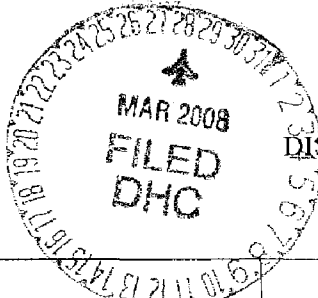


NORTH CAROLINA  
WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
07 DHC 22

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

CHARLES E. ROBINSON, Attorney,

Defendant

FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND ORDER  
OF DISCIPLINE

This matter was heard on March 7, 2008 before a Hearing Committee of the Disciplinary Hearing Commission composed of Sharon B. Alexander, Chair, and members J. Michael Booe and R. Mitchel Tyler. Jennifer A. Porter represented Plaintiff, the North Carolina State Bar. Defendant, Charles E. Robinson, did not appear and was not represented. Based upon the pleadings and the admissions considered pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0114(f), and the evidence presented at trial, the Hearing Committee hereby finds by clear, cogent, and convincing evidence the following

#### FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar ("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 (Chapter 1 of Title 27 of the North Carolina Administrative Code).

2. Defendant, Charles E. Robinson ("Robinson" or "Defendant"), was admitted to the North Carolina State Bar in 1994, and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the laws of the State of North Carolina, the Rules and Regulations of the North Carolina State Bar and the Revised Rules of Professional Conduct.

3. During all or part of the relevant periods referred to herein, Robinson was engaged in the practice of law in the State of North Carolina and maintained a law office in Rocky Mount, Edgecombe County, North Carolina.

4. Robinson was properly served with process, a hearing in this matter was set, and the matter came before the Hearing Committee with due notice to all parties.

5. The Complaint in this action was filed on October 10, 2007.
6. Defendant was served with the Summons and Complaint on October 26, 2007.
7. Defendant failed to file an answer or any responsive pleading by the deadline established by 27 N.C. Admin. Code 1B § .0114(e).
8. Upon Plaintiff's motion, default was entered against Defendant by the Secretary of the State Bar on January 11, 2008.
9. Plaintiff filed a Motion for Default Judgment on January 11, 2008.
10. Plaintiff's motion was granted and a Default Judgment was filed on February 26, 2008. The Default Judgment entered findings of fact and conclusions of law and reserved as the sole issue for hearing what discipline, if any, should be imposed. The remaining findings of fact in this order recite the findings of fact found in the Default Judgment.
11. Tony E. Johnson ("Johnson") retained Robinson in or about 2005 for an employment discrimination case.
12. Robinson filed a Complaint on behalf of Johnson on or about June 20, 2005 in the United States District Court for the Eastern District of North Carolina.
13. On or about December 21, 2005 the Court issued a Scheduling Order adopting their discovery plan and the parties agreed to exchange their Rule 26 (a)(1) initial disclosures by January 9, 2006.
14. On or about December 28, 2005 the defendants in Johnson's matter served Robinson with their First Set of Interrogatories and Requests for Production. These responses were due on or about January 30, 2006.
15. Defendant's counsel in Johnson's matter served their initial disclosures on or about January 5, 2006. Robinson failed to serve his initial disclosures prior to January 9, 2006, as set out in the discovery plan.
16. On or about January 17, 2006 the defendants' counsel contacted Robinson by telephone and written correspondence requesting that Robinson forward the past due initial disclosures.
17. Between January 18, 2006 and January 27, 2006 Johnson made numerous attempts to meet with and discuss the discovery with Robinson. Robinson would not meet with him.

18. On or about February 2, 2006 the defendants' counsel sent Robinson another letter reminding him that the disclosures were overdue. Robinson did not respond to the letter or submit the disclosures.

19. On or about February 8, 2006 the defendants' counsel sent Robinson a third letter stating that the defendants would file a motion to compel if the disclosures were not filed by February 13, 2006. Opposing counsel also warned that Johnson's responses to the defendants' First Set of Interrogatories and Requests for Production were overdue and he had not requested an extension of time to respond. Robinson failed to respond to that letter or the defendants' discovery requests.

20. On or about February 15, 2006 the defendants filed a Motion to Compel Discovery Responses. An Order compelling discovery responses was entered on or about March 13, 2006.

21. On or about February 27, 2006 Robinson cancelled an appointment with Johnson after Johnson had waited for approximately two and a half hours at his office.

