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STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
88G 0476 (III)

IN THE MATTER OF)

ROBERT S. PAYNE,)
ATTORNEY AT LAW)

PUBLIC CENSURE

At its regular quarterly meeting on October 26, 1988, the Grievance Committee of the North Carolina State Bar conducted a preliminary hearing under Section 13 of Article IX of the Rules and Regulations of the North Carolina State Bar regarding the grievance filed against you by the North Carolina State Bar. The committee considered all of the evidence before it, including your written response to the Letter of Notice. Pursuant to Section 13(10) of the rules, the Committee found probable cause. Probable cause is defined under the 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, it may order a Public Censure upon the acceptance of the Censure 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 to you, and I am certain that you understand fully the spirit in which this duty is performed. I am sure 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 felt that your conduct was excusable or less than a serious and substantial violation of the Rules of Professional Conduct.

While employed by Central Carolina Legal Services Inc. in Greensboro, you represented Teresa Milton and Debra Williams in connection with two separate civil matters. In each case, you filed suit, but failed to perfect service of process prior to the running of the statutes of limitation. You did not inform Ms. Milton or Ms. Williams that the limitations period had expired and instead, led Ms. Milton and Ms. Williams to believe that their cases were proceeding normally.

Your conduct regarding Ms. Milton and Ms. Williams constituted neglect of a legal matter entrusted to you in violation of Rule 6(B)(3), and your representations that the cases were proceeding normally constituted dishonesty, fraud and misrepresentation in violation of Rule 1.2(C) and false statements about your services in violation of Rule 2.1(A).

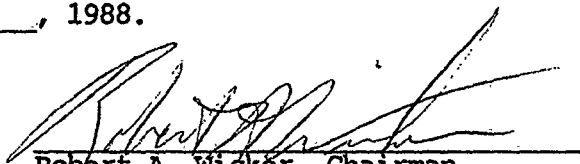
In deciding not to refer this matter to the Disciplinary Hearing Commission for the imposition of more severe discipline, the Committee took

into consideration the fact that you notified Central Carolina Legal Services, Inc. and the North Carolina State Bar of your misconduct.

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 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 rules, it is ordered that a certified copy of this Public Censure be forwarded to the Superior Court of Guilford 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 costs in this action.

This the 11th day of November, 1988.


Robert A. Wicker, Chairman
The Grievance Committee

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