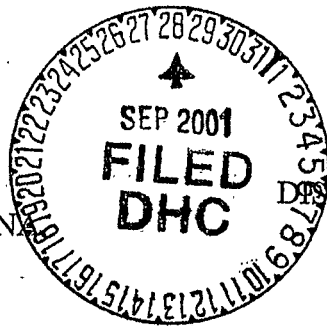


WAKE COUNTY
NORTH CAROLINA



9939
BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
01 DHC 10

THE NORTH CAROLINA STATE BAR
Plaintiff

v.

GEOFFREY MANGUM, ATTORNEY
Defendant

)
)
) FINDINGS OF FACT,
) CONCLUSIONS OF LAW
) AND ORDER OF DISCIPLINE
)
)
)

THIS MATTER was heard on Sept. 28, 2001 before a hearing committee of the Disciplinary Hearing Commission composed of Elizabeth Bunting, Chair; Richard T. Gammon and Lorraine Stephens. The defendant, Geoffrey C. Mangum, did not appear nor was he represented by counsel. Carolin Bakewell represented the North Carolina State Bar. Based upon the pleadings and the evidence introduced at the hearing, the hearing committee hereby enters the following:

FINDINGS OF FACT

1. The Plaintiff, the North Carolina State Bar, is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar promulgated thereunder.

2. The Defendant, Geoffrey Mangum (hereafter, Mangum), was admitted to the North Carolina State Bar in 1991, and, prior to July 26, 1996, was an attorney at law licensed to practice in North Carolina, subject to the rules, regulations and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

3. During all or a portion of the relevant periods referred to herein, Mangum was engaged in the practice of law in the State of North Carolina and was a resident of Greensboro, North Carolina.

4. Prior to July 1996, Mangum undertook to represent Tino Lee Martinez (hereafter, Martinez) regarding a civil rights action which Martinez wished to file against the Guilford County Sheriff and others.

5. On July 26, 1996, the Council of the North Carolina State Bar suspended Mangum's law license based on Mangum's failure to comply with the State Bar's mandatory continuing legal education requirements.

6. On April 29, 1996, the N.C. State Bar served Mangum with a notice directing him to show cause why his law license should not be suspended for his failure to comply with the North Carolina State Bar's mandatory continuing legal education rules. On July 1, 1996, the State Bar issued a second notice to Mangum, advising him that his law license would be suspended on July 26, 1996, absent a showing of good cause.

7. Mangum did not appear or show cause why his license should not be suspended. On July 26, 1996, the Council of the N.C. State Bar suspended Mangum's law license for failing to comply with the Bar's mandatory continuing legal education requirements.

8. Mangum was served with the written suspension order on Sept. 10, 1996 by certified mail.

9. Mangum's law license has never been reinstated by the North Carolina State Bar.

10. Although Mangum was aware that his license had been suspended as of July 26, 1996, he did not notify Martinez that he was no longer able to practice law nor did he advise Martinez to obtain other counsel.

11. On Aug. 9, 1996, Mangum filed a summons and complaint in Guilford County Superior Court on Martinez' behalf in a case styled Martinez v. Burch et al., despite the fact that Mangum's law license had been suspended by the North Carolina State Bar.

12. Thereafter, Martinez v. Burch et al. was removed to the U.S. District Court for the Middle District of North Carolina by the defendants.

13. On May 27, 1997, the defendants in Martinez v. Burch et al. filed a motion for summary judgment.

14. On July 8, 1997, the federal court notified Mangum that the defendants' summary judgment motion would be considered without hearing by the Court on July 21, 1997 and that no response had been received on Martinez' behalf.

15. Although he was notified of the defendants' motion, Mangum failed to respond to the motion for summary judgment nor did he take effective action to pursue the case on Martinez' behalf.

16. On Aug. 4, 1997, the court granted the defendants' motion for summary judgment and dismissed Martinez' complaint in Martinez v. Burch et al.