22. On or about March 8, 2006 Johnson came to Robinson's office for a scheduled appointment and the office was closed. Johnson began leaving Robinson messages on both his mobile and office phones. After approximately three hours, Robinson contacted Johnson to tell him that he would not be able to make the meeting.

23. During April 2006 Johnson left several messages on Robinson's mobile and office phones. Johnson was only able to speak with Robinson on one occasion in April in which Robinson told him the case was under control.

24. In April 2006, the defendants filed a motion to dismiss based upon Robinson's failure to respond to discovery requests on behalf of Johnson.

25. Robinson did not inform Johnson of the motion to dismiss.

26. In July 2006, Johnson went to the courthouse to learn the status of his case. He discovered the opposing party had filed a motion to dismiss.

27. Johnson increased his efforts to get in touch with Robinson. Johnson left messages for Robinson to get the status of his case but the phone lines were disconnected.

28. On or about July 20, 2006 the defendant's Motion to Dismiss was granted and Johnson's case was dismissed with prejudice because Robinson failed to respond to the defendant's First Set of Interrogatories and Requests for Production which were due on or about January 30, 2006 and failed to file the required initial disclosures due on or about January 9, 2006.

29. Robinson did not inform Johnson of the dismissal.
30. Johnson did not learn of the dismissal until he went to the courthouse in August 2006 to learn the status of his case.
31. Bruce Robert Temple ("Temple") retained Robinson in or about May 2005 for an employment discrimination and/or retaliation case.
32. In or about August 2005 Robinson filed a Complaint on behalf of Temple in the United States District Court for the Eastern District of North Carolina.
33. Robinson advised Temple that his case would not be heard until early 2007.
34. In or about early 2006 Temple called Robinson's office several times and left messages which Robinson did not return.
35. Temple was able to reach Robinson in or about late February or early March of 2006. Robinson told Temple that he would be meeting with the judge soon and would advise him of the status.
36. In the weeks following the conversation in late February or early March 2006, Temple and his wife made numerous attempts to meet with Robinson at his office, which was always closed.
37. A scheduling order was entered by the Court setting the discovery deadline of July 24, 2006.
38. The opposing counsel in the case made numerous attempts to contact Robinson regarding the matter and discovery but Robinson would not return those calls.
39. In or about June 2006 Temple called and left several voicemail messages for Robinson which were never returned. Temple sent a letter which was not answered by Robinson.
40. On or about June 12, 2006 and June 21, 2006 opposing counsel sent Robinson letters inquiring about Temple's availability for deposition and to discuss overdue discovery answers and responses.
41. Robinson did not respond to opposing counsel's letters or calls and did not respond to the discovery requests on Temple's behalf.

42. On or about July 1, 2006 the defendants filed and served a Motion to Compel discovery responses and a support memorandum.

43. Robinson did not notify Temple of the discovery requests he had received or of the motion to compel.

44. In or about July 2006 Temple tried to call Robinson's office and the phone was disconnected. Temple went by Robinson's office and it was locked.

45. On or about July 5, 2006 opposing counsel sent Robinson a Notice of Deposition to take Temple's deposition on July 18, 2006 at 10:30 a.m.

46. Robinson did not notify Temple of the Notice of Deposition or the deposition date.

47. Defendant's counsel appeared at the deposition but Robinson and Temple failed to appear. Calls were made to Robinson by defendant's counsel while they were waiting for them to appear at the deposition but the phone number Robinson had listed with the court was disconnected. Defendant's counsel also attempted to contact Robinson on his mobile phone number but it was disconnected.

48. On or about July 27, 2006 the defendants filed a Motion to Dismiss Plaintiff's Complaint or, Alternatively, Compel Deposition.

49. Robinson did not notify Temple of the motion to dismiss or compel deposition.

50. On or about August 23, 2006 the court dismissed with prejudice Temple's case.

51. On or about August 24, 2006 Temple sought out Robinson's home address and went there to speak with him to obtain a status on his case. Robinson spoke with Temple at that time and told him he was getting out of the practice of law, had no idea about the status of Temple's case, and that he was going to surrender his law license. Robinson also stated he would return Temple's file and retainer fee to him.

52. Robinson did not provide Temple with his file and retainer fee.

53. Robinson had not formally withdrawn as counsel of record in Temple's case.

54. Temple did not find out that his case was dismissed until he contacted the court in about September 2006.

55. Linda A. Warren ("Warren") retained Robinson on or about May 6<sup>th</sup>, 2003 to represent her son Gary Lynch ("Lynch") in a post trial motion and appeal for Lynch's drug conviction for which Lynch was serving a life sentence.

