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NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
03G1801 & 03G1580

IN THE MATTER OF

ROBERT J. HUME,
ATTORNEY AT LAW)
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)

CENSURE

On Wednesday, July 14, 2004 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 .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.

A censure is a written form of discipline more serious than a reprimand, issued in cases in which an attorney has violated one or more provisions of the Rules of Professional Conduct and has caused significant harm or potential significant harm to a client, the administration of justice, the profession or a member of the public, but the misconduct does not require suspension of the attorney's license.

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure. I am certain that you will understand fully the spirit in which this duty is performed.

In November 2002, Vincent G. paid you a \$300 retainer to handle a domestic case for him. When you failed to communicate with Mr. G. or take effective steps to resolve his case, he discharged you in April 2003. Although he asked you to refund the \$300 retainer, you did not respond or return the unearned part of the fee to Mr. G.

In July 2003, Mr. G. filed a fee dispute petition with the N.C. State Bar. The Bar notified you of the petition and directed you to respond no later than Aug. 29, 2003. You failed to do so and the State Bar opened a grievance file against you. You were served with the letter of notice regarding the grievance on Oct. 23, 2003, and were directed to respond within 15 days. Nevertheless, you did not actually respond

until March 26, 2004, after the State Bar was forced to subpoena you to Raleigh to respond. The Grievance Committee found that you neglected Mr. G.'s case and failed to communicate with him, in violation of Rules 1.3 and 1.4, respectively, that you failed to participate in the fee dispute process in violation of Rule 1.5 and that you failed to file a timely response to the letter of notice, in violation of Rule 8.1. Finally, the Committee did not believe that you earned the entire \$300 fee paid to you by Mr. G. and found that you retained an excessive fee, in violation of Rules 1.5 and 1.16.

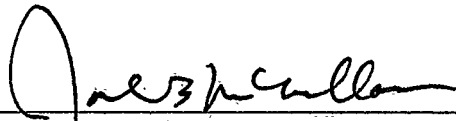
In March 2002, you undertook to represent Lisa P. regarding a judgment that had been entered against her. Ms. P. paid you a \$500 retainer. Thereafter, she discharged you and filed a fee dispute petition with the State Bar, claiming that you had not earned all of the fee. You were notified of the petition on Oct. 23, 2003 and were directed to respond in 15 days. You did not do so and the State Bar opened a grievance file against you. The letter of notice was served upon you on Feb. 12, 2004, and you were directed to respond in writing by Feb. 27, 2004. You failed to respond to the letter of notice until March 26, 2004, after the State Bar subpoenaed you to appear in Raleigh to respond.

The Grievance Committee found that you failed to participate in the fee dispute process regarding Ms. P., in violation of Rule 1.5 and that you failed to file a timely response to the letter of notice, in violation of Rule 8.1. The Committee also found that you did not earn the entire \$500 fee paid to you by Ms. P. and that you retained an excessive fee in violation of Rules 1.5 and 1.16.

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

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 censure by the Grievance Committee, the costs of this action in the amount of \$50.00 are hereby taxed to you.

Done and ordered, this 10th day of August, 2004.



John B. McMillan, Chair
Grievance Committee
The North Carolina State Bar