

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
07G1118 & 07G1272

IN THE MATTER OF

Karen Zaman
Attorney At Law

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REPRIMAND

On April 24, 2008 the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by N. B and D. P.

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.

You undertook representation of N.B. in a personal injury case arising from her fall down steps. You timely filed a complaint on N.B.'s behalf, survived a motion for summary judgment, and proceeded to mediation, which impasssed. You took a voluntary dismissal without prejudice of the case. You re-filed the case in July 2005 right at the end of the one year allowed to do so. You did not turn your attention back to N.B.'s case until the summer of 2005. Despite there

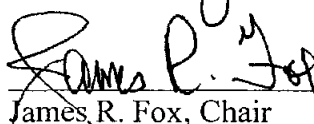
having been no change in the identity or address of the defendants in the lawsuit, you did not have the complaint and summons sent out for service when you re-filed the case. Instead you had the summons endorsed in October 2005. Even after the endorsement, you did not promptly send the complaint and summons for service and ultimately service was not timely obtained. Additionally, you failed to maintain the chain of summons to preserve N.B.'s ability to litigate the case. Your failure to tend to N.B.'s case for extended periods of time constitutes a lack of diligence in violation of Rule 1.3. The opposing party filed a motion to dismiss and you took a voluntary dismissal with prejudice of the case on April 5, 2006. You did not tell N.B. of the dismissal until July 2007. Your lack of communication of this significant information about the representation to the client for this extended period of time is in violation of Rule 1.4(a)(3). Your stated desire to conduct extensive research into the viability of N.B.'s claim does not justify delaying communication with the client. Furthermore, if such research was necessary it should have been conducted earlier in time in order to be useful in your representation of N.B. rather than merely in an attempt to minimize the impact of your error and N.B.'s consequent loss of her ability to litigate her claim.

In a separate matter, you were consulted by D.P. regarding the death of her brother in West Virginia. After researching the matter and consulting counsel in West Virginia, you decided you would not represent D.P. in litigating a case regarding the death of her brother in West Virginia. The time for D.P. to file a complaint under the applicable statute of limitations in West Virginia was near expiration by that time, however. In order to preserve D.P.'s ability to litigate her claim if she chose to do so, either *pro se* or with other counsel, you drafted pleadings for her to file in the West Virginia court, prepared the summons to be issued by the West Virginia court, prepared the ancillary cover pages, represented to D.P. that these were proper pleadings to file in West Virginia, and corresponded with the West Virginia court to get the case filed on D.P.'s behalf. In doing so, you drafted a legal document for another for use in a jurisdiction in which you were not licensed and you provided legal advice to another pertaining to a jurisdiction in which you were not licensed and thereby engaged in the unauthorized practice of law in violation of Rule 5.5(a).

You are hereby reprimanded by the North Carolina State Bar for 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 \$100.00 are hereby taxed to you.

Done and ordered, this the 19th day of May, 2008


James R. Fox, Chair
Grievance Committee

JRF/lr