

STATE OF NORTH CAROLINA
COUNTY OF WAKE

1713

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
92G0080(II)R

IN THE MATTER OF

WILLIAM A. GRAHAM, III
ATTORNEY AT LAW

)
)
)
)
)
REPRIMAND

On July 16, 1992, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Tammy G. Andrews.

Pursuant to section 13(A) of article IX of the Rules and Regulations 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.

The Committee found that you initially represented Frank Baldwin in an action against his wife concerning divorce from bed and board, alimony, custody and support. Thereafter, Tammy Andrews asked you to assist her with a claim against Mr. Baldwin for child support. You informed Ms. Andrews that if she intended to pursue Frank Baldwin for support of this child, she would have to seek other counsel to do so. The reason you gave for declining representation was because you were in a conflict position between her and Frank Baldwin. However, after referring Ms. Andrews to another attorney, you offered to help Ms. Andrews and

her attorney by way of background and investigation in her claim against Frank Baldwin. You accepted \$300 from Ms. Andrews for this work.

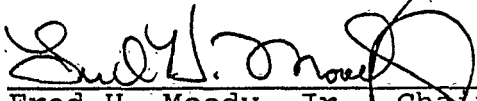
The Committee determined that this conduct violated Rule 5.1(D) which states that "a lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client consents after full disclosure." Even though the issues in these two cases were not the same, there was the distinct possibility that confidences obtained by you in your previous representation of Mr. Baldwin could be used against him in Ms. Andrews' claim for child support.

The Committee found in mitigation your lack of prior discipline.

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 20 day of August, 1992.


Fred H. Moody, Jr., Chairman
The Grievance Committee
North Carolina State Bar

#418

00946