

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
11G1194

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IN THE MATTER OF )  
 )  
Jeffery P. Boykin, ) CENSURE  
ATTORNEY AT LAW )  
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On July 19, 2012, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by J. F.

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.

In April 2009, Mr. H hired you to represent him in a personal injury claim. The drunk driver had a liability policy with Nationwide. You sent a release to Nationwide that released the drunk driver from all liability. Mr. H asked you to pursue his underinsured motorist claim with State Farm. On January 20, 2010, you stated that you accidentally e-mailed the general release that had been executed for Nationwide to State Farm relative to Mr. H's underinsured motorist's claim. On February 8, 2010, State Farm advised you that it denied the underinsured motorist coverage because of the release you sent. You did not tell Mr. H that State Farm had denied his claim. Instead, on February 18, 2010, you sent Mr. H the "release and covenant appropriate for this case" and asked him to execute it and return it to you.

After State Farm denied Mr. H's claim, he e-mailed you for an update on his case. You either failed to respond to the e-mails or responded in a vague manner. You led Mr. H to believe that mediation was being scheduled when in fact you had not obtained any of Mr. H's medical records after the accident and you had no contact with State Farm after their denial of coverage.

On November 22, 2010, Mr. H e-mailed you with several questions. On December 4, 2010, you replied that you were in contact with State Farm and you would update them on Mr. H's ongoing treatment. You knowingly made a false statement to Mr. H in that email.

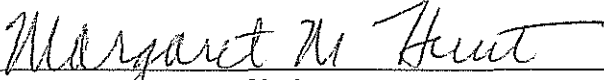
On December 13, 2010, Mr. H fired you and asked for his file. Mr. H learned at that time that his underinsured motorist claim had been denied.

The Grievance Committee found that you neglected Mr. H's case in violation of Rule 1.3. They also found that you failed to keep Mr. H updated on the status of his case in violation of Rule 1.4(a)(3). However, the most egregious conduct in this matter was your misrepresentations to Mr. H about the true status of his case. You never told Mr. H that State Farm had denied the underinsured motorist claim; moreover, you misled Mr. H to believe that he had a viable claim. Your misrepresentations violated Rule 8.4(c) of the 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 July 23, 2010 by the Council of the North Carolina State Bar regarding the taxing of administrative fees and investigative costs to any attorney issued a censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 3<sup>rd</sup> day of August, 2012.

  
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Margaret M. Hunt, Chair  
Grievance Committee  
The North Carolina State Bar