56. Warren paid Robinson a \$3,500.00 flat rate fee.

57. Robinson did not file any motion or any document to pursue an appeal on behalf of Lynch.

58. Warren and Lynch made numerous attempts to contact and meet with Robinson but were unsuccessful.

59. Stanley Ray Griffin ("Griffin") retained Robinson to represent him in a civil lawsuit against the City of Rocky Mount, NC, et al. in about May 2002.

60. On or about September 16, 2005, Robinson filed a Complaint on behalf of Griffin in the United States District Court for the Eastern District of North Carolina.

61. The parties, through counsel, submitted a discovery plan to the Court, under which initial disclosures were due by January 31, 2006.

62. Robinson did not provide the required initial disclosures to opposing counsel.

63. Opposing counsel served Interrogatories and a Request for Production of Documents on Robinson.

64. Robinson failed to respond on Griffin's behalf to the opposing party's discovery requests.

65. Opposing counsel attempted to talk with Robinson about the overdue discovery responses. Robinson did not return the opposing counsel's calls.

66. On July 10, 2006 opposing counsel filed a Partial Motion to Dismiss.

67. Robinson failed to file a response on behalf of Griffin to the defendants' Partial Motion to Dismiss.

68. Robinson did not notify Griffin of the Partial Motion to Dismiss.

69. During the spring and summer of 2006, Griffin attempted to contact Robinson to learn the status of his case. Robinson would not return his calls.

70. During this same time, Griffin went to Robinson's office. The office was locked and the curtains were drawn.

71. When he could not contact Robinson, Griffin contacted the Court. He discovered from the Court that a Partial Motion to Dismiss had been filed.

72. On or about August 8, 2006, Griffin filed a pro se Motion for Extension of Time to respond to the opposing party's Partial Motion to Dismiss, citing in the motion that he was having difficulty contacting Robinson. Griffin also stated that he was seeking other representation. The pro se Motion for Extension of Time was granted.

73. Griffin continued trying to contact Robinson and left messages at multiple phone numbers for Robinson. Robinson did not return his calls.

74. On August 30, 2006 the opposing counsel noticed Griffin's deposition, to occur on September 21, 2006.

75. Robinson did not notify Griffin of the notice or the deposition date.

76. On or about September 8, 2006 Griffin filed a pro se Response to the opposing party's Partial Motion to Dismiss.

77. On or about September 8, 2006 Robinson was temporarily removed as counsel of record by the Clerk of Court due to Griffin's pro se filings.

78. On September 22, 2006 the defendants filed a motion to dismiss for the plaintiff's failure to cooperate in discovery. The defendants asserted Robinson failed to make Initial Disclosures pursuant to Rule 26 of the Federal Rules of Civil Procedure on Griffin's behalf, failed to respond to discovery requests on Griffin's behalf, and that Griffin failed to appear for his deposition.

79. On or about September 30, 2006 Griffin made contact with Robinson. Robinson indicated he was out of practicing law. Robinson told Griffin he would get him his file.

80. Robinson did not return Griffin's file to him.

81. Robinson did not formally withdraw as counsel of record for Griffin.

82. Cassandra Simpson Sidberry ("Sidberry") retained Robinson to represent her in a civil lawsuit against the City of Wilmington.

83. Robinson filed a Complaint on behalf of Sidberry on or about March 29, 2006 in the United States District Court for the Eastern District of North Carolina.

84. On or about July 28, 2006 opposing counsel proposed a discovery plan to Robinson. Opposing counsel made multiple unsuccessful attempts to communicate with Robinson by telephone, email, fax and regular mail.

85. On or about August 18, 2006 the court entered a scheduling order which stated that Robinson had failed to participate in the scheduling conference and had failed to submit a proposed scheduling plan as required by the Federal Rules of Civil Procedure. The order also stated the Robinson did not respond to the court's request for discovery plan which was filed on or about June 27, 2006. Sidberry and Robinson were warned by the court that any further failure to abide by the court's orders would subject them to sanctions.

86. On or about August 28, 2006 Sidberry contacted the Clerk of Court's office regarding her inability to make contact with Robinson.

