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STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
85G 0235(IV)

IN THE MATTER OF

KENNETH W. PARSONS,
ATTORNEY AT LAW

PUBLIC CENSURE

At its regular quarterly meeting on April 16, 1986, the Grievance Committee of the North Carolina State Bar conducted a preliminary hearing under Section 13 of the Discipline and Disbarment Rules of the North Carolina State Bar regarding the grievance filed against you by Ibrahim Saadeh. The Committee considered all of the evidence before it, including your written statement to the Committee. Pursuant to Section 13(10) of the Discipline and Disbarment Rules, the Committee found probable cause. Probable cause is defined under the Discipline and Disbarment Rules as: "A finding by the Grievance Committee that there is reasonable cause to believe that a member of the North Carolina State Bar is guilty of misconduct justifying disciplinary action." According to our rules, the Chairman of the Committee directed the staff counsel to prepare and file a complaint against you.

On July 23, 1986, the staff counsel requested the Committee to reconsider the grievance filed against you. After some consideration, the Committee voted to rescind the prior direction of filing a complaint before the Disciplinary Hearing Commission. The Committee determined that a complaint and a hearing were not warranted and the Committee issued a Public Censure upon your acceptance of it. Therefore, the Committee issues this Public Censure to you.

As Chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this Public Censure and I am certain that you understand fully the spirit in which this duty is performed, that you will understand the censure, and appreciate its significance. The fact that a public censure is not the most serious discipline that may be imposed by the North Carolina State Bar should not be taken by you to indicate that any member of the Committee feels that your conduct was excusable or less than a serious and substantial violation of the Code of Professional Responsibility.

You represented Mr. Ibrahim Saadeh in several business and real estate transactions. In one of those matters, Mr. Saadeh requested that you obtain a judgment against a party for: (1) certain unpaid contract payments due on a real estate sale and (2) damages to a building repossessed by Mr. Saadeh. According to your response to a Letter of Notice issued to you, you advised Mr. Saadeh of the unlikelihood of recovering any additional sums from the party. However, you agreed to accept the case. You admitted that "the matter

was put on a "back burner" after I did a rough draft complaint and [the complaint] was never filed".

Your client, Mr. Saadeh, sued another party in a summary ejectment action. You represented Mr. Saadeh in small claims court regarding this action. The magistrate ruled in favor of the opposing party and granted her a \$1,000 judgment in her counterclaim against Mr. Saadeh.

The magistrate's decision was appealed to district court for trial de novo. The opposing party requested and the court ordered specific pleadings in reply to the counterclaim. However, you did not file a reply to the counterclaim.

The opposing party requested and received a default judgment for your failure to reply. Therefore, the magistrate's judgment was affirmed. Mr. Saadeh was forced to pay the \$1,000 judgment, without having an opportunity to be heard in court on appeal.

In the North Carolina Code of Professional Responsibility, an attorney is advised about his obligations in handling his client's legal matters. Disciplinary Rule 6-101(A)(3) states that a lawyer shall not neglect a legal matter entrusted to him. In addition, Canon 7 charges an attorney with the duty of representing his client zealously within the bounds of the law. Disciplinary Rule 7-101(A)(1)(2) provides that:

(A) A lawyer shall not intentionally:

(1) Fail to seek the lawful objectives of his client through reasonably available means permitted by law and the Disciplinary Rules, except as provided by DR7-101(B). A lawyer does not violate this Disciplinary Rule, however, by acceding to reasonable requests of opposing counsel which do not prejudice the rights of his client, by being punctual in fulfilling all professional commitments, by avoiding offensive tactics, or by treating with courtesy and consideration all persons involved in the legal process.

(2) Fail to carry out a contract of employment entered into with a client for professional services, but he may withdraw as permitted under DR1-110, DR5-102, and DR5-105.

In each of the matters referred to above, you shirked your duty as a member of the legal profession: a duty to assist members of the public to secure and protect available legal rights and benefits. Your client expected you to carry out his request in prosecuting the two civil actions. However, either through your neglect or disregard for your client's legal matters, you failed to seek his lawful objectives in those actions. In addition, in the matter where Mr. Saadeh was forced to pay the \$1,000 judgment, you prejudiced or damaged your client in violation of Disciplinary Rule 7-101(A)(3).

Finally, you procured a \$600 judgment for Mr. Saadeh in a civil action. You stated that you received the money for Mr. Saadeh and turned it over to him. However, you cannot locate any records showing the release of those funds. Granted, Mr. Saadeh was not sure that he received the money. But, you could not produce any records to account for your client's funds.

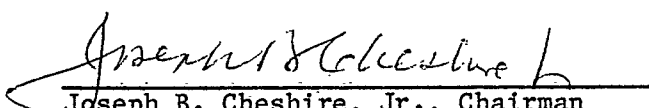
When an attorney is entrusted with his client's funds, the attorney has a duty to maintain complete records of all funds of the client. The attorney must also render appropriate accounts of the funds to his clients. In this case, the uncertainty regarding the receipt of those funds could have been eliminated if you had maintained proper and complete records of all client's funds and properties.

The Grievance Committee hopes that in the future your professional conduct will reflect credit on the legal profession and inspire the confidence, respect, and trust of your clients and of the public.

The Committee is confident that this Public Censure will be heeded by you, that it will be remembered by you, and will be beneficial to you. The Committee is confident that you will never again allow yourself to depart from strict adherence to the highest standards of the profession. Instead of being a burden, this Public Censure should serve as a profitable and ever present reminder to weigh carefully your responsibilities to your clients, to the public, to your fellow attorneys, and to the courts.

Pursuant to Section 23 of the Discipline and Disbarment Rules, it is ordered that a certified copy of this Public Censure be forwarded to the Superior Court of Mecklenburg County for entry upon the judgment docket and to the Supreme Court of North Carolina for entry in its minutes. This Public Censure will also be maintained as a permanent record in the judgment book of the North Carolina State Bar. Pursuant to policy adopted by the Council of the North Carolina State Bar on the taxing of costs in cases where discipline is entered by the Grievance Committee, you are hereby taxed \$50.00 as the administrative costs in this action.

This the 9th day of September, 1986.



Joseph B. Cheshire, Jr., Chairman
The Grievance Committee