

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
08G0675

IN THE MATTER OF)

Eunice Jones-Obeng,)
Attorney At Law)

REPRIMAND)

On April 23, 2009 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 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 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.

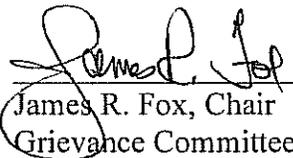
You represented P.D.L. in an equitable distribution matter. You and the opposing counsel agreed that you would hold in escrow \$39,880.81 in proceeds from the sale of the parties' property until the court heard and ruled on the equitable distribution issues. You disbursed \$325.00 of the funds prior to issuance of a court order regarding distribution of those funds and without the permission or knowledge of opposing counsel. In addition, you deposited

the remaining funds into an interest-bearing account without the permission or knowledge of opposing counsel or the court. After the court issued its ruling ordering distribution of the escrowed funds to the opposing party, you continued to fail to inform the court or opposing counsel that the funds had earned interest, thereby preventing the opposing party from asserting any potential claim to the interest income. This conduct was contrary to your fiduciary duties regarding the escrowed funds and in violation of Rule 1.15-2(j) and 8.4(d) of the Rules of Professional Conduct. Your communication to the State Bar indicated you planned to distribute the interest income to your client and demonstrated that you are unaware of your fiduciary obligations relating to the escrowed funds in violation of Rule 1.1. You delayed payment of the principal amount of escrowed funds as ordered by the court in part because you wanted the opposing party to turn over certain items belonging to your client simultaneously with the payment of the escrowed funds. This conduct also violated Rule 8.4(d).

You are hereby reprimanded by the North Carolina State Bar for 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 January 24, 2008 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 \$100.00 are hereby taxed to you.

Done and ordered, this the 18th day of May, 2009



James R. Fox, Chair
Grievance Committee

JRF/lr