

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
88 DHC 4

THE NORTH CAROLINA STATE BAR,)
Plaintiff)

vs.)

ALEXA H. JORDAN, Attorney,)
Defendant)

FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

This matter came on to be heard and was heard on July 22, 1988 by a hearing committee composed of John B. McMillan, Chairman, Maureen Demarest Murray, and Harry Sherwood. Fern E. Gunn represented the North Carolina State Bar and the Defendant, Alexa H. Jordan, appeared pro se. Based upon the admissions of the Defendant deemed by her default for failure to file an answer or other pleading in this matter and based upon the evidence offered at the hearing, the hearing committee finds the following Findings of Fact by clear, cogent, and convincing evidence:

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, Alexa H. Jordan, was admitted to the North Carolina State Bar on September 29, 1975 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, Canons of Ethics, and 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, the Defendant was actively engaged in the practice of law in the State of North Carolina and maintained a law office in the City of Graham, Alamance County, North Carolina.

4. Carolyn D. DeBerry was given a citation for speeding on October 9, 1985 in Alamance County, North Carolina. Ms. DeBerry brought the citation to her Roxboro attorney, Joe Weinburger Jr., in October of 1985.

5. In a letter dated October 28, 1985, Mr. Weinburger requested that the Defendant handle Ms. DeBerry's speeding citation since the offense occurred in Alamance County. Mr. Weinburger enclosed a check in the amount of \$122 to cover the attorney's fees, the court fine, and court costs. Mr. Weinburger also enclosed with the October 28, 1985 letter a waiver of Ms. DeBerry's appearance in court for the traffic charge. This document was signed by Ms. DeBerry.

6. Ms. DeBerry's case was calendared originally for October 31, 1985 in district court in Graham, North Carolina. The Defendant obtained one continuance of the case until four weeks later.

7. The Defendant assured Mr. Weinburger that she would take care of entering a plea of improper equipment in Ms. DeBerry's traffic case.

8. The Defendant did not handle Ms. DeBerry's case and her case went through a 90-day failure in January of 1986.

9. Ms. DeBerry first learned of problems with her case when it was time to renew her car insurance policy. Her insurance rate had increased because her traffic case went through a 90-day failure. Ms. DeBerry had paid \$486.36 for liability and collision insurance for the period of August 11, 1985 to February 11, 1986. In February 11, 1986, Ms. DeBerry's insurance premium was increased to \$504.00 per six months for liability coverage and \$518.18 per six months for collision coverage.

10. Ms. DeBerry contacted the Defendant on several occasions about her case, but the Defendant did nothing to assist Ms. DeBerry.

11. Ms. DeBerry telephoned the Defendant in October of 1986 regarding her case. The Defendant represented that she would take care of Ms. DeBerry's case. The Defendant did nothing to clear up the problem of the 90-day failure.

12. Ms. DeBerry visited the Defendant's office in December of 1986 and inquired about her case. The Defendant told Ms. DeBerry that the present district attorney would not allow an entry of a plea of improper equipment.

13. Ms. DeBerry telephoned the Defendant in January of 1987 and the Defendant informed Ms. DeBerry that she could not enter a plea of improper equipment in her case because the judges were changing at the courthouse.

14. Ms. DeBerry retained Mr. Weinburger to travel to Alamance County and enter a plea in her case. Mr. Weinburger charged Ms. DeBerry \$300 to handle the case. On February 2,

1987, Mr. Weinburger sought and received from the court a dismissal of Ms. DeBerry's case.

15. The Chairman of the Grievance Committee of the North Carolina State Bar issued a Letter of Notice to the Defendant relative to a grievance received by Ms. DeBerry (86G 0534(II)), pursuant to Section 12(3) of Article IX of the Rules and Regulations of the North Carolina State Bar. The Letter of Notice was issued on December 2, 1986 and mailed to the Defendant by certified mail. The Letter of Notice was served on the Defendant by certified mail on December 4, 1986.

16. The Defendant failed to respond to the Letter of Notice within 15 days of being served with the Letter of Notice.

17. On January 6, 1987, the Staff Investigator for the North Carolina State Bar, Harry B. Warren, sent a letter to the Defendant reminding her of her responsibility to respond to the Letter of Notice. The Defendant was given an extension of time to respond to the Letter of Notice until January 20, 1987. The Defendant did not respond to the Letter of Notice.