87. On or about September 8, 2006 Sidberry filed a letter with the Clerk of Court's office reiterating her inability to contact Robinson.

88. On or about October 24, 2006 defense counsel for the City of Wilmington filed a Motion to Compel Discovery Responses and Supporting Memorandum of Law. An Order was filed on or about January 3, 2007 granting the Motion to Compel.

89. On or about January 26, 2007 Sidberry filed a pro se request that the court dismiss her case. An Order dismissing Sidberry's case without prejudice was entered on or about January 30, 2007.

90. Nancy A. Pisarik ("Pisarik") retained Robinson to represent her in a civil lawsuit against John E. Potter, Postmaster General of the United States Postal Service ("Potter").

91. Robinson filed a Complaint on behalf of Pisarik on or about January 3, 2006 in the United States District Court for the Eastern District of North Carolina.

92. On or about July 13, 2006 defense counsel for Potter filed a Motion to Dismiss or for Summary Judgment and a Memorandum in Support of this motion for lack of jurisdiction.

93. Robinson did not file any response on Pisarik's behalf to the Motion to Dismiss or for Summary Judgment.

94. On or about July 17, 2006 a Request for Discovery Plan was filed.



95. On or about August 11, 2006 defense counsel for Potter filed a Motion to Stay Request for Discovery Plan due to the pending Motion to Dismiss and also because they had been unable to reach Robinson regarding the request for discovery plan.

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96. Robinson did not file a response to the Motion to Stay.

97. The Motion to Stay the discovery plan was denied.

98. On or about September 19, 2006 defense counsel for Potter filed a discovery plan. Robinson failed to file a discovery plan on behalf of Pisarik.

99. On or about September 27, 2006 an Order was entered that stated that defense counsel was unable to reach Robinson for the Rule 26(f) conference and Robinson did not file a discovery plan. A conference was set for on or about October 12, 2006 to establish a discovery plan. Counsel for both parties were directed to attend.

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100. On or about October 5, 2006 Pisarik filed a pro se request for a continuance of the conference so that she may find other representation in this matter.

101. On or about October 12, 2006 an Order was filed granting a continuance of the conference until on or about November 16, 2006. The Order stated that nothing in the Order relieved Robinson as counsel of record for Pisarik.

102. On or about November 13, 2006 Pisarik filed a pro se request for a continuance of the conference. This request was denied by Order entered on or about November 17, 2006.

103. On or about November 17, 2006 another Order was filed due to Pisarik and Robinson's failure to appear for the scheduling conference and their failure to submit a proposed discovery plan. The Order provided the parties with ten days to confer and submit a joint proposed schedule.

104. Pisarik and Robinson failed to file a discovery plan. Pisarik was unable to obtain further representation in the time frame allotted by the courts.

105. On or about February 5, 2007 the defendant's Motion for Summary Judgment and Motion to Dismiss was granted.

106. On or about October 11, 2006 the State Bar opened Grievance Committee files concerning Charles E. Robinson's ("Robinson") conduct in the matters of Calvin Sherrod ("Sherrod"), Isabelle P. Baker ("Baker"), and Priscilla E. Oakes ("Oakes") and in the fee dispute resolution process related to these clients.

107. On or about November 14, 2006 Robinson was served with a Letter of Notice and Substance of Grievance in the Sherrod, Baker, and Oakes files. Robinson was required to respond by November 29, 2006.

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108. Robinson failed to respond to the Letter of Notice concerning Sherrod, Baker, and Oakes by November 29, 2006.

109. On or about September 5, 2006 Johnson filed a grievance with the State Bar against Robinson.

110. Robinson was served on or about September 26, 2006 with a Letter of Notice and Substance of Grievance regarding Johnson's grievance. Robinson's response was due on or about October 11, 2006.

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~~111. Robinson failed to respond to the Johnson Letter of Notice by October 11, 2006.~~

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112. On or about October 23, 2006 a follow up letter was sent to Robinson because he had not responded to the Letter of Notice and Substance of Grievance concerning Johnson. A new deadline of November 2, 2006 was given for Robinson to respond.

113. Robinson failed to respond to the Letter of Notice concerning Johnson by November 2, 2006.

114. On or about October 15, 2006 Temple filed a grievance with the State Bar.

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115. Robinson was served on or about November 14, 2006 with a Letter of Notice and Substance of Grievance regarding Temple's grievance. Robinson's response was due on or about November 29, 2006.

