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NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
03G1519

IN THE MATTER OF

Milton T. Goff,
Attorney At Law

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REPRIMAND

On Wednesday, July 14, 2004 the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by Veronica Barragan.

Pursuant to Section .0113(a) of the Discipline and Disability Rules 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, a reprimand, or a 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.

On April 8, 2003, Veronica Barragan hired you to represent her as a plaintiff in a collection action. You filed a complaint in small claims court on her behalf on July 23, 2003, and the case was scheduled for trial on August 20, 2003. In the meantime, you took a job with a law firm located 75 miles away. As the trial approached, you decided that you could not win the case. You failed to notify Barragan of the trial date and chose

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to work on cases for your new law firm rather than to appear for trial of the Barragan matter. Neither you nor your client appeared at trial, and the case was dismissed with prejudice. Then you failed to tell Barragan what happened until she pressed you about the status of her case after the case had been dismissed.

You hereby are reprimanded by the North Carolina State Bar for professional misconduct in violating the Revised Rules of Professional Conduct and causing potential harm to your former client, the administration of justice, and the profession of law. Your conduct violated several of the Revised Rules of Professional Conduct, including Rule 1.1 (competence), Rule 1.3 (diligence), 1.4 (communicating with a client), 8.4 (d) (conduct prejudicial to administration of justice), and 8.4 (g) (intentionally prejudicing or damaging a client). In making this ruling, the Grievance Committee took into account that your response to this grievance showed a lack of remorse and apparent failure to appreciate that your conduct violated the Rules of Professional Conduct.

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 the 10th day of August, 2004.


John B. McMillan, Chair
Grievance Committee

JBM/lr