

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
80 DHC 11

THE NORTH CAROLINA STATE BAR,)
Plaintiff,)
)
-vs-)
)
WILLIAM O. WARNER, Attorney,)
Defendant.)

FINDINGS OF FACT
and
CONCLUSIONS OF LAW

This matter came on for hearing before the undersigned Hearing Committee of the Disciplinary Hearing Commission of The North Carolina State Bar on Friday, October 24, 1980 at 10:00 a.m. in the offices of The North Carolina State Bar, Raleigh, North Carolina. Prior to Hearing certain Stipulations were presented to the Committee regarding the actions of the Defendant in response to the allegations contained in the Complaint and that the Stipulations further set forth in Paragraph 13 thereof, those matters which the Defendant admits he neglected.

1. That 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, William O. Warner, was admitted to The North Carolina State Bar in April 1951, and is and was at all times referred to herein, an Attorney at Law, licensed to practice law in the State of North Carolina, subject to the Rules, Regulations, Canons of Ethics and Code of Professional Responsibility of The North Carolina State Bar and of the laws of the State of North Carolina.

3. At and during all of the times hereinafter referred to, the Defendant was actively engaged in the practice of law in the State of North Carolina and maintained a law office in the City of Rocky Mount, Edgecombe County, North Carolina.

4. The Defendant was employed by Mazie C. Boone in or about March of 1977 in connection with the mortgage of certain of Mrs. Boone's property,

and the acquisition of a loan; the Defendant assisted in obtaining loan funds to pay off prior indebtedness and to certify title to said property; the transaction was closed, however, Defendant failed to complete his duties by failing to have final title insurance issued through Lawyer's Title Insurance Company; that subsequently Mrs. Boone employed other counsel to complete the transaction.

5. As a result of a grievance being filed against the Defendant, the Chairman of the Grievance Committee issued a Letter of Notice to Defendant pursuant to Section 12(2) of the Discipline and Disbarment Rules of the North Carolina State Bar; said Letter of Notice was received by Defendant on December 11, 1978; Defendant neglected to answer said Letter of Notice as required by Section 12(3) of the aforementioned rules.

6. That as a result of a finding of probable cause by the Grievance Committee, a Summons and Complaint was served upon Defendant on August 10, 1980; that Defendant belatedly filed a responsive pleading to the allegations in the Complaint wherein he admitted the substance of said Complaint.

7. That from the fall of 1977 to and including the present the Defendant has suffered various infirmities, including a slipped disc, dermatitis of the soles of his feet, hands and other parts of body and phlebitis of the legs.

8. That Defendant is a native of Atlanta, Georgia where he attended public schools through high school; that in 1937, Defendant entered Morehouse College, Atlanta, Georgia, and after an interruption of four and one-half years for the purpose of serving in the Armed Forces, he received an A. B. Degree in 1947; that Defendant entered what is now North Carolina Central Law School in 1947 and received a LLB Degree in 1951, whereupon he was licensed to practice law.

9. That while a student at Morehouse College, Defendant volunteered for active service in the U. S. Air Corp.; he was commissioned a 2nd Lieutenant and assigned to the 99th Pursuit Squadron where he served as a pilot.

10. That after being admitted to the Bar, Defendant established a practice in Rocky Mount, North Carolina, where he has continued to be

active up and to the present time, with the exception of one year when he accepted the position of Assistant Regional Counsel for the S. B. A. in Charlotte, North Carolina.

11. That in addition to his continued practice, Defendant has been active in community and church related activities since establishing his residence in Rocky Mount; Counsel for North Carolina State Bar stipulates that various letters and other documents evidencing Defendant's professional, community and church related activities may be received in evidence without objection and are hereby made a part of these stipulations.

12. That Defendant responded to the grievance after Counsel for The North Carolina State Bar contacted him through Walter J. Early, Attorney; that Defendant contacted the complaining party and offered to reimburse her for any expenses; that he stands ready to reimburse the complaining party the amount of \$234.00, but sought the Counsel and advice of The North Carolina State Bar before doing so, in order to avoid the appearance of any impropriety.

13. That based upon the foregoing, it is stipulated and agreed that the Defendant neglected a legal matter entrusted to him in violation of DR 6-101(A) (3) of the Code of Professional Responsibility of The North Carolina State Bar and that he failed to answer a formal inquiry of The North Carolina State Bar in violation of General Statutes 84-28(a) (b) (3).

Upon the foregoing stipulations, it is ordered that the evidentiary facts set forth in the stipulations are adopted as the Findings of Fact by this Committee.

Based upon the foregoing Findings of Fact, the Committee makes the following Conclusions of Law:

1. That the Defendant neglected a legal matter entrusted to him in violation of Disciplinary Rule 6-101(A) (3) of the Code of Professional Responsibility of The North Carolina State Bar and that he failed to answer a formal inquiry of The North Carolina State Bar in violation of General Statute 84-28(a) (b) (3).

This the 20th day of November 1980.

E. James Moore

E. James Moore, Chairman
Disciplinary Hearing Committee

Fred M. Byerly

Fred M. Byerly

Garrett D. Bailey

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WAKE COUNTY

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THE NORTH CAROLINA STATE BAR,
Plaintiff,

-vs-

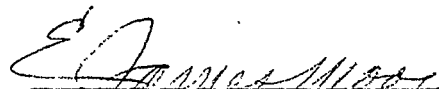
WILLIAM O. WARNER, Attorney,
Defendant.