18. After the Defendant failed to respond to the Letter of Notice and to the reminder to respond to the Letter of Notice, the Letter of Notice and a subpoena to produce documents or objects were served on the Defendant by certified mail on May 21, 1987.

19. The Defendant failed to appear at the North Carolina State Bar on May 28, 1987, as was requested in the subpoena.

20. The Letter of Notice and another subpoena to produce documents or objects were served on the Defendant by certified mail on July 9, 1987. The second subpoena to produce documents or objects was served on the Defendant by certified mail on July 9, 1987.

21. The Defendant failed to appear at the July 22, 1987 Grievance Committee meeting of the North Carolina State Bar as requested in the subpoena.

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

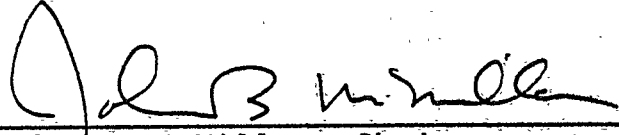
The conduct of the Defendant as set forth above constitutes grounds for discipline pursuant to N.C. Gen. Stat. §84-28(b)(2) in that the Defendant violated the Rules of Professional Conduct of the North Carolina State Bar as follows:

- (a) By failing to handle Ms. DeBerry's traffic citation the Defendant neglected a legal matter entrusted to her in violation of Rule 6(B)(3); has failed to seek the lawful

objectives of her client in violation of Rule 7.1(A)(1); and has failed to carry out a contract of employment in violation of Rule 7.1(A)(2).

- (b) By failing to return Ms. DeBerry's telephone calls and inform her of the status of her case, the Defendant has failed to keep her client reasonably informed about the status of a matter and failed to promptly comply with reasonable requests for information; and has failed to explain a matter to the extent reasonably necessary to permit her client to make informed decisions regarding the representation in violation of Rule 6(B)(1) and (2), respectively.
- (c) By failing to handle Ms. DeBerry's traffic case, Ms. DeBerry was forced to pay an increased automobile insurance premium and retain another attorney to handle her case, the Defendant has prejudiced or damaged her client during the course of the professional relationship in violation of Rule 7.1(A)(3).
- (d) By failing to respond to the Letter of Notice issued by the Chairman of the Grievance Committee, even when an extension of time was given to respond, the Defendant failed to answer a formal inquiry issued by or in the name of the North Carolina State Bar in a disciplinary matter in violation of N. C. Gen. Stat. §84-28(b)(3).
- (e) By failing to produce the documents or objects as directed by two subpoenas, the Defendant failed to answer a formal inquiry issued by or in the name of the North Carolina State Bar in a disciplinary matter in violation of N. C. Gen. Stat. §84-28(b)(3).

Signed by the undersigned Chairman with the full accord and consent of the other members of the hearing committee, this the 1st day of August, 1988.


John B. McMillan, Chairman
(for the committee)

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Defendant)

ORDER OF DISCIPLINE

This matter came on to be heard and was heard on July 22, 1988 before a hearing committee composed of John B. McMillan, Chairman, Maureen Demarest Murray, and Harry Sherwood. Based upon the Findings of Fact and Conclusions of Law entered by the hearing committee, the following Order of Discipline is entered:

1. The Defendant, Alexa H. Jordan is suspended from the practice of law in North Carolina for a period three years.
2. The Defendant shall surrender her license and membership card to the Secretary of the North Carolina State Bar.
3. As a condition precedent to reinstatement of her North Carolina law license, the Defendant shall comply with the provisions of §24 of Article IX of the Rules and Regulations of the North Carolina State Bar regarding the winding up of practice, as contained in the Red Book.
4. As a condition precedent to the reinstatement of her North Carolina law license, the Defendant must pass the North Carolina bar examination, the Multistate Bar Examination, the Multistate Professional Responsibility Examination and any other examination required by the North Carolina Board of Law Examiners for admission to the North Carolina State Bar. The Defendant shall take and receive passing scores on these examinations within the six months next preceding her petitioning the North Carolina State Bar for reinstatement.
5. The Defendant is taxed with the cost of this action.

Signed by the undersigned Chairman with the full accord and consent of the other members of the Hearing Committee.

This the 1st day of August, 1988.

John B. McMillan
John B. McMillan, Chairman