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STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
93G0113 (IV) R

IN THE MATTER OF)	
)	
EDWARD D. SELTZER,)	REPRIMAND
ATTORNEY AT LAW)	
)	

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

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.

Shortly after Jan. 5, 1992 you undertook to represent KM

regarding a speeding ticket she received in Guilford County. You told KM that you could not attend court on the hearing date, Feb. 4, 1992, but that you would have another attorney continue the matter. You did not tell KM the name of the other attorney, however. Nevertheless no one appeared in court on KM's behalf on Feb. 4. On March 11, 1992, your client received a letter from the Department of Motor Vehicles, stating that her license would be suspended owing to her failure to appear in court on Feb. 4.

KM notified you about the DMV letter on March 16. You told her that "a clerical error" had been made and that you would "take care" of everything. On May 28, 1992, unbeknownst to your client, you went to Guilford County District Court and entered a waiver of appearance and paid KM's speeding ticket. Accordingly, she was convicted of driving 70 in a 55 mile per hour zone. KM did not give you permission to enter a plea on her behalf and in fact believed you were simply taking steps to restore her driving privileges. After KM learned of the conviction, you promised at various times to contact the district attorney and attempt to eliminate the points on KM's driving record. KM called you 21 times between July 29 and Dec. 4, 1992 to inquire about the status of the points regarding her license, but you did not respond to any of these calls. Ultimately, KM hired other counsel who was able to set aside the conviction and dismiss the speeding charge nunc pro tunc.

Your conduct in failing to ensure that either you or another attorney appeared in court for KM on Feb. 4, 1992 and in failing to promptly pursue a motion for appropriate relief to set aside the speeding conviction constituted neglect of a client matter in violation of Rule 6(B)(3) of the Rules of Professional Conduct. You also violated the Rules of Professional Conduct by paying your client's ticket, thereby ensuring her conviction of speeding charges, without her knowledge and consent. Specifically, Rule 7.1(C)(1) required you to consult with and abide by your client's decision regarding the plea to be entered in her case. You also failed to communicate adequately with your client regarding this matter, in violation of Rule 6(B)(1).

Finally, it appears that you did not respond promptly to the local grievance committee which initially investigated this matter. Although you were given notice of the grievance on Jan. 27, 1993 and asked to respond within three weeks, you filed no answer until Oct. 4, 1993, after several requests from the local committee. By failing to respond in a timely fashion to the local grievance committee's inquiry, you violated Rule 1.1(B) 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 8th day of November, 1994.

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