

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
11G0687

IN THE MATTER OF

Samuel Richardson, III,
ATTORNEY AT LAW

CENSURE

On January 24, 2013, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by J.G.

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.

You represented D.D. in an alienation of affection lawsuit filed against J.G. After a hearing on the matter, your client was awarded damages, including attorney fees. J.G.'s lawyer objected to the attorney fee award because you failed to provide evidence of your fees. The judge agreed and stated that the claim for attorney fees would be heard on a later date. The judge directed you to prepare the order. You prepared the proposed order and forwarded the same to opposing counsel for review. Your proposed order included an award for attorney fees. Opposing counsel objected and informed you of her specific objection to including an attorney fee award. Because you did not receive opposing counsel's written changes to your proposed order, you forwarded your proposed order to the court for signature. You were well aware of opposing counsel's objection and the court's ruling to address the fees in a separate hearing. Nevertheless, you included the attorney fee award in the proposed order you sent to the court. Although your cover letter to

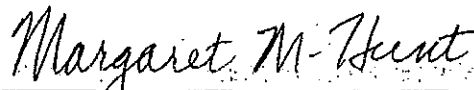
the court states that opposing counsel has some changes, you failed to inform the court of the changes. You also failed to remind the court that the attorney fee award was to be decided at a later time after a hearing on the same. Your conduct caused the judge to sign an order that you knew did not accurately reflect the court's decision. Your conduct is prejudicial to the administration of justice in violation of Rule 8.4(d). Because of your disregard for the court's decision and opposing counsel's objection, J.G. had to pay his lawyer to file a Motion to Set Aside the Order. Your conduct is a further violation of Rule 8.4(d). You did not provide opposing counsel with a copy of your cover letter to the judge. You therefore engaged in an improper *ex parte* communication with the judge in violation of Rule 3.5(a). The Committee recognized that the court corrected the error and that you withdrew your claim for attorney fees.

J.G. also alleged that you had a conflict of interest because you represented J.G.'s wife in a divorce action against J.G. The committee concluded that you did not have a conflict of interest.

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 July 23, 2010 by the Council of the North Carolina State Bar regarding the taxing of administrative fees and investigative costs to any attorney issued a censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 20th day of February, 2013.



Margaret M. Hunt, Chair
Grievance Committee
The North Carolina State Bar