

NORTH CAROLINA

8583

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
92G0766(I)

IN THE MATTER OF)

GLENNIE M. MATTHEWSON, II,)
ATTORNEY AT LAW)

REPRIMAND)

On April 15, 1993, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Lovie Harrell.

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, reprimand, or censure to the respondent attorney.

A reprimand is a written form of discipline more serious than an admonition issued in cases in which an attorney has violated one or more provisions of the Rules of Professional Conduct and has caused harm or potential harm to a client, the administration of justice, the profession, or a member of the public, but the misconduct does not require a censure.

The Grievance Committee was of the opinion that a censure is not required in this case and issues this reprimand to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this reprimand and I am certain that you will understand fully the spirit in which this duty is performed.

You represented Lovie Harrell in her worker's compensation case. On September 10, 1990, Joseph W. Williford, the attorney for the defendants in Ms. Harrell's case, served interrogatories on you. Mr. Williford had not received answers to the interrogatories within the time provided by the Rules of Civil Procedure. On November 15, 1990, Mr. Williford filed and served the motion to compel answers to interrogatories. Deputy Commissioner Leroy Shuping ordered that you provide responses to the discovery no later than December 31, 1990. Responses to the discovery were not provided to Mr. Williford by that date and he moved to have Ms. Harrell's case removed from the hearing docket.

Deputy Commissioner Shuping, by an order dated January 15, 1991, removed Ms. Harrell's case from the active hearing docket and ordered that it not be reset until she had fully answered the discovery and filed a written request for hearing. Deputy Commissioner Shuping also provided that if Ms. Harrell did not answer the discovery and file a request for hearing within 60 days of his order, her case would be subject to dismissal with prejudice for failure to prosecute.

On March 20, 1991, Mr. Williford filed a motion to dismiss Ms. Harrell's case. Mr. Williford stated that Ms. Harrell had neither answered the

discovery, filed a request for hearing, nor provided any excuse or reason for her failure to comply with the prior orders of the Industrial Commission.

On March 26, 1991, Mr. Williford received from you the answers to the interrogatories. Deputy Commissioner Shuping found that Mr. Williford's motion to dismiss was moot because you had answered the discovery. However, you were advised by Mr. Shuping in a letter dated April 3, 1991 that your client had to file a written request asking that the case be reset for hearing.

You claimed that you mailed the answers to the interrogatories on October 22, 1990. Mr. Williford claims that he never received the answers and made efforts to get you to respond to the interrogatories. You failed to follow-up and make sure that Mr. Williford had answers to the interrogatories and thus jeopardized your client's case. If you had not the discovery at the eleventh hour, Ms. Harrell's case would have been dismissed with prejudice.

Your conduct in this matter violates Rule 6(B)(3) of the Rules of Professional Conduct. As an attorney you have an obligation to attend diligently to your client's cases. A client's interest often can be adversely affected by an attorney's inattention to the case. You indicated that you were out of the office during that period of time and you relied on your paralegal to follow up with Mr. Williford about the receipt of the answers to the interrogatories. Whether or not your paralegal did as you instructed, it was your obligation to insure that your client's case was handled properly.

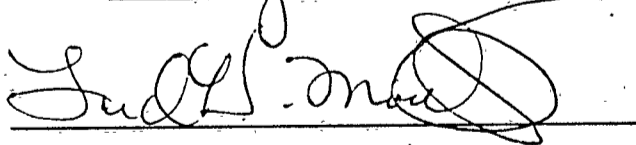
The Grievance Committee was also concerned about your failure to respond to the Industrial Commission by providing some reason for your failure to respond promptly to the interrogatories. As an officer of the court, you have an obligation to follow the orders of all courts.

Finally the Grievance Committee was concerned about your failure to promptly respond to this grievance and additional follow up letters sent to you by bar counsel. You offered various reasons for your failure to respond promptly: Not receiving the grievance, occupied in court, or out of the office due to illness. The Grievance Committee understands that an attorney may have on occasion a reason for not responding promptly to the State Bar Grievance Committee. However, your consistent failure to respond promptly to this grievance is a violation of Rule 1.2(D). Should you receive a grievance in the future you are advised to do all that you can to provide a prompt response.

You are hereby reprimanded by the North Carolina State Bar due to your professional misconduct. The Grievance Committee trusts that you will heed this reprimand, 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 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 reprimand by the Grievance Committee, the costs of this action in the amount of \$50.00 are hereby taxed to you.

Done and ordered, this 16 day of May, 1993.



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

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