116. Robinson did not respond to the Letter of Notice concerning Temple by November 29, 2006.

117. On or about December 11, 2006 a follow up letter was sent to Robinson because he had not responded to the Letter of Notice and Substance of Grievance. A new deadline of December 22, 2006 was given for Robinson to respond.

118. Robinson failed to respond to the Letter of Notice concerning Temple by December 22, 2006.

119. On or about November 15, 2006 Warren filed a grievance with the State Bar.

120. Robinson was served with the Letter of Notice and Substance of Grievance concerning Warren and Lynch by sheriff on or about March 9, 2007 and was given 15 days to respond.

121. Robinson failed to respond to the Letter of Notice concerning Warren and Lynch within 15 days, by March 24, 2007.

122. On or about February 12, 2007 the State Bar sent Robinson a letter requesting his response to several grievances, including the grievances involving Sherrod, Baker, Oakes, Johnson, Temple, and Warren. Robinson did not provide responses to these grievances.

123. On or about June 5, 2007 Robinson was served with a Letter of Notice and Substance of Grievance from the State Bar that included inquiry concerning his representation of Griffin, Sidberry, and Pisarik. Robinson's response was due on or about June 20, 2007.

124. Robinson failed to respond to the Letter of Notice concerning Griffin, Sidberry, and Pisarik.

As previously found in the Default Judgment and now recited herein, based on the foregoing Findings of Fact the Committee enters the following

#### CONCLUSIONS OF LAW

1. ~~All the parties are properly before the Hearing Committee and the~~ Committee has jurisdiction over the Defendant, Charles E. Robinson, and the subject matter.

2. The Defendant's conduct, as set out in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. §§ 84-28(b)(2) and (3) as follows:

- (a) By failing to make initial disclosures in discovery and respond to discovery requests on behalf of Johnson, by failing to act on behalf of Johnson in the pending litigation, and by failing to otherwise provide the legal services Johnson hired him to perform, Robinson failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3, failed to make a reasonably diligent effort to comply with a legally proper discovery request by an opposing party in violation of Rule 3.4(d)(2), and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);

- (b) By failing to keep Johnson advised of the status of his case and by failing to return calls and keep scheduled appointments with Johnson, Robinson failed to keep his client reasonably informed in violation of Rule 1.4(a)(3) and failed to promptly comply with reasonable requests for information in violation of Rule 1.4(a)(4);
- (c) By failing to respond to discovery requests on behalf of Temple, by failing to prepare Temple for his deposition and to appear with Temple at Temple's deposition, by failing to act on behalf of Temple in the pending litigation, and by failing to otherwise provide the legal services Temple hired him to perform, Robinson failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3, failed to make a reasonably diligent effort to comply with a legally proper discovery request by an opposing party in violation of Rule 3.4(d)(2), and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);
- (d) By failing to keep Temple advised of the status of his case, by failing to notify Temple of his deposition in the matter, by failing to notify Temple of the dismissal of his case, and by failing to return Temple's messages and respond to Temple's letter, Robinson failed to keep his client reasonably informed in violation of Rule 1.4 (a)(3) and failed to promptly comply with reasonable requests for information in violation of Rule 1.4(a)(4);
- (e) By failing to provide the legal services Warren hired him to perform, Robinson failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3;
- (f) By failing to keep Warren and/or Lynch advised of the status of Lynch's case, and failing to respond to reasonable requests for information from Warren and/or Lynch, Robinson failed to keep his client reasonably informed in violation of Rule 1.4 (a)(3) and failed to comply with reasonable request for information in violation of Rule 1.4(a)(4);
- (g) By collecting a fee from Warren and then failing to provide the legal representation for which Warren paid the fee, Robinson collected a clearly excessive fee in violation of Rule 1.5(a);
- (h) By failing to respond to discovery requests on behalf of Griffin, by failing to respond on Griffin's behalf to the opposing party's Partial Motion to Dismiss, by failing to act on behalf of Griffin in the pending litigation, and by failing to otherwise provide the legal services Griffin hired him to perform, Robinson failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3, failed to make a

reasonably diligent effort to comply with a legally proper discovery request by an opposing party in violation of Rule 3.4(d)(2), and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);

