

NORTH CAROLINA  
WAKE COUNTY

19919  
BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
98G1475(IV)

IN THE MATTER OF )

KRINN E. EVANS,  
Attorney at Law )

REPRIMAND )

On July 21, 1999, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Mr. Richard Smith.

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 Revised 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 July 1998, you represented Mr. Smith's wife in a hearing on equitable distribution. At the hearing, the judge awarded a Corvette to Mr. Smith. As you were preparing the order, you talked with the judge and asked that he award the Corvette to your client. Mr. Smith's attorney, C. Lynn Gwaltney, was not present when you had this conversation with the judge. The judge agreed to change his initial ruling and you prepared an order that allowed your client to receive the Corvette.

You did not give Mr. Smith's attorney, C. Lynn Gwaltney, oral or written prior notice of your communication with the judge respecting a change in his initial ruling of the distribution of the car.

You never told Ms. Gwaltney that you had talked with the judge about the matter and that there would be a change in the judge's ruling regarding the ownership of the Corvette.

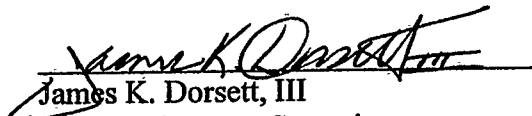
Your ex parte communications with the judge violated Rule 3.5(a)(3) and Rule 8.4(d) of the Revised Rules of Professional Conduct.

You sent Ms. Gwaltney the order you prepared in Mr. Smith's case by a letter dated September 17, 1998. The judge signed the order the next day, September 18, 1998. The Grievance Committee found that you did not give Ms. Gwaltney adequate time to review the extensive order that you prepared, particularly in light of the change that you made to the order without Ms. Gwaltney's prior knowledge. Your conduct in this regard violated Rule 8.4(d) of the Revised Rules of Professional Conduct.

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 17 day of August, 1999.

  
James K. Dorsett, III  
Chair, Grievance Committee