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NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
94G1533(III)

IN THE MATTER OF)

ROMALLUS O. MURPHY)
ATTORNEY AT LAW)

REPRIMAND

On January 11, 1996, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Pricella Curtis.

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, reprimand, or 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.

The Grievance Committee found that complainant filed a Petition for a Contested Case Hearing with the Office of Administrative Hearings ("OAH") on June 30, 1994; that on July 20, the Attorney General's office, on behalf of N.C. A&T University, served complainant with a motion to dismiss; that later that same day, complainant

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hired you to represent her with this matter; that complainant produced everything needed to respond to the motion at the initial meeting; that pursuant to OAH Rule .0115, you had ten days from the date of service of the motion to file a response; that you failed to file any response on behalf of complainant; that you received notice that pre-hearing statements were due on August 12, 1994 but you failed to file anything by this date or anytime thereafter; that other than a Notice of Appearance dated August 1, 1995, you did not file anything with the OAH on behalf of complainant; that on August 17, 1994, the Administrative Law Judge assigned to this case allowed respondent's motion; that after the petition was dismissed, you failed to take any action, such as filing an appeal, to try and rectify the consequences of your neglect; and that you failed to reasonably communicate with complainant concerning the status of her case throughout this representation.

The committee determined that this conduct violated Rules 6(b)(3) and 6(b)(1) which state that a lawyer shall act with reasonable diligence and promptness in representing the client and shall keep the client reasonably informed about the status of a matter and promptly comply with reasonable requests for information. As indicated in the comment to Rule 6: "Perhaps no professional shortcoming is more widely resented than procrastination. A client's interests often can be adversely affected by the passage of time or the change of conditions; in extreme instances, . . . the client's legal position may be destroyed. Even when the client's interests are not affected in substance, however, unreasonable delay can cause a client needless anxiety and undermine confidence in the lawyers' trustworthiness."

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 31st day of January, 1996.


Ann Reed
Chair, Grievance Committee
The North Carolina State Bar