failure to respond to deputy counsel's November 17, 2004 letter regarding P. N.'s grievance violated Rule 8.1(b) of the Revised Rules of Professional Conduct.

On October 24, 2002, P. N. was deposed relative to his superior court action against two parties. You arrived 45 minutes late to the deposition. In your absence, your legal assistant was present at the deposition. The Grievance Committee found that by having your paralegal stand in for you at the deposition, you were allowing your legal assistant to represent a witness at a deposition in violation of Rule 5.3 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 8 day of July, 2006.

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