

NORTH CAROLINA
WAKE COUNTY

9458

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
9626GR014, 9626GR034 & 9626GR035

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

On January 20, 2000, the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by Michael Riches, Virginia Rutherford and Steve Williams.

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, and I am certain that you will understand fully the spirit in which this duty is performed.

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RE: 9626GR014

On October 23, 1995, Michael Riches, a Canadian carpenter and construction superintendent, retained you to represent him in applying for a temporary entry visa which would allow Riches to work for a year in the United States. Riches provided you with the documentation you told him would be necessary and paid you a fee of \$1,250. You advised Riches that the visa could be obtained within 45 days. You failed to take any steps to obtain a visa for Riches. You failed to return Riches' telephone calls requesting a status update. Your failure to promptly take some action on Riches' behalf violated Rule 1.3. Your failure to communicate with Riches violated Rule 1.4.

RE: 9626GR034

On January 14, 1992, Virginia H. Rutherford retained you to represent her in recovering for injuries she suffered in a January 8, 1992 automobile accident. You filed suit on Rutherford's behalf prior to the statute of limitations running on her claims, but had difficulty locating the defendant for service. On December 18, 1995, the claims adjuster for the negligent driver's insurance company offered to accept service on behalf of their insured so the claim could move toward resolution. You did not respond to the adjuster's offer. On January 11, 1996, the adjuster again offered to accept service. You did not respond to that offer. Rutherford called your office numerous times between May and July 1996 seeking an update of the status of her matter. You did not respond to Rutherford's request for a status update. Although you continued to extend the summons, your failure to respond to the adjuster's offers to accept service to move the claim toward resolution constituted a violation of Rule 1.3. Your failure to respond to Rutherford's request for a status update violated Rule 1.4.


RE: 9626GR035

Beginning in April 1995, you were consulted by Steve M. Williams about a possible claim against Presbyterian Hospital for injuries Williams suffered in a traffic accident that occurred after Williams had a cat scan performed at the hospital on August 22, 1994. While you were representing him in that matter, Williams was pursuing a workers compensation claim on his own. In July 1995, a representative of the insurance carrier, Karen K. Prather, sent Williams a proposed clincher agreement for his workers compensation claim. On July 11, 1995, Williams sent you the clincher agreement and asked you to represent him in the workers compensation case. Williams subsequently notified Prather that you would be representing him in the matter. On November 28, 1995, Prather wrote to you asking whether you were going to advise Williams to execute the clincher agreement. You did not communicate with Prather or with Williams. Prather wrote you follow-up letters on January 2, 1996, January 16, 1996 and February 6, 1996. You did not respond to any of those letters. On April 16, 1996, Prather advised you that if she did not receive an executed clincher agreement within 30 days, then there would no longer be any agreement between the parties. Prather followed with a similar letter dated April 29, 1996. You did not respond to Prather or communicate Prather's position that there was no longer any agreement between the parties to Williams. Williams called your office 18 times between January 13, 1996 and April 23, 1996 seeking a status update on the matters he had left for you to handle. On June 28, 1996, Williams wrote you a certified letter seeking a status update. You did not respond to Williams' requests for a status update in his matters. Your failure to take prompt action on resolving Williams' matters violated Rule 1.3. Your failure to adequately communicate with Williams violated Rule 1.4.

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 13 day of March, 2000.


James K. Dorsett, III
Chair, Grievance Committee

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