

NORTH CAROLINA

WAKE COUNTY

1266

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
0021GR014

IN THE MATTER OF)

WILLIAM L. DURHAM,)
ATTORNEY AT LAW)

REPRIMAND

On July 25, 2001, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Shirley Price.

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 to the Respondent attorney.

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

The Grievance Committee was of the opinion that a Censure is not required in this case and issues this Reprimand to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this Reprimand and I am certain that you will understand fully the spirit in which this duty is performed.

You represented complainant, Shirley Price, in a custody and child support action. At a hearing on August 15, 1996, the Honorable Roland Hayes granted Ms. Price primary custody of her minor child and ordered the child's father, Mr. Price, to pay child support. Judge Hayes directed you to prepare and submit a written order. You did not prepare and submit a written order on behalf of your client. Ultimately,

attorney Susan Gray submitted a proposed order to Judge Hayes, which order was finally filed with the Clerk of Court in November 2000.

Regardless of any fee dispute that may have been occurring between you and Ms. Price, you were directed by the court to prepare a written order. You should have done so to protect your client's interests before terminating the attorney-client relationship. Your termination of the attorney-client relationship prior to obtaining entry of the final custody and child support order materially adversely affected Ms. Price's claims in that Ms. Price never received any child support payments from Mr. Price due to the fact that a formal written child support order was not filed with the Clerk of Court or the North Carolina Child Support Office until four years after the [redacted] ring.

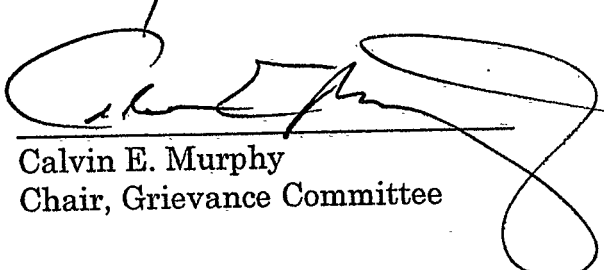
The Committee found that your above-described conduct violated several Rules and Revised Rules of Professional Conduct. By failing to prepare and submit a written order to Judge Hayes, you failed to act with reasonable diligence and promptness in representing your client in violation of Rule 6(b)(3) of the Rules of Professional Conduct. By terminating the attorney-client relationship with Ms. Price without first preparing and submitting a written order to Judge Hayes, you withdrew from employment before you had taken reasonable steps to avoid foreseeable prejudice to the rights of your client in violation of Rule 2.8(a)(2) of the Rules of Professional Conduct. By terminating the attorney-client relationship with Ms. Price without first seeking the permission of the tribunal, you violated Rule 2.8(a)(1) of the Rules of Professional Conduct.

In deciding to issue a Reprimand, the Committee considered the following aggravating factors: On May 23, 1991, the Grievance Committee issued to you a Public Reprimand for neglect of an estate and, on April 14, 1994, the Grievance Committee issued to you a Censure for failing to perfect an appeal.

You are hereby Reprimanded by the North Carolina State Bar due to your professional misconduct. The Grievance Committee trusts that you will heed this Reprimand, that it will be remembered by you, that it will be beneficial to you, and [redacted] at you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession.

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

Done and ordered, this 14 day of August, 2001.


Calvin E. Murphy
Chair, Grievance Committee