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STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
93G1034 (III)

IN THE MATTER OF

CHARLES R. REDDEN,
ATTORNEY AT LAW

CENSURE

On April 14, 1994, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by the North Carolina State Bar.

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 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.

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In April 1992 you undertook to represent John Lichtenberger regarding a DWI charge then pending against him. Lichtenberger was convicted and you filed notice of appeal on his behalf to superior court. In October 1992, the conviction was remanded to district court. About this same time, you made some efforts to obtain a limited driving privilege for Lichtenberger, but had not completed that task, when, on Oct. 18, 1992, Lichtenberger was charged with driving while his license was revoked.

On Dec. 8, 1992, you approached Judge William B. Reingold and asked him to sign a limited driving privilege for Lichtenberger. After having the privilege signed, but before you filed it, you discovered that Lichtenberger had been convicted of a second DWI offense, sometime after Oct. 20, 1992. You recognized that, under the circumstances, Lichtenberger was not entitled to a limited driving privilege and that the document signed by Judge Reingold was not valid.

Nevertheless, you caused the legend "certified to be a true copy of the original" to be typed on the privilege and signed it. You then forwarded it to Lichtenberger, even though you knew the document was not valid and that your client might use it. Fortunately, as it developed, there is no evidence that Lichtenberger used the privilege in any way.

By signing an order which you knew was invalid and by forwarding it to your client, you engaged in conduct involving fraud, deceit and dishonesty in violation of Rule 1.2(C) of the Rules of Professional Conduct and also engaged in conduct prejudicial to the administration of justice, in violation of Rule 1.2(D) of the Rules of Professional Conduct. Your misconduct is aggravated by the fact that you were reprimanded for unrelated misconduct in April 1992 and that you were censured in April 1993 for still other misconduct.

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 5th day of May, 1994.

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

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