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NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
98G0392(IV)

IN RE: Paul E. Hemphill)
ATTORNEY AT LAW)
)

CENSURE

On October 15, 1998, the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by Willie H. Lawrence.

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 warranted 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.

An censure is a written form of discipline more serious than an 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 was of the opinion 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. I am certain that you will understand fully the spirit in which this duty is performed.

The North Carolina State Bar notified you of Mr. Lawrence's grievance against you by a letter of notice. The letter of notice was served on you on April 4, 1998. You did not respond to the letter of notice within 15 days of receiving it. On April 28, 1998 you were sent a letter giving you an extension until May 8, 1998 to respond to Mr. Lawrence's grievance. You did not respond to the grievance by May 8, 1998.

A subpoena was issued to you on May 14, 1998. You did appear before the Grievance Committee as a result of the subpoena. You finally responded to this grievance four months after you received it.

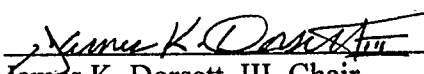
Your failure to respond promptly to this grievance violates Rule 8.1(b) and Rule 8.4(d) of the Revised Rules of Professional Conduct.

In deciding to issue a censure, the Grievance Committee considered as an aggravating factor that you had received a reprimand and an admonition for, among other things, failing to respond promptly to the Grievance Committee on other occasions.

You are hereby censured by the North Carolina State Bar for your violation of the Revised 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 the 16 day of November, 1998.


James K. Dorsett, III, Chair
Grievance Committee

JKD/rs