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NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
02G0834

IN THE MATTER OF

Ann R. Goodman  
Attorney At Law

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REPRIMAND

On October 16, 2002, the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by Jennifer E. Carter.

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.

In May 2001, you agreed to act as mediator in the separation of complainant, Jennifer E. Carter, and her husband, William E. Carter. You indicated that both Ms. Carter and Mr. Carter agreed to the "common representation" during the process of preparing the separation agreement.

After you prepared the separation agreement for Mr. and Mrs. Carter, you began to represent and advocate for Mr. Carter in disputes related to separation issues. For example, in a letter dated July 24, 2001 to Ms. Carter, you stated that you advised Mr. Carter that he did not have to pay one-half of the month's mortgage payment. You also told Ms. Carter that Mr. Carter could break a window to get into the marital home if Ms. Carter did not allow him to retrieve his personal property from the home.

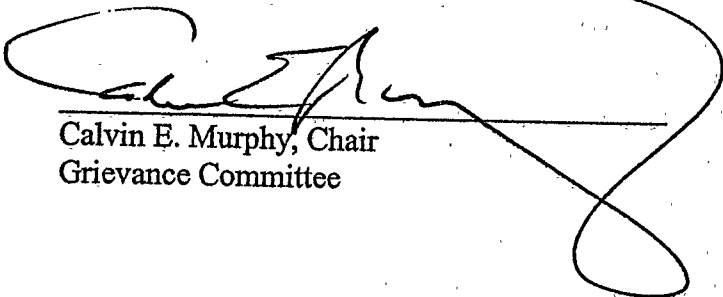
You advocated for Mr. Carter in an allegation that Mrs. Carter forged his name on checks from his credit card account. In a letter dated October 18, 2001 to an assistant district attorney, you referred to Mr. Carter as your client in that controversy.

The Grievance Committee believes that you had a conflict of interest in your common representation of the parties in the mediation, and later representing and advocating for Mr. Carter in issues involving the separation agreement. The Grievance Committee found that your conduct violated Rule 1.7(a) and Rule 1.9(a) of the Revised Rules of Professional Conduct.

You are hereby reprimanded by the North Carolina State Bar for 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 the 5th day of Nov. 2002.

  
Calvin E. Murphy, Chair  
Grievance Committee

CEM/nkt