

IN THE MATTER OF

DAVID G. BALMER,
ATTORNEY AT LAW

REPRIMAND

9460541 (IV)

17178

On October 20, 1994, 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 13(A) of article IX of the Rules and Regulations 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.

In 1993 you ran for a seat in the U.S. House of Representatives. During the campaign, you circulated three

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different versions of your personal resume to various individuals. Each of the resumes contained false statements about your background and academic qualifications. Among the misrepresentations included on some or each of the resumes were statements that you worked on the Law Review of the Wake Forest School of Law, that you graduated in the top 20% of your law school class, that you graduated sixth in your class at the Hill School in Pottstown, Pa. and that you played varsity soccer at UNC. It appears that these misrepresentations were made for the purpose of gaining support for your congressional campaign. When initially confronted by members of the news media with the false resumes, you stated that the resumes were the work of an overzealous campaign worker. It now appears, however, that you were solely responsible for the resumes and that your initial statement to the news media was false. You did later, however, publicly accept responsibility for your conduct.

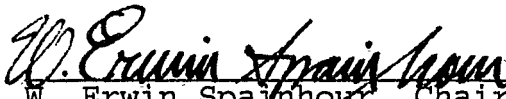
Your conduct in circulating resumes which falsely represented your scholastic qualifications and in later making a false statement to the media to conceal your actions constituted conduct involving dishonesty, in violation of Rule 1.2(B) of the Rules of Professional Conduct.

Honesty is the polestar which must guide the activities of all members of the bar both in their dealings with clients and in their daily lives. Without honesty no attorney can be truly successful. While the Committee is deeply concerned about the damage which you have done both to your own reputation and that of the profession, it nevertheless believes that your conduct in this case was an aberration and that you will henceforward work hard to re-establish yourself as an honorable member of the bar.

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 8th day of November, 1994.


W. Erwin Spainhour, Chairman
The Grievance Committee
North Carolina State Bar