

STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
86G 0454 (IV)

IN THE MATTER OF)	
)	
JACK T. HAMILTON,)	PUBLIC CENSURE
ATTORNEY AT LAW)	
)	
)	

At its regular quarterly meeting on April 16, 1987, the Grievance Committee of the North Carolina State Bar conducted a preliminary hearing under Section 13 of the Discipline and Disbarment Rules of the North Carolina State Bar regarding the grievance filed against you by Mika Z. Savir. The Committee considered all of the evidence before it, including your written statement to the Committee. Pursuant to Section 13(10) of the Discipline and Disbarment Rules, the Committee found probable cause. Probable cause is defined under the Discipline and Disbarment Rules as: "A finding by the Grievance Committee that there is reasonable cause to believe that a member of the North Carolina State Bar is guilty of misconduct justifying disciplinary action." The rules also provide that if, after a finding of probable cause, the Committee determines that a complaint and a hearing are not warranted, the Committee may issue a public censure upon the acceptance of the same by the attorney. That determination has been made by the Committee and the Committee issues this Public Censure to you.

As Chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this Public Censure and I am certain that you understand fully the spirit in which this duty is performed, that you will understand the censure, and appreciate its significance. The fact that a public censure is not the most serious discipline that may be imposed by the North Carolina State Bar should not be taken by you to indicate that any member of the Committee feels that your conduct was excusable or less than a serious and substantial violation of the Code of Professional Responsibility.

Fairco Drugs, Inc. (Fairco) retained you to represent its interest in a negligence action entitled Fairco Drugs, Inc. v. Ronald Eugene Straite and National Car Rental, Inc. You filed a complaint (file number 83 CVD 11235) on Fairco's behalf on November 14, 1983 in Mecklenburg County.

The defendants in that action filed an answer and counterclaim on January 18, 1984. You failed to notify either Fairco or its insurer of the counterclaim.

The defendants Eugene Straite (Straite) and National Car Rental (National) served interrogatories on you on April 27, 1984. In a malpractice action filed against you (86 CVS 10065), Fairco claimed that you did not

Your client was further injured when you did not file a response to the opposing parties' Request for Admission. Eventually, National and Straite were awarded a summary judgment in this action because you failed to respond to the defendant's motion for summary judgment. As a result of your inaction, a judgment of approximately \$13,000 was entered against Fairco and Fairco was thereby damaged economically by your neglect and disregard of the case.

You have an obligation to represent your client with competence and proper care. Your client relies upon you to use your special training and knowledge of the law to protect, defend, and further his interests. You failed in this responsibility to Fairco.

Your conduct was unprofessional. It violated not only the letter of the Code of Professional Responsibility but also its spirit. Your conduct was not the conduct expected of a member of the legal profession and an officer of the court. It brought discredit upon you, the profession, and the courts. It damaged both your reputation and the profession's. It placed your privilege to serve the public as a lawyer in serious jeopardy.

The Committee is confident that this Public Censure will be heeded by you, that it will be remembered by you, and will be beneficial to you. The Committee is confident that you will never again allow yourself to depart from strict adherence to the highest standards of the profession. Instead of being a burden, this Public Censure should serve as a profitable and everpresent reminder to weigh carefully your responsibilities to your clients, to the public, to your fellow attorneys, and to the courts.

Pursuant to Section 23 of the Discipline and Disbarment Rules, it is ordered that a certified copy of this Public Censure be forwarded to the Superior Court of Burke County for entry upon the judgment docket and to the Supreme Court of North Carolina for entry in its minutes. This Public Censure will also be maintained as a permanent record in the judgment book of the North Carolina State Bar. Pursuant to policy adopted by the Council of the North Carolina State Bar on the taxing of costs in cases where discipline is entered by the Grievance Committee, you are hereby taxed \$50.00 as the administrative costs in this action.

This the 2nd day of June, 1987.

Joseph B. Cheshire, Jr.
Joseph B. Cheshire, Jr., Chairman
The Grievance Committee