

WAKE COUNTY

NORTH CAROLINA STATE BAR
79 DHC 26

-VS-

MARK EDWARDS, Attorney,
Defendant.

FINDINGS OF FACT
AND
CONCLUSIONS OF LAW
IN RE: Second Claim For Relief

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 at a regularly scheduled hearing held on Friday, May 2, 1980, in the office of The North Carolina State Bar, 208 Fayetteville Street Mall, Raleigh, North Carolina, and said Hearing Committee having heard the evidence and arguments and contentions of counsel 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 it in Chapter 84 of the General Statutes of North Carolina.

2. The Defendants are citizens and residents of Mecklenburg County, North Carolina, and are, and were at all times relevant to this proceeding, attorneys at law licensed to practice in the State of North Carolina and are 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. The Defendant, Joseph Warren, was admitted to the North Carolina State Bar in September, 1965, and is and was at all times referred to herein, an attorney at law, licensed to practice law in the State of North Carolina.

3. In December, 1974, Dr. Melvin D. Childers, Jr. employed the Defendant Warren to represent him, W. A. Caudle and M. D. Barringer, hereinafter referred to as "Childers and others" in a case against McKinney Cattle Company and McKinney Farms involving the recovery of money paid by Childers and others to the McKinney entities. Based upon assurances from the Defendant Warren that they could properly represent Childers and others, Childers and others

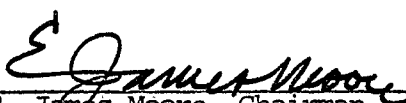
conveyed certain confidential information to the Defendant Warren concerning their claim.

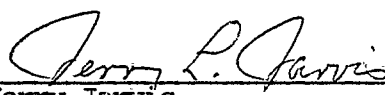
4. Unknown to Childers and others, the Defendant Warren had invested his own personal funds with the McKinney entities and therefore had a financial interest in said entities. At no time during the representation of Childers and others did Defendant Warren disclose to Childers and others that he had invested his personal funds in the McKinney entities.

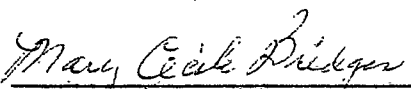
Based on the foregoing findings of fact, the Hearing Committee hereby makes the following conclusions of law:

1. Defendant Warren, a duly licensed attorney in the State of North Carolina subject to the Code of Professional Responsibility and of the laws of the State of North Carolina, without the knowledge or consent of his client, accepted employment when he knew or should have known that the exercise of his professional judgment on behalf of his client would be or reasonably might be affected by his own financial, business, property or other personal interest, in violation of Disciplinary Rule 5-101(A) of the Code of Professional Responsibility of The North Carolina State Bar.

This the 23rd day of May, 1980.


E. James Moore, Chairman
Disciplinary Hearing Committee


Jerry Jarvis


Mary Cecile Bridges

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
79 DHC 26

THE NORTH CAROLINA STATE BAR,
Plaintiff,

-vs-

JOSEPH WARREN, Attorney,
Defendant,


MARK EDWARDS, Attorney,
Defendant.

NOTICE OF
VOLUNTARY DISMISSAL



Pursuant to Rule 41 of the North Carolina Rules of Civil Procedure,
the Plaintiff, The North Carolina State Bar, hereby takes a voluntary
dismissal, with prejudice, in its First Claim for Relief in the above-
entitled cause, as against the Defendant, Joseph Warren.

This the 2nd day of May, 1980.


Harold D. Coley, Jr., Counsel
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NORTH CAROLINA
WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
79 DHC 26

THE NORTH CAROLINA STATE BAR,
Plaintiff,

-VS-

JOSEPH WARREN, Attorney,
Defendant,

MARK EDWARDS, Attorney,
Defendant.

ORDER

IN RE: Second Claim for Relief

Based upon the Findings of Fact and Conclusions of Law entered in this case on the 23rd day of May, 1980, all of which are incorporated herein by reference and pursuant to Section 9 of Article IX, "Discipline and Disbarment of Attorneys", the undersigned Hearing Committee of the Disciplinary Hearing Commission of The North Carolina State Bar hereby issues the following Order;

IT IS HEREBY ORDERED:

1. That the Defendant Joseph Warren, be disciplined under the provisions of North Carolina General Statutes 84-28(c) (4), and that a Private Reprimand be prepared by the Chairman of the Disciplinary Hearing Commission and caused to be delivered to the Defendant by the Secretary of The North Carolina State Bar, a copy of said Reprimand to be filed with the Secretary of The North Carolina State Bar.

2. That the costs of this disciplinary action be paid by the Defendant, Joseph Warren.

This the 23rd day of May, 1980.

E. James Moore
E. James Moore, Chairman
Disciplinary Hearing Committee

Jerry L. Jarvis
Jerry Jarvis

Mary Cecile Bridges
Mary Cecile Bridges