17. Mangum failed to keep Martinez reasonably informed about the status of Martinez v. Burch et al.

18. On July 11, 2000, Martinez filed a grievance against Mangum with the North Carolina State Bar. Martinez' grievance was assigned file number 00G 743.

19. On July 18, 2000, the N.C. State Bar issued a letter of notice to Mangum, advising him of Martinez' grievance and directing him to respond within 15 days of receipt of the letter of notice.

20. On Sept. 5, 2000, Mangum was personally served with the letter of notice in file number 00G 743 concerning Martinez' grievance. His response was due no later than Sept. 20, 2000.

21. Mangum did not respond to the letter of notice and substance of grievance served on him by the State Bar regarding Martinez' grievance.

Based upon the foregoing Findings of Fact, the Hearing Committee hereby enters the following:

CONCLUSIONS OF LAW

1. The Defendant, Geoffrey C. Mangum, was properly notified of the State Bar's motion for entry of order of discipline, the entry of default and the notice of the hearing on the motion.

2. The N.C. State Bar Disciplinary Hearing Commission has jurisdiction over Mangum's person and over the subject matter of this proceeding.

3. Mangum's conduct, as set out in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. Section 84-28(b)(2) as follows:

a) By failing to respond to the defendants' motion for summary judgment in Martinez v. Burch et al and by failing to take effective action to pursue Martinez' civil rights claim, Mangum neglected a legal matter entrusted to him in violation of Rule 6(b)(3) of the former Rules of Professional Conduct and/or Rule 1.3 of the Revised Rules of Professional Conduct.

b) By failing to keep Martinez apprised of the status of Martinez' civil rights case, Mangum failed to communicate with a client in violation of Rule 6(b)(1) of the former Rules of Professional Conduct and/or Rule 1.4 of the Revised Rules of Professional Conduct.

c) By continuing to engage in the practice of law after his law license was suspended by the North Carolina State Bar, Mangum engaged in conduct prejudicial to the administration of justice in violation of Rule 1.2(d) of the Rules of Professional Conduct and/or Rule 8.4(d) of the Revised Rules of Professional Conduct and engaged in the unauthorized practice of law in violation of Rule 3.1(b) of the Rules of Professional Conduct and/or Rule 5.5(a) of the Revised Rules of Professional Conduct.

d) By failing to respond to the State Bar's letter of notice in file number 00G 743 concerning Martinez' grievance, Mangum failed to respond to a lawful inquiry of a disciplinary authority in violation of Rule 8.1(b) of the Revised Rules of Professional Conduct.

Based upon the foregoing Findings of Fact and Conclusions of Law and upon the evidence and arguments of the Plaintiff concerning the appropriate discipline, the hearing committee hereby makes the following additional

FINDINGS OF FACT CONCERNING DISCIPLINE

1. Mangum's misconduct is aggravated by the following factors:

- a) pattern of misconduct
- b) substantial experience in the practice of law
- c) multiple offenses
- d) prior discipline
- e) lack of remorse

2. Mangum's misconduct is mitigated by the following factors:

- a) the offenses are relatively remote in time and the State Bar has not presented evidence that Mangum continued to practice law after 1998.
- b) the offenses at issue in this case occurred at approximately the same time as the offenses which were the basis for discipline in the State Bar's two prior prosecutions against the defendant.
- c) In light of the conditions imposed pursuant to the prior orders of discipline and the unique facts of this case, substantial additional discipline is not required to protect the public.


Based upon the foregoing aggravating and mitigating factors and the argument of counsel for the plaintiff, the hearing committee hereby enters the following:

ORDER OF DISCIPLINE

1. The defendant, Geoffrey C. Mangum, is hereby Censured.
2. The orders of discipline entered in N.C. State Bar v. Mangum, 99 DHC 15 and N.C. State Bar v. Mangum, 00 DHC 23 are continued in all respects.
3. Defendant shall pay the costs of this action.

Signed by the Chair of the Hearing Committee with the consent of the other Hearing Committee members.

This the 28 day of September, 2001.


Elizabeth Bunting, Chair
Disciplinary Hearing Committee