

STATE OF NORTH CAROLINA

COUNTY OF WAKE

775

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
93G1003 (III)

IN THE MATTER OF

GERALD R. CHANDLER,
ATTORNEY AT LAW

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REPRIMAND

On April 14, 1994, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by the North Carolina State Bar.

Pursuant to section 13(A) of article IX of the Rules and Regulations 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, reprimand, or 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 were responsible for handling the estate of Jap H. Almond who died intestate on June 17, 1972 in Stanly County. From 1972 until 1988, the Clerk of Superior Court directed ten (10) notices to you to file an inventory and accounting. Because you failed and refused to file an inventory or accounting, the Clerk of Superior Court closed the file by an order dated April

10, 1991 without a final accounting. The Clerk indicates that as of May 17, 1994 he is still seeking a copy of the Final Account.

In addition, you were responsible for handling the estate of R. Allen Huneycutt who died in 1968. Ms. Betty Huneycutt Eskridge repeatedly requested that you close this estate. You were dilatory in handling this estate.

Your conduct of failing to file appropriate accountings in two estates that have been held open over twenty (20) years violates Rule 6(B)(3) in that you failed to act with reasonable diligence and promptness in representing clients.

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 7th day of July, 1994.

Howard Manning, Sr.
Howard Manning, Sr.
Vice-Chairman
The Grievance Committee
North Carolina State Bar