

10954

STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
92G0185(III)R

IN THE MATTER OF

EUNICE JONES-OBENG,
ATTORNEY AT LAW

)
)
)
)
)
)
REPRIMAND

On October 27, 1993, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Bobby G. Truitt.

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.

Bobby G. Truitt and his wife hired you to handle the sale of some real estate for them in January 1991. The purchaser defaulted in mid-1991 and you undertook to represent the Truitts in the ensuing foreclosure proceeding against the purchaser.

The foreclosure sale was initially scheduled for October 1991, but had to be rescheduled as the notice which you prepared was defective. In November, when the sale was rescheduled, you failed to appear. You also failed to appear at a second rescheduled sale on Dec. 12, 1991 and at a third rescheduled sale on Jan. 31, 1992. You did not tell your clients that you would not be appearing on these occasions and they experienced considerable inconvenience when they appeared in court and you did not. Finally, you prepared another notice of sale setting the foreclosure sale for Feb. 28, 1992. Prior to the sale, however, the purchasers filed a bankruptcy proceeding.

Rule 6(B)(3) of the Rules of Professional Conduct requires attorneys to handle legal matters in a reasonably diligent fashion. Rule 6(B)(1) of the Rules of Professional Conduct requires attorneys to keep their clients reasonably informed about the status of a matter. You violated both of these rules by failing to appear at the three foreclosure sales and by failing to tell your clients that you would not be appearing. Moreover, it appears that you had not handled a foreclosure matter prior to undertaking to represent the Truitts and that you failed to adequately prepare yourself by reading the applicable statutes and caselaw on the subject, or alternatively, associating competent counsel, in violation of Rule 6(A)(2) of the Rules of Professional Conduct.

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 13th day of November, 1993.

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