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STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
93G0943 (II) R

IN THE MATTER OF

THOMAS H. CLEMENTS,
ATTORNEY AT LAW

REPRIMAND

On October 20, 1994, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Ms. C.F.

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.

Prior to April 1992, you undertook to represent a client,

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Ms. C.F. regarding a child support and custody matter. Those issues were resolved on April 30, 1992 and you were charged with the responsibility of drafting an appropriate order for the judge's signature. You did not ultimately complete the order until July 22, 1994, some eight months after Ms. C.F. filed a grievance against you and only three days before the State Bar subpoenaed you to appear to respond regarding Ms. C.F.'s case. Your conduct in delaying more than two years to complete the order in Ms. C.F.'s case violated Rule 6(B)(3) of the Rules of Professional Conduct, which requires attorneys to handle legal matters with reasonable diligence. Additionally, it appears that you did not promptly communicate with Ms. C.F. about her case, in violation of Rule 6(B)(1) of the Rules of Professional Conduct.

Finally, you violated Rule 1.1(B) of the Rules of Professional Conduct by your failure to file any response whatever to the letter of notice sent to you by the 12th Judicial District Grievance Committee regarding Ms. C.F.'s grievance. You further violated that Rule by failing to respond to a letter of State Bar counsel dated May 31, 1994 requesting further information about the case. Owing to your lack of response, the State Bar was forced to subpoena you to appear in Raleigh on July 25, 1994. Although you did file a response to the May 31 letter, you did not appear in Raleigh as commanded by the subpoena.

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 8th day of November, 1994.

W. Erwin Spainhour
W. Erwin Spainhour, Chairman
The Grievance Committee
North Carolina State Bar

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