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NORTH CAROLINA

WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
94G0720(IV)R

IN THE MATTER OF

EDWARD SELTZER,  
ATTORNEY AT LAW

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CENSURE

On January 11, 1996, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Dr. S.Y.

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, reprimand, or a censure.

A censure is a written form of discipline more serious than a reprimand, issued in cases in which an attorney has violated one or more provisions of the Rules of Professional Conduct and has caused significant harm or potential significant harm to a client, the administration of justice, the profession or a member of the public, but the misconduct does not require suspension of the attorney's license.

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure. I am certain that you will understand fully the spirit in which this duty is performed.

In November 1992, you undertook to represent Dr. S.Y. respecting Dr. S.Y.'s efforts to obtain an accelerated immigrant visa, work authorization and temporary family visa. Dr. S.Y. agreed to pay you \$2,500 for these services and actually paid \$1,000 toward the total fee. It does not appear, however, that you performed any significant work for Dr. S.Y. beyond obtaining two extensions of his B-2 visa. Consequently, the Grievance Committee concluded that you neglected Dr. S.Y.'s legal matter, in

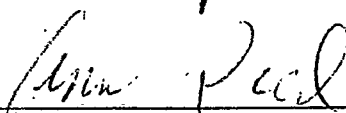
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violation of Rule 6(b)(3) of the Rules of Professional Conduct. Your failure to pursue Dr. S.Y.'s legal matter promptly is aggravated by the fact that you have twice been disciplined by the N.C. State Bar for neglecting other clients' matters. Finally, the Grievance Committee concluded that you failed to communicate adequately with Dr. S.Y. concerning his matter, and that your conduct in this regard violated Rule 6(b)(1) of the Rules of Professional Conduct.

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

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 censure by the Grievance Committee, the costs of this action in the amount of \$50.00 are hereby taxed to you.

Done and ordered, this 6<sup>th</sup> day of February, 1996.

  
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Ann Reed, Chair Grievance Committee  
The North Carolina State Bar

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NOTICE OF CENSURE

At its regular quarterly meeting on January 11, 1996, the Grievance Committee of the North Carolina State Bar conducted a preliminary hearing pursuant to section .0113 of the Discipline and Disability Rules of the North Carolina State Bar regarding the grievance filed against you by Dr. Staford Yohannan. The committee has determined that your conduct warrants censure and hereby issues this NOTICE of censure to you.

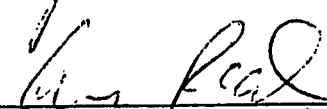
Attached to this NOTICE is a copy of the censure. Pursuant to Section .0113(l) of the rules, you are hereby advised that you must accept the attached censure within fifteen days after service of this NOTICE upon you or a formal complaint against you will be filed before the Disciplinary Hearing Commission. If you accept the censure, a copy will be forwarded to the Clerk of the Superior Court of Mecklenburg County for entry upon the judgment docket and to the clerks of the N.C. Court of Appeals, the N.C. Supreme Court, the U.S. District Courts in North Carolina, the Fourth Circuit Court of Appeals and the U.S. Supreme Court for entry in their minutes.

This censure will be maintained as a permanent record in the judgment book of the North Carolina State Bar and a copy will be sent to the local newspapers in the county in which you practice. A copy also will be sent to the complainant.

To accept the censure, you should indicate your acceptance on the enclosed form and send it to the Secretary at P.O. Box 25908, Raleigh, NC 27611 by certified mail within 15 days and pay the costs of the proceeding in the amount of \$50.00.

If you do not accept this censure within 15 days after it is served upon you, it will be deemed rejected and counsel shall be instructed to prepare and file a complaint against you with the Disciplinary Hearing Commission of the North Carolina State Bar. The hearing before the Disciplinary Hearing Commission is public and all of its proceedings and its decision are public.

This the 6<sup>th</sup> day of February, 1996.

  
Ann Reed, Chair Grievance Committee  
The North Carolina State Bar

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