

NORTH CAROLINA

WAKE COUNTY

4896

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
79 DHC 23

FILED
1980 FEB 13 11 10 AM

THE NORTH CAROLINA STATE BAR,)	
Plaintiff,)	
)	
-vs-)	<u>Findings of Fact</u>
)	and
FRANCIS YOUNG, Attorney,)	<u>Conclusions of Law</u>
Defendant.)	

THIS CAUSE coming on to be heard and being heard before the undersigned Hearing Committee of the Disciplinary Hearing Commission of The North Carolina State Bar on January 11, 1980, in the office of The North Carolina State Bar, 208 Fayetteville Street Mall, Raleigh, North Carolina at 10:00 o'clock p.m., and said Hearing Committee having considered Stipulations presented, and argument of counsel and testimony of Francis Young, make the following findings of fact:

1. The North Carolina State Bar is a body duly organized under the laws of North Carolina, and is the proper party to bring this proceeding under the authority granted in Chapter 84 of the General Statutes of North Carolina.

2. The Defendant, Francis Young, is a citizen and resident of Buncombe County, North Carolina, and was admitted to The North Carolina State Bar in August, 1965, and is, and was at all times relevant to this proceeding, an attorney at law licensed to practice in the State of North Carolina and is subject to the Rules, Regulations, Canons of Ethics and Code of Professional Responsibility of The North Carolina State Bar and the laws of the State of North Carolina. At and during the times hereafter referred to, Mr. Young was employed by Akzona, Incorporated as Corporate Counsel.

3. A duly verified Complaint, setting forth the charges against the Defendant, was filed in the office of The North Carolina State Bar on October 25, 1979. Notice thereof was given to the Defendant, together with notice that this matter would be heard by a Hearing Committee of the Disciplinary Hearing Commission of The North Carolina State Bar, at a time and place to be determined by the Chairman of said Committee, by personal service upon the Defendant of a copy of the Complaint, Summons and Notice.

4. On November 9, 1979, the Chairman of the Disciplinary Hearing Commission notified Counsel for the State Bar and Defendant of the composition of the Hearing Committee and of the time and place of the Hearing.

5. An Answer to the Complaint was filed in the office of The North Carolina State Bar on November 15, 1979.

6. In March, 1979, the Defendant, in his capacity as attorney for Akzona was in communication with Mr. Hamilton C. Horton, Jr., an attorney who was representing a Mr. Hugh Whitted, III. Mr. Whitted was an employee of Akzona who had invented a device which Defendant's employer wished to patent

7. On March 26, 1979, while Mr. Horton was vacationing in Florida, he was contacted by telephone, being advised that an urgent situation had arisen concerning the patent application for the invention mentioned above. Mr. Horton was advised that his client, Mr. Whitted, needed to sign an application for a patent and that Akzona would also request that he assign his rights to the invention to Akzona. Mr. Horton expressed his willingness to cooperate but advised the representative from Akzona that he must protect his client's rights and needed to see copies of the documents. Copies were delivered to Mr. Horton for his consideration. In a subsequent telephone conversation, Mr. Horton advised a Mr. David Carter, an attorney with Akzona, that he would permit his client to execute the application only. Thereafter, the Defendant called Mr. Horton and obtained permission to drive from Asheville to the Winston-Salem area to have the application signed by Mr. Horton's client.

8. On March 27, 1979, the Defendant visited the home of Mr. Hugh Whitted, III's parents and in the presense of Mr. Whitted, III and his parents requested and succeeded in having Mr. Whitted, III sign the patent application.

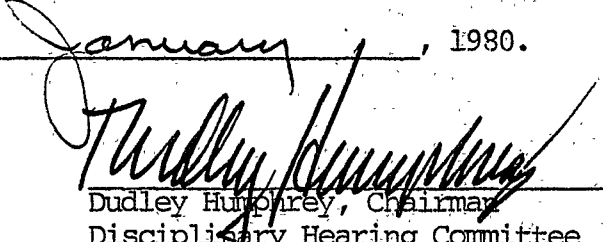
9. Thereafter, Mr. Young initiated a conversation concerning Mr. Whitted, III's assigning his rights to the patent to Akzona, Inc. Without having previously obtained specific permission from Mr. Horton, the Defendant asked Mr. Whitted, III if he would consider executing the assignment of his rights to the patent to Akzona. Mr. Whitted refused. The conversation continued, and at some point thereafter, Mrs. Whitted asked Defendant to leave her home, which he promptly did.

