

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
01G0931

| | | |
|---------------------|---|---------|
| IN THE MATTER OF |) | |
| |) | |
| MELVIN L. WALL JR., |) | CENSURE |
| ATTORNEY AT LAW |) | |
| |) | |

On April 17, 2002, 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 .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.

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 June 1999, you undertook to represent client R. A. J. in a civil action against his former employer, Arnold Palmer Cadillac. Eventually, the case was removed to federal court. During the course of your representation, you failed to provide discovery responses and failed to appear for a deposition scheduled for July 18, 2001. Your conduct in this regard constituted neglect in violation of Rule 1.3 of the Revised Rules of Professional Conduct. Even more troubling to the Grievance Committee was your conduct in falsely representing to the federal court that the initial Attorneys Conference had been scheduled for Nov. 16, 2000 when in fact, you had never contacted defense counsel about the IAC and the conference was not held on Nov. 16, 2000. Your lack of candor with the federal

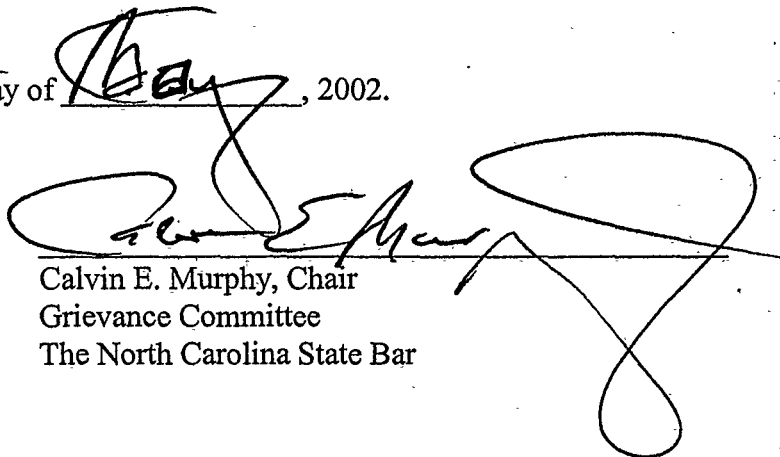
court violated Rule 8.4(c) of the Revised Rules of Professional Conduct. As a result of your misfeasance, your client's complaint was dismissed by the court.

The Grievance Committee did acknowledge that you provided the name of your malpractice insurance carrier to your client and that you were ill during a portion of the time in question. However, these facts at most mitigate your misconduct but do not excuse it.

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 4th day of May, 2002.



Calvin E. Murphy, Chair
Grievance Committee
The North Carolina State Bar