- (i) By failing to keep Griffin advised of the status of his case and failing to respond to Griffin's attempts to communicate with him, Robinson failed to keep his client reasonably informed in violation of Rule 1.4(a)(3) and failed to promptly comply with reasonable requests for information in violation of Rule 1.4(a)(4);
- (j) By failing to respond to discovery requests on behalf of Sidberry, by failing to act on behalf of Sidberry in the pending litigation, and by failing to otherwise provide the legal services Sidberry hired him to perform, ~~Robinson failed to act with reasonable diligence and promptness in~~ representing a client in violation of Rule 1.3, failed to make a reasonably diligent effort to comply with a legally proper discovery request by an opposing party in violation of Rule 3.4(d)(2), and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);
- (k) By failing to keep Sidberry advised of the status of her case, and failing to respond to Sidberry's attempts to communicate with him, Robinson failed to keep his client reasonably informed in violation of Rule 1.4(a)(3) and failed to promptly comply with reasonable requests for information in violation of Rule 1.4(a)(4);
- (l) ~~By failing to comply with the Court's directives and orders to file a~~ discovery plan and to participate in a conference to establish a discovery plan, by failing to act on behalf of Pisarik in the pending litigation, and by failing to otherwise provide the legal services Pisarik hired him to perform, Robinson failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3, knowingly disobeyed an obligation under the rules of the tribunal in violation of Rule 3.4(c), and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);
- (m) By failing to keep Pisarik advised of the status of her case and failing to respond to Pisarik's attempts to communicate with him, Robinson failed to keep his client reasonably informed in violation of Rule 1.4(a)(3) and failed to promptly comply with reasonable requests for information in violation of Rule 1.4(a)(4); and
- (n) By failing to respond to the Letters of Notice from the State Bar concerning Sherrod, Baker, Oakes, Johnson, Temple, Warren, Griffin, Sidberry, and Pisarik, and by failing to respond to reminder letters

requesting his response to the Letters of Notice concerning Sherrod, Baker, Oakes, Johnson, Temple, and Warren, Robinson failed to respond to lawful demands for information from a disciplinary authority in violation of Rule 8.1(b) of the Revised Rules of Professional Conduct, and in violation of N.C. Gen. Stat. § 84-28(b)(3).

Based upon the foregoing Findings of Fact and Conclusions of Law and upon the evidence and arguments presented at the hearing concerning appropriate discipline, the Hearing Committee hereby finds by clear, cogent, and convincing evidence the following additional

#### FINDINGS OF FACT REGARDING DISCIPLINE

1. Robinson has engaged in conduct that has caused significant harm to his clients, including as follows:

- a. The evidence shows Robinson abandoned his practice without following the formalities required of lawyers in this state, which are designed to protect the clients and the administration of justice. Robinson's improper abandonment of his practice harmed his clients, including but not limited to the ones identified in this order.
- b. Furthermore, as established by the evidence before the Hearing Committee, the cases of several of Robinson's clients were dismissed by the court with prejudice due to Robinson's failure to satisfy discovery obligations on behalf of the clients, depriving those clients of the chance to pursue their claims. Bruce Temple testified that he lost the opportunity to vindicate his reputation when his case was dismissed with prejudice as a result of Robinson's neglect. Mr. Temple was required to take a job at substantially less pay than his previous employment, and the loss of reputation and loss of income will follow him for his lifetime. Tony Johnson suffered similar harm as a result of the dismissal of his case.
- c. Additionally, two of Robinson's clients suffered the additional harm of having been ordered to pay costs stemming from Robinson's failure to comply with discovery obligations, to wit: Tony Johnson was taxed with \$5,182.50 in costs by the U.S. District Court for the opposing parties' costs in pursuing their motion to compel discovery and motion to dismiss, and Bruce Temple was taxed with \$1,331.85 in costs by the U.S. District Court for the opposing parties' costs in pursuing their motion to compel discovery.

2. The conduct of Robinson caused actual harm to the standing of the legal profession, undermining his clients' trust and confidence in lawyers and the legal system.

3. Robinson's conduct included conduct prejudicial to the administration of justice, to wit: his failure to comply with discovery obligations in cases before the U.S. District Court, interfering with the Court's ability to adjudicate those matters in an orderly manner.

4. Robinson was suspended from the practice of law before the United States District Court for the Eastern District of North Carolina on June 26, 2007, because of Robinson's conduct in failing to represent his clients in cases before the U.S. District Court, including as found herein. The suspension is in effect pending the results of the court's referral of the matter to the U.S. Attorney for investigation of violations of the Disciplinary Rules of the United States District Court for the Eastern District of North Carolina and the conclusion of any proceedings undertaken by the North Carolina State Bar.

