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NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
04G0699 & 04G0742

IN THE MATTER OF)	
)	
ROBERT J. HUME, III,)	CENSURE
ATTORNEY AT LAW)	
)	

On Thursday, October 21, 2004, 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.

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 September 2002 you undertook to represent H.M. to seek an increase in child support payments. Owing to a mistake by your office, the case was dismissed and H.M. ultimately discharged you and asked you to refund the fee. You did not respond to her request, in violation of Revised Rule 1.16. When H.M. filed a petition for resolution of a disputed fee with the N.C. State Bar, you failed to respond or participate in the fee dispute process, in violation of Revised Rule 1.5(f).

Meanwhile, in January 2004, client I.M. retained you to handle a domestic case for which he paid you a \$500 retainer. Thereafter, you failed to communicate with I.M. or take effective action to assist him, in violation of Revised Rules 1.4 and 1.3, respectively. I.M. discharged you in March


2004 and demanded a refund of the \$500 fee. You offered to refund \$175 but later indicated that you believed that I.M. in fact owed you money. The Committee found that you retained an excessive fee in violation of Revised Rules 1.5 and 1.16.

On April 14, 2004, I.M. filed a petition for resolution of a disputed fee with the N.C. State Bar. You failed to file a response to the notice of the petition. The Committee determined that your conduct in this regard violated Revised Rule 1.5(f).

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 16 day of November, 2004.



Henry Babb, Chair
Grievance Committee
The North Carolina State Bar