

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
97G0509(IIR)

IN THE MATTER OF)

LAURENCE COLBERT,
ATTORNEY AT LAW)

REPRIMAND

On January 21, 1998, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Henry Wilson.

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 undertook to represent Henry Wilson respecting a medical malpractice case in February 1996. Although you ultimately determined that it would not be possible to file a complaint on Wilson's behalf until he provided the funds to retain an expert witness, you failed to make this clear to your client. Your conduct in this regard violated Rules 6(b)(2) and 6(b)(3) of the Rules of Professional Conduct. The Committee also determined that you failed to communicate adequately with Wilson and that you failed to return his file to him promptly, in

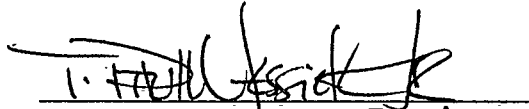
violation of Rules 6(b)(1) and Rule 2.8 of the Rules of Professional Conduct. Your client was clearly prejudiced by your misconduct, inasmuch as the statute of limitations has now run on his claim.

Finally, the Committee was also concerned that you filed a misleading statement with the court respecting Wilson's case. Specifically, on Nov. 18, 1996, you asked the court to extend the statute of limitations, on the grounds that you had retained one or more expert witnesses who required additional time "to examine complicated documents . . ." Since, as you stated in your response to Wilson's grievance, you never contacted any expert witnesses, your statement that experts had been retained and were examining the file was untruthful. Your misconduct in this regard constituted dishonest conduct in violation of former Rule 1.2(c) of the Rules of Professional Conduct.

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 24th day of JANUARY, 1998.


T. Paul Messick, Jr.
Chair, Grievance Committee
The North Carolina State Bar