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STATE OF NORTH CAROLINA  
COUNTY OF WAKE

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
83G 0224(IV)  
83G 0241(IV)

IN THE MATTER OF

JERRY M. TRAMMELL,  
ATTORNEY AT LAW

PUBLIC CENSURE

At its regular quarterly meeting on July 24, 1985, 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 grievances filed against you by Virginia Gregory and Kenneth Deese. 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." The rules also provide that if, after a finding of probable cause, the Committee determines that a complaint and a hearing are not warranted, the Committee may issue a public censure upon the acceptance of the same by the attorney. That determination has been made by the Committee and 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.

On or about January 1, 1982, you were employed by Virginia W. Gregory and Bennett L. Gregory to represent them in the defense of a lawsuit filed by Suzanne S. Savard and Howard W. Walters relative to the dissolution of a partnership. You were paid at least \$1,482.16 for your services in that connection.

Although you did render valuable services to the Gregorays during 1982 and the first part of 1983, including the filing of an answer and counterclaim, you abruptly and unilaterally terminated your representation in April, 1983, and left the state of North Carolina, apparently for financial reasons. In leaving the jurisdiction, you essentially abandoned your clients, the

Gregorys. You made no provision for successor counsel and you failed to seek the permission of your clients or the court to withdraw.

Disciplinary Rule 2-109(A)(2) of the Code of Professional Responsibility clearly forbids a lawyer to withdraw from employment until he has taken reasonable steps to avoid foreseeable prejudice to the rights of his client, including giving due notice to the client of his intention to withdraw and allowing for the employment of other counsel. Your actions in this case clearly violated the rule. In addition, you violated Disciplinary Rule 2-109(A)(1) by withdrawing from employment in a case pending before a tribunal without obtaining its permission in advance.

In addition to the Gregorys, at the time of your departure from the State you were representing Kenneth H. Deese relative to certain claims and counterclaims arising from his construction contracts. While it does not appear that your leaving the state actually prejudiced Mr. Deese, it is clear that in the months prior to your departure, you were neglectful of his legal business. In two separate instances, it appears that you neglected to take certain actions which may have prejudiced your client. You failed to reply to a counterclaim in litigation you had brought on Mr. Deese's behalf against Mr. and Mrs. Donald Katz. You also neglected to file suit on behalf of Mr. Deese against Mr. David Serrell to enforce a contractor's lien which you had previously filed. These instances of neglect were apparently indicative of a general carelessness in the handling of your client's affairs during the period in question and caused you to violate Disciplinary Rule 6-101(A)(3) which prohibits a lawyer from neglecting legal matters which have been entrusted to him.

Lastly, it would appear that in your hasty and uncereemonious departure from the jurisdiction, you also violated Disciplinary Rules 1-102(A)(5) and (6). Those rules prohibit an attorney from engaging in conduct that is prejudicial to the administration of justice and in conduct which adversely reflects upon his fitness to practice law. As you are no doubt aware, your unexplained disappearance from the jurisdiction while acting as counsel of record in pending litigation necessitated the appointment of a trustee by the Superior Court of Mecklenburg County to inventory your files and to make recommendations relative the administration of your pending cases. Considerable time and effort on the part of the State Bar, the Superior Court, and Ms. Katherine Holliday of the Mecklenburg County Bar was required to straighten out the confusion you left behind.

By your actions you violated not only the letter of the Code of Professional Responsibility but also its spirit. Your conduct was such as to cast the Courts and your fellow members of the Bar into disrepute, and obviously jeopardized your continued privilege to practice law in North Carolina.

A lawyer has responsibilities to his clients and to the Courts which override financial considerations. A lawyer is expected to fulfill his promises to his clients if at all possible and, when impossible, is expected to insure that his withdrawal from representation is accomplished in an orderly and lawful manner without unnecessary prejudice to the client. This fundamental obligation is compounded by the lawyer's obligation to the Court.


There is no excuse for a lawyer's vanishing in the midst of pending litigation.

In issuing this Public Censure, the Grievance Committee was mindful of your cooperation in its investigation. It was also advertent to the fact that there was apparently little actual prejudice to your clients as a consequence of your absence from the jurisdiction. That notwithstanding, the Grievance Committee wishes for you to clearly understand that any future dereliction of this sort will not be tolerated and will likely be the subject of a swift and severe disciplinary response.

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 everpresent reminder for you 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 Cleveland 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 cost in this action.

This the 23 day of August, 1985.

  
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Rivers D. Johnson, Jr., Chairman  
The Grievance Committee