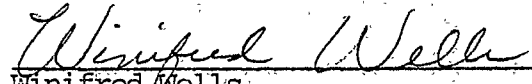
The question now before the Committee is whether or not the conduct of the Defendant as set forth above constitutes a violation of the Code of Professional Responsibility of The North Carolina State Bar. Based upon the foregoing findings of fact, the Hearing Committee makes the following conclusions of law:

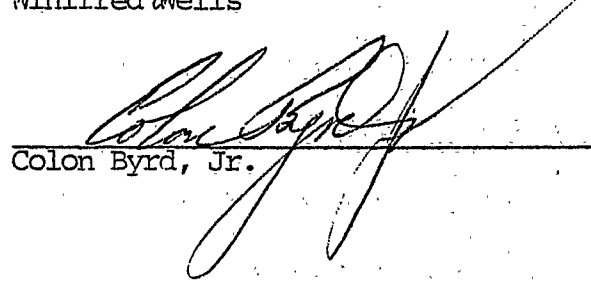
That during an authorized visit with an adverse party whom he knew was represented by an attorney, the Defendant exceeded his authority by discussing another aspect of the matter for which he did not have specific permission of

counsel to discuss, in violation of Disciplinary Rule 7-104(A) (1) of the Code of Professional Responsibility of The North Carolina State Bar.

This the 11th day of January, 1980.


Dudley Humphrey, Chairman
Disciplinary Hearing Committee
The North Carolina State Bar


Winifred Wells


Colon Byrd, Jr.

NORTH CAROLINA

WAKE COUNTY

FILED

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
79 DHC 23

1980 FEB 18 AM 10:05

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THE NORTH CAROLINA STATE BAR,
Plaintiff,

-vs-

FRANCIS YOUNG, Attorney,
Defendant.

ORDER

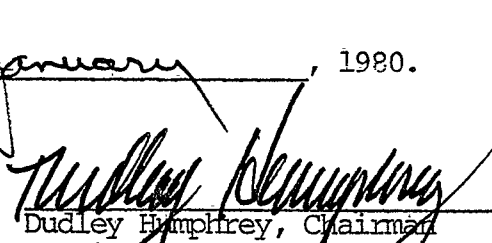
THE HEARING COMMITTEE having found the facts and made conclusions of law in the above-entitled action;

IT IS NOW, THEREFORE, ORDERED:

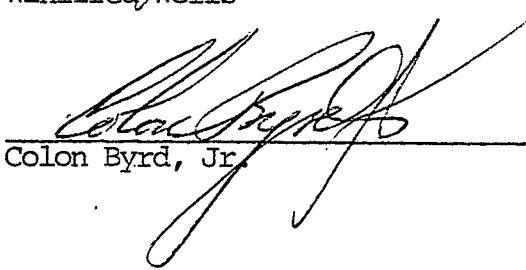
1. That the Defendant, Francis Young, be disciplined under the provision of North Carolina General Statutes 84-28(C) (4), to wit: a Private Reprimand, and that the Letter of Reprimand be prepared by the Chairman of the Disciplinary Hearing Commission and delivered to the Secretary of The North Carolina State Bar, 208 Fayetteville Street Mall, Raleigh, North Carolina, and thereafter served on the Defendant as provided by law. A copy of said Reprimand shall be filed with the Secretary of The North Carolina State Bar.

2. That the costs of this disciplinary action be paid by the Defendant, Francis Young.

This the 11th day of January, 1980.


Dudley Humphrey, Chairman
Disciplinary Hearing Committee
The North Carolina State Bar


Winifred Wells


Colon Byrd, Jr.