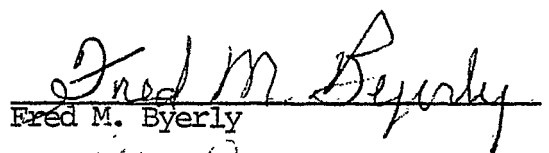
ORDER

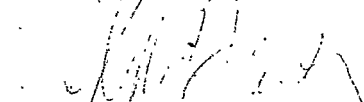
Based upon the Stipulations entered between the parties, which Stipulations are heretofore set forth in the Findings of Fact and adopted therein, and upon the Conclusions of Law also contained in said Order, and after hearing argument of Counsel, examining letters of recommendation submitted on behalf of the Defendant and after hearing the testimony of the Defendant on examination and cross-examination,

It is the order of this Committee that the discipline to be imposed in this action is a public censure.

This the 20th day of November 1980.


E. James Moore, Chairman
Disciplinary Hearing Committee


Fred M. Byerly


Garrett D. Bailey

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
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NORTH CAROLINA STATE BAR
80 DHC 11

THE NORTH CAROLINA STATE BAR
Plaintiff

-vs-

WILLIAM O. WARNER, Attorney
Defendant

PUBLIC CENSURE

This public censure is delivered to you pursuant to Section 23 of the Rules of Discipline and Disbarment of the North Carolina State Bar and pursuant to an order of a Hearing Committee of the Disciplinary Hearing Commission of the North Carolina State Bar in the above entitled proceeding bearing date of November 20, 1980. You have been found to have violated the Code of Professional Responsibility of the North Carolina State Bar by said Hearing Committee at a hearing held on October 24, 1980.

The fact that this public censure is not the most serious of possible discipline provided for in North Carolina General Statute 84-28 should not be taken by you to indicate that the North Carolina State Bar in any way feels that your conduct in this matter was excusable or was considered by the members of the Hearing Committee of the Disciplinary Hearing Commission to be any less than a very serious and substantial violation of the Code of Professional Responsibility. Described below is the course of conduct which involved the violation to which this censure pertains.

You were employed by Mazie C. Boone in or about March of 1977 in connection with the mortgage of certain of Mrs. Boone's property, and the acquisition of a loan; you assisted in obtaining

loan funds to pay off prior indebtedness and to certify title to said property; the transaction was closed, however, but you failed to complete your duties by failing to have final title insurance issued through Lawyer's Title Insurance Company; subsequently Mrs. Boone employed other counsel to complete the transaction.

As a result of a grievance being filed against you arising out of the above described transaction, the Chairman of the Grievance Committee of the North Carolina State Bar issued a letter of notice to you pursuant to Section 12(2) of the Discipline and Disbarment Rules of the North Carolina State Bar. This letter of notice was received by you on December 11, 1978. You neglected to answer said letter of notice as required by Section 12(3) of the aforementioned rules.

Your conduct as set forth herein constituted a neglect of a legal matter entrusted to you and is a violation of Disciplinary Rule DR6-101(A)(3). This conduct is a direct violation of the quoted section of the Code of Professional Responsibility and in addition is a reflection on you and the entire bar of this state.

Your conduct in failing to answer the letter of notice sent to you by the Chairman of the Grievance Committee of the North Carolina State Bar is a violation of GS 84-28(b)(3). Your conduct, in failing to answer this letter of notice, is not such conduct as is expected of a member of the legal profession. It brings discredit upon you and tends to place the courts of this state, the Disciplinary Procedure of the North Carolina State Bar and your fellow members of the bar in disrepute and further damages all of the foregoing in the eyes of the public.

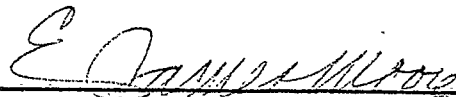
Failure of attorneys to conduct themselves within the letter and the spirit of the Code of Professional Responsibility and within the statutory requirements as set forth in GS 84-28 constitute serious complaints against our profession, and your failure to complete a legal matter entrusted to you and your failure to respond to a letter of notice sent to you by the North Carolina State Bar both bring discredit upon you and place in serious jeopardy a privilege that you hold as a lawyer to serve the public.

The North Carolina State Bar is confident that this public censure will be heeded by you, that it will be remembered by you, and that it will be beneficial to you. We are confident that you will never again allow yourself to depart from strict adherence to the highest standards of the legal profession. Accordingly, we sincerely trust that this public censure, instead of being a burden, will actually serve as a profitable reminder to weigh carefully your responsibility to the public, your clients, your fellow attorneys, the North Carolina State Bar and the courts, with the result that you will be known as a respected member of our profession whose word and conduct may be relied upon without question.

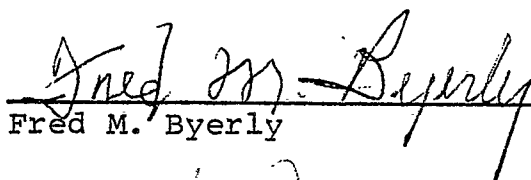
Pursuant to Section 23 of the Rules of Disciplinary Procedure, it is ordered that a certified copy of this public censure be entered upon the judgment docket of the Superior Court of Edgecombe and Nash Counties and also upon the minutes of the Supreme Court of North Carolina.

It is further ordered that this cost of this disciplinary action be paid by you.

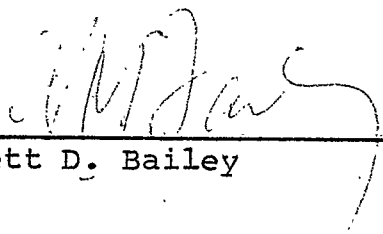
This 20th day of November, 1980.



E. James Moore, Chairman
Hearing Committee



Fred M. Byerly



Garrett D. Bailey