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NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
04G1080

IN THE MATTER OF

Zephyr R. Teachout
Attorney At Law

REPRIMAND

On April 14, 2005 the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by the North Carolina State Bar.

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.

On February 6, 2002 the Indigent Defense Services Commission (IDS) appointed you to represent death row inmate Elrico Darnell Fowler (Fowler) in the preparation and filing of a motion for appropriate relief challenging Fowler's conviction of first degree murder and sentence of death. You were appointed to serve as second chair in Fowler's case and IDS appointed

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Stephen Greenwald, a member of the New York bar was appointed first chair. You and Greenwald investigated the case and filed a motion for appropriate relief for Fowler in a timely manner in Mecklenburg County Superior Court on Nov. 12, 2002.

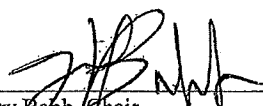
In December 2002, you moved out of North Carolina. You failed to inform the court and opposing counsel of your new address and contact information, in violation of Rule 8.4(d) of the Rules of Professional Conduct. On Aug. 12, 2004, the court allowed you to withdraw as Fowler's attorney and new counsel was appointed to represent him.

There was no evidence that Fowler's case was prejudiced as a result of your misconduct, nor did your client complain to the State Bar. Your conduct in this matter is also mitigated by the fact that you have no prior discipline and exhibited a cooperative attitude during the Aug. 12, 2004 hearing and toward the Bar's proceeding.

You are hereby reprimanded by the North Carolina State Bar for 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 the 4th day of October, 2005


Henry Baob, Chair
Grievance Committee

HB/lr