5. Robinson's failure to respond to letters of notice in grievances with the State Bar and failure to participate in this disciplinary proceeding before the DHC results in potential significant harm to the profession and to the public. The legal profession is entrusted with the privilege of self-regulation. The State Bar can only regulate the profession if its members respond to inquiries of the State Bar and otherwise participate. Robinson's failure to respond to the State Bar and participate in this disciplinary proceeding before the DHC shows an unacceptable disregard for the regulatory authority of the State Bar. Robinson's failure to participate in the profession's self-regulation impedes effective self-regulation and jeopardizes the privilege of the profession to remain self-regulating.

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6. Robinson's misconduct is aggravated by the following factors:

- a. Selfish motive, to wit: accepted new cases and funds from new clients while contemporaneously neglecting existing clients;
- b. Pattern of misconduct;
- c. Multiple offenses;
- d. Refusal to acknowledge the wrongful nature of his conduct; and
- e. Substantial experience in the practice of law.

7. Robinson's misconduct is mitigated by the following factor:

- a. Absence of a prior disciplinary record.

8. The aggravating factors outweigh the mitigating factor.

9. The Hearing Committee has reviewed the guidelines in the Standards for Imposing Lawyer Sanctions issued by the American Bar Association. The Hearing Committee notes that section 4.4 of the ABA's Standards, which discusses lack of diligence, states that disbarment is generally appropriate when: (a) a lawyer abandons the practice and causes serious or potentially serious injury to a client; (b) a lawyer knowingly fails to perform services for a client and causes serious or potentially serious injury to a client; or (c) a lawyer engaged in a pattern of neglect with respect to client matters and causes serious or potentially serious injury to a client. The Hearing Committee finds that the evidence before it establishes that Robinson had engaged in all three of these types of neglect described as circumstances in which disbarment is appropriate.

10. Although it considered discipline less severe than disbarment, the Hearing Committee finds that (i) suspension, public censure, or reprimand would not be sufficient discipline because of the gravity of the harm caused by the conduct of the Robinson to the public, to Robinson's clients, to the profession, and to the administration of justice and (ii) that discipline short of disbarment would not sufficiently protect the public, in each instance for the following reasons:

- a. Robinson has engaged in multiple violations of the Revised Rules of Professional Conduct over a substantial period of time and his misconduct was not the result of a mistake, nor did it appear to be an aberration;
- b. Robinson accepted new cases and funds from clients in 2005 and 2006 while contemporaneously neglecting existing clients who had retained him as early as 2002 and 2003, benefitting himself while showing incredible disregard for the harm he was causing his clients;
- c. Robinson's conduct caused substantial harm to his clients, substantial harm and potential harm to the profession, and included conduct prejudicial to the administration of justice; and
- d. Entry of an order imposing less serious discipline would fail to acknowledge the seriousness of the offenses Robinson committed and would send the wrong message to attorneys and the public regarding the conduct expected of members of the Bar of this State.



Based upon the foregoing factors and the evidence before the Hearing Committee, the Hearing Committee hereby enters the following

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ORDER OF DISCIPLINE

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1. Defendant, Charles E. Robinson, is hereby DISBARRED from the practice of law in North Carolina.

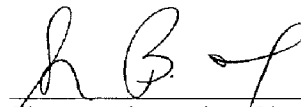
2. Robinson shall submit his license and membership card to the Secretary of the North Carolina State Bar no later than 30 days following the service of this order upon Robinson.

3. Robinson shall comply with the wind down provisions contained in 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0124 of the North Carolina State Bar Discipline and Disability Rules, including but not limited to distributing any client property, including funds held for clients in his trust account, to his former clients or initiating appropriate escheat procedures. Robinson shall file an affidavit certifying he has complied with the wind down rule with the Secretary of the North Carolina State Bar within 10 days of the effective date of this order.

4. Robinson is taxed with the administrative costs of this proceeding as well as all appropriate costs available to a prevailing party under statute. Robinson shall pay the costs of this proceeding as assessed by the Secretary of the North Carolina State Bar within 30 days of service of the notice of the costs upon him.

Signed by the Chair with the consent of the other Hearing Committee members, this the 27 day of March, 2008.

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Sharon Alexander, Chair  
Disciplinary Hearing Committee