

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
97G1047(III)

IN RE:	LEE D. ANDREWS)	
	ATTORNEY AT LAW)	CENSURE
)	

On April 16, 1998, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Ms. Emmaline Wilson.

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 warranted 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.

An 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 was of the opinion 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.

The complainant, Emmaline Wilson, filed a grievance against you. Ms. Wilson's daughter, ShaShauna Wilson, was injured in a car accident in August 1995. You agreed to handle ShaShauna Wilson's personal injury action.

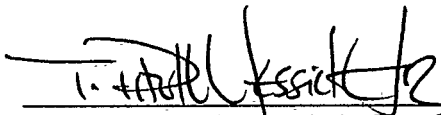
ShaShauna Wilson was killed in a car accident on April 13, 1996. You settled ShaShauna Wilson's case for \$9,500.00 on June 14, 1996. You did not tell the insurance adjuster that ShaShauna Wilson was dead at the time you settled her claim.

According to Ms. Emmaline Wilson, you told her to sign ShaShauna Wilson's name to the release. You also had Ms. Emmaline Wilson endorse the settlement check in her deceased daughter's name. You were required to disclose to the insurance carrier that your client, ShaShauna Wilson, had died. Your failure to make this disclosure violated Rules 1.2(c) and (d) and 7.2(a)(4) of the North Carolina Rules of Professional Conduct. See RPC 182.

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 the 2nd day of May, 1998.



T. Paul Messick Jr., Chair
Grievance Committee

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