

8595

STATE OF NORTH CAROLINA

COUNTY OF WAKE

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
85G 0458(III)

IN THE MATTER OF

JOSEPH W. FREEMAN, JR.,  
ATTORNEY AT LAW

PUBLIC CENSURE

At its regular quarterly meeting on July 23, 1986, the Grievance Committee of the North Carolina State Bar conducted a preliminary hearing under Section 13 of the Discipline and Disbarment Rules of the North Carolina State Bar regarding the grievance filed against you by Gary R. Church. The Committee considered all of the evidence before it, including your written statement to the Committee. Pursuant to Section 13(10) of the Discipline and Disbarment Rules, the Committee found probable cause. Probable cause is defined under the Discipline and Disbarment Rules as: "A finding by the Grievance Committee that there is reasonable cause to believe that a member of the North Carolina State Bar is guilty of misconduct justifying disciplinary action." The rules also provide that if, after a finding of probable cause, the Committee determines that a complaint and a hearing are not warranted, the Committee may issue a public censure upon the acceptance of the same by the attorney. That determination has been made by the Committee and the Committee issues this Public Censure to you.

As Chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this Public Censure and I am certain that you understand fully the spirit in which this duty is performed, that you will understand the censure, and appreciate its significance. The fact that a public censure is not the most serious discipline that may be imposed by the North Carolina State Bar should not be taken by you to indicate that any member of the Committee feels that your conduct was excusable or less than a serious and substantial violation of the Code of Professional Responsibility.

You represented Gary R. Church in an attempt to recover damages as a result of sustaining personal injury in an automobile accident. You filed a complaint on Mr. Church's behalf on November 22, 1983 in Wilkes County Superior Court. On November 26, 1984 an Order was entered in Wilkes County Superior Court dismissing with prejudice Mr. Church's claim against one of the two named defendants for your failure to respond to that defendant's discovery. By Order dated January 14, 1985, Mr. Church's claim against the other named defendant was dismissed with prejudice for your failure to prosecute the claim. You were notified of the trial date and did not attend or satisfactorily communicate any scheduling conflict to the presiding judge.

You were served with a Letter of Notice in this matter on December 12, 1985. You did not respond. You were issued a subpoena on April 8, 1986 to

which you responded on April 15, 1986. No explanation was given for your previous failure to respond to the Letter of Notice.

You neglected a legal matter entrusted to you by your client Gary R. Church in violation of DR6-101(A)(3) of the Code of Professional Responsibility. You also failed to seek the lawful objectives of your client through reasonably available means, failed to carry out a contract of employment entered into with a client for professional services, and prejudiced or damaged your client during the course of the professional relationship in violation of DR7-101(A)(1), (2), and (3) respectively.

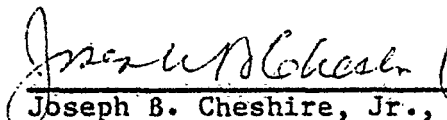
In deciding not to refer this matter to the Disciplinary Hearing Commission for the imposition of more severe discipline, the Committee was aware that you had difficulty communicating with your client after he moved. The Committee was also aware of your problems with alcohol during that period of time and understands that the problem is under control. The Committee did not want to interfere with your recovery. The Committee was also aware of your admission of your civil liability to Mr. Church and his new counsel.

The Committee is confident that this Public Censure will be heeded by you, that it will be remembered by you, and will be beneficial to you. The Committee is confident that you will never again allow yourself to depart from strict adherence to the highest standards of the profession. Instead of being a burden, this Public Censure should serve as a profitable and everpresent reminder to weigh carefully your responsibilities to your clients, to the public, to your fellow attorneys, and to the courts.

Pursuant to Section 23 of the Discipline and Disbarment Rules, it is ordered that a certified copy of this Public Censure be forwarded to the Superior Court of Surry County for entry upon the judgment docket and to the Supreme Court of North Carolina for entry in its minutes. This Public Censure will also be maintained as a permanent record in the judgment book of the North Carolina State Bar. Pursuant to policy adopted by the Council of the

North Carolina State Bar on the taxing of costs in cases where discipline is entered by the Grievance Committee, you are hereby taxed \$50.00 as the administrative costs in this action.

This the 6th day of March, 1987.

  
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Joseph B. Cheshire, Jr., Chairman  
The Grievance Committee