

NORTH CAROLINA

8330

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
02G1153

WAKE COUNTY

IN RE:	Pamela A. Hunter,)	
	ATTORNEY AT LAW)	REPRIMAND
)	
)	

On 15 Jan 2004, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by the State Bar.

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 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 regularly appear on behalf of clients before the Industrial Commission on workers compensation claims. During the course of your representation of these clients, there have been numerous occasions when you have failed to timely comply with orders of the Commissioners,

failed to comply with opposing counsel discovery requests, or otherwise failed to take timely action on behalf of your client to avoid entry of a decision prejudicial to your client's interests.

At least five cases have been identified in which you failed to act in a timely manner. In one of those five cases, you failed to comply on a timely basis with an order compelling discovery and failed to file a pre-trial order as directed by the Commissioner assigned to the case. In a second case, the claim was dismissed for failure to prosecute after you failed to comply with discovery and failed to respond to a motion to dismiss. In a third case, the Commission dismissed the claim when both you and your client failed to appear at a scheduled hearing and you did not respond after the Commissioner made the dismissal of your client's claim contingent on giving you an additional thirty days to accept the employer's last settlement offer. You then waited nearly a year before filing an appeal of the dismissal, which was too late under the Commission's rules and resulted in an outright dismissal of your client's claim on procedural grounds. In a fourth case, you waited more than a year after taking a voluntary dismissal to refile the claim and the claim was dismissed by the Commissioner on this procedural ground. In the fifth case, you again failed to refile the case within a year after taking a voluntary dismissal and that claim was similarly dismissed on procedural grounds.

The Committee is mindful that you believe that you had a rationale reason for your conduct in each of these cases. However, the Committee believes that these rationalizations are not reasonable under any objective standard. As counsel, you are responsible for knowing and following the rules of procedure. While you have pursued at least three of the five cases on appeal to either the full Commission or the Court of Appeals without collecting a fee, these appeals would not have been necessary had you been more diligent in responding to the motions and orders before the commission. Further, although you submitted statements from your clients in which they indicated that you had reviewed their cases with them and they were satisfied with your services, there is no indication that you fully explained to them that your conduct was the main reason that you had to pursue appeals on procedural grounds and have failed to collect anything on their behalf in at least three of these cases.

These five cases exhibit a pattern of conduct showing an unprofessional lack of regard for opposing counsel, the Industrial Commission as a quasi-judicial hearing body, and the Commissioners as quasi-judicial hearing officers. As such, your conduct has been prejudicial to the administration of justice and has unreasonably burdened the Industrial Commission and the courts of this state. It has also forced opposing counsel to file otherwise unnecessary motions, attend hearings, and defend your appeals that could have easily been avoided had you acted in a more timely manner, actions that cost employers, insurers, and ultimately the workers of this state time and money that could have been used to pay these and other workers' compensation claims.

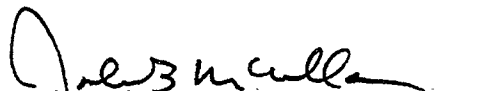
The Committee found that your above-described conduct violated several Rules and Revised Rules of Professional Conduct. Your conduct violated Rule 1.3 which requires you to act with reasonable diligence and promptness; Rule 1.4, which requires you to keep a client reasonably informed and to explain a matter so that the client may make informed decisions; Rule 8.4(d) which prohibits you from engaging in conduct prejudicial to the administration of justice; and 8.4(g) which prohibits you from prejudicing or damaging your client during the course of the professional relationship.

In deciding to issue a Reprimand, the Committee considered the following aggravating and mitigating factors. In aggravation, the Committee considered that there was a pattern of misconduct, multiple rule violations, and prior discipline or letters of warning. In mitigation, the Committee considered the absence of any dishonest or selfish motive and the imposition of other penalties in the form of sanctions by the Industrial Commission.

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 4th day of February, 2004.



John B. McMillan
Chair, Grievance Committee