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STATE OF NORTH CAROLINA

COUNTY OF WAKE

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
95G0015 (III)

IN THE MATTER OF

CLINT EUDY,  
ATTORNEY AT LAW

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CENSURE

On July 20, 1995, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by the North Carolina State Bar.

Pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, Rule .0113(a) 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 a censure.

A censure is a written form of discipline more serious than a reprimand, issued in cases in which an attorney has violated one or more provisions of the Rules of Professional Conduct and has caused significant harm or potential significant harm to a client, the administration of justice, the profession or a member of the public, but the misconduct does not require suspension of the attorney's license.

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure. I am certain that you will understand fully the spirit in which this duty is performed.

In 1992, you undertook to represent Margaret Wallace Schwabenton Eanes in a domestic matter.

The primary issues for which you represented Ms. Eanes had to do with child support/custody of two minor children and the resolution of the equitable distribution. On October 19, 1992 the Honorable William L. Daisy of the Guilford County District

Court conducted a hearing concerning child support. At the conclusion of the hearing, Judge Daisy entered an Order from the bench directing Ms. Eanes' ex-husband to pay \$1,000.00 per month to Ms. Eanes in child support. You never prepared the typed Order for the judge's signature. At some later time, Ms. Eanes contacted you requesting a copy of the Order. You prepared the Order consistent with Judge Daisy's bench Order. You showed the Order as being a conformed copy by writing on it "s/William L. Daisy". While the Order accurately reflected Judge Daisy's oral order, he had not, at that time, actually signed an original Order and there was not an original Order in the court file.

In connection with the equitable distribution in Ms. Eanes case, it was necessary for you to obtain an appraisal of Ms. Eanes' ex-husband's business known as OR Surgical, Inc. You had contacted Kent L. Dewey, a certified public accountant in Greensboro, about providing an evaluation of the company. Ms. Eanes began requesting Dewey's opinion. Because you had failed to provide Dewey with the relevant information on the company, Dewey had not appraised the business; nevertheless, you prepared a letter purportedly from Kent Dewey to yourself with a valuation placed on the business. You signed Kent Dewey's name to the letter without his knowledge or authorization.

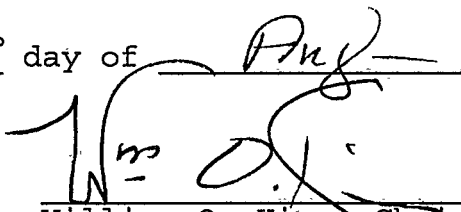
By providing your client with a document which purported to be a conformed copy of Judge Daisy's child support order when no order had actually been signed by Judge Daisy, you engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of Rule 1.2(c). By signing Kent Dewey's name to a letter appraising OR Surgical Inc. when Dewey had not furnished such a letter or valuation, you engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 1.2(c) of the Rules of Professional Conduct.

In mitigation, you have no prior disciplinary record and you reported your misconduct to the State Bar. You fully and freely disclosed to the State Bar the circumstances surrounding your misconduct. The two instances of misconduct cited above appear to be aberrations in an otherwise distinguished career.

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

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 censure by the Grievance Committee, the costs of this action in the amount of \$50.00 are hereby taxed to you.

Done and ordered, this 28 day of Aug, 1995.

  
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William O. King, Chairman  
The Grievance Committee  
North Carolina State Bar