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NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
96G1232(III)

IN THE MATTER OF)

R. WARD MEDLIN,)
ATTORNEY AT LAW)

REPRIMAND

On January 23, 1997, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by David R. Fisher.

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, reprimand, or 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 were the public administrator of the estate of Agnes Mae Morton. You petitioned the clerk of superior court for an order to sell real property in the Morton estate in order to pay estate debts. The sale was conducted on January 12, 1996. Subsequent to the sale, an upset bid was made and the property was readvertised and resold on February 15, 1996. Subsequent to the resale of the property, you determined that a publication error regarding the description of the

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property had occurred. After advising the clerk of superior court of the problem, you deemed it necessary to resell the property. On September 4, 1996, you spoke with the clerk and he asked that you complete the sale of the real property and close the estate. From February 15, 1996 until September 4, 1996, it appears that you took no substantive action with regard to selling the property in the Morton estate. You assured the clerk of court that you would file the necessary paperwork to conclude the sale of the property and closing of the estate. However, you did not complete the matters until a grievance was filed against you.

Your neglect in handling the sale of the property in the Morton estate and closing the Morton estate violated Rule 6(b)(1)(2) and (3) and Rule 1.2(d) of the Rules of Professional Conduct. You have an obligation to attend promptly to all legal matters.

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 that 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 5th day of February, 1997.



Ann Reed
Chair, Grievance Committee
The North Carolina State Bar