

NORTH CAROLINA

WAKE COUNTY

1530

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
88 DHC 8

THE NORTH CAROLINA STATE BAR,
Plaintiff

v.

REGINALD L. FRAZIER, ATTORNEY
Defendant

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

INTRODUCTION

This matter was heard on November 7, 1988, by a Hearing Committee composed of John G. Shaw, Chairman, Fred Folger, Jr. and Donald L. Osborne. The Defendant served as co-counsel on his on behalf and was also represented by Paul L. Jones. Carolin D. Bakewell represented the North Carolina State Bar. Based upon the pleadings and the evidence presented at the hearing, the Committee makes the following Findings of Fact:

1. The Plaintiff, the North Carolina State Bar, is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar promulgated thereunder.

2. The Defendant, Reginald L. Frazier, (hereafter Frazier), was admitted to the North Carolina State Bar in 1960 and is, and was at all times referred to herein, an Attorney at Law licensed to practice in North Carolina, subject to the rules, regulations, and the Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

3. During all of the periods referred to herein, Frazier was actively engaged in the practice of law in the State of North Carolina and maintained a law office in the City of New Bern, Craven County, North Carolina.

4. In August, 1986, Frazier agreed to represent Willis Ardell Jarman (hereafter Jarman), concerning damage done to Jarman's garden by a neighbor, Robert Peterson.

5. Frazier instituted a small claims action on Jarman's behalf and a hearing was scheduled for September 9, 1986.

6. Jarman told Frazier that Peterson was about to be transferred out of the area, and urged Frazier to resolve the matter quickly.

7. Frazier failed to appear in Jarman's behalf at the September 9, 1986 hearing.

8. Because of Frazier's failure to appear, Jarman was forced to represent himself at the September 9, 1986 small claims hearing.

9. Following the conclusion of the September 9, 1986 hearing, the magistrate entered judgment against Jarman. Thereafter, an appeal was filed by Frazier for Jarman to Craven County District Court.

10. On December 9, 1986, with Frazier appearing on Jarman's behalf, Jarman's case was heard in Craven County District Court. Peterson failed to appear and the trial judge entered judgment in Jarman's favor in the amount of \$700, plus court costs.

11. The trial judge on or about December 9, 1986, directed Frazier to draft a written order reflecting the judgment in Jarman's favor.

12. Despite the judge's order Frazier failed to draft and have the order signed until January 14, 1987.

13. Frazier failed to file the judgment with the Clerk of Superior Court of Craven County until March, 1988.

14. Despite Jarman's requests, Frazier failed to take effective action to collect the judgment on Jarman's behalf.

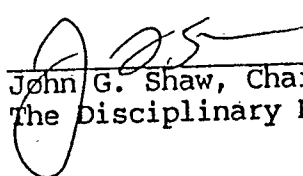
15. In August 1988, after being served with the Complaint in this matter, Frazier contacted Jarman by telephone. Frazier offered to pay Jarman \$650 if Jarman would request that his complaint against Frazier be withdrawn.

Based upon the foregoing Findings of Fact, the Committee makes the following Conclusions of Law:

(a) By failing to appear on Jarman's behalf at the September 9, 1986 hearing in small claims court, by failing to draft and have the order signed until January 14, 1987, by failing to file the order until March, 1988 and by failing to attempt diligently to collect on the judgment in Jarman's behalf, Frazier failed to act with reasonable diligence and promptness in representing a client, in violation of Rule 6(B)(3).

(b) By offering to pay Jarman \$650 if Jarman would request that his complaint against Frazier before the Disciplinary Hearing Commission be withdrawn, Frazier engaged in conduct prejudicial to the administration of justice in violation of Rule 1.2(D).

This the 22 day of November, 1988.


John G. Shaw, Chairman
The Disciplinary Hearing Committee

#538

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Plaintiff

v.

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Defendant

ORDER OF DISCIPLINE

This cause was heard on November 7, 1988, by a duly appointed Hearing Committee of the Disciplinary Hearing Commission of the North Carolina State Bar, consisting of John Shaw, Chairman, Fred Folger, Jr. and Donald L. Osborne. Based upon the Findings of Fact and Conclusions of Law entered in this cause and the evidence and arguments presented relative to the appropriate disciplinary sanction, the Hearing Committee enters this Order of Discipline.

1. As to Defendant's violation of Rule 6(B)(3), Defendant's license to practice law is hereby suspended for ninety days, effective thirty days after service of this Order.

2. As to Defendant's violation of Rule 1.2(D), Defendant's license to practice law is hereby suspended for two years, effective thirty days after service of this Order, unless Defendant obtains an order staying imposition of discipline by writ of supersedeas from the North Carolina Court of Appeals.

3. The 90-day and two-year suspensions of Defendant's license are to run concurrently.

4. The Defendant shall pay the costs of this proceeding.

5. The Defendant shall comply with the provisions of Section 24 of Article 9 of the Rules and Regulations of the North Carolina State Bar.

6. Pursuant to Section 14(20) of the Rules of Discipline and Disbarment, the Hearing Committee has authorized the Chairman to sign this Order on behalf of all members.

This the 22 day of November, 1988.


John G. Shaw, Chairman
For the Committee