

NORTH CAROLINA

WAKE COUNTY

BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
89 DHC 21

THE NORTH CAROLINA STATE BAR,  
Plaintiff

vs.

CLARA D. KING, ATTORNEY  
Defendant

PUBLIC REPRIMAND

This Public Reprimand is delivered to you pursuant to Section 23 of Article IX of the Rules and Regulations of the North Carolina State Bar as ordered by a hearing committee of the Disciplinary Hearing Commission and made pursuant to the consent of the North Carolina State Bar and you, Clara D. King. As a result of the settlement by the parties, the hearing committee found that you violated the Rules of Professional Conduct of the North Carolina State Bar.

On August 9, 1983, you were asked by either your sister, Elizabeth Ann King, or your nephew, Jefferson Michael King Crowder, to prepare a codicil to your father's will. The codicil, dated August 9, 1983, tended to abrogate a prior buy/sale agreement regarding Halifax Linen, Inc. The codicil prevented your father's business partner from receiving your father's interest in Halifax Linen, Inc. In addition, the codicil would have allowed your nephew to receive your father's interest in the business, including the land and buildings that housed Halifax Linen, Inc.

Your father suddenly became ill on August 9, 1983, the date that you prepared the codicil to his will. At the time that you prepared the codicil for your father's execution, he was seriously ill and later died in the hospital on that very same day. Prior to the August 9, 1983 codicil that you prepared, your father never asked you to prepare such an instrument.

You admit that two witnesses and your nephew, Crowder, were present when you took your father's hand, placed a pen in it, and an "X" was made for his mark on the codicil. You do not contest that at the time your father purportedly executed the codicil, you had doubts as to whether your father had sufficient mental capacity to make the codicil.

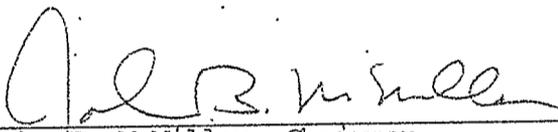
Your conduct violated DR1-102(A) (5) and (6) of the Code of Professional Responsibility. DR1-102(A) (5) and (6) provide that, "A lawyer shall not engage in professional conduct that is prejudicial to the administration of justice, and engage in any other professional conduct that adversely reflects on his fitness to practice law." Your preparation and assistance in your father's purported execution of the codicil raises questions both of ethical and legal impropriety and such conduct could potentially result in damage to third parties. You should remember that your responsibility as a licensed attorney is to execute your client's wishes, not those of a family member or other third party.

Apparently, at the time you prepared the codicil to your father's will, you were functioning under an extremely emotional and trying time as you watched your father die. However, it is most important for a lawyer to separate his personal feelings from the legal and ethical obligations that he may have to his client and the legal system.

The hearing committee is cognizant of the fact that you did not benefit by your action and, in fact, the codicil was against your own personal financial interest. The hearing committee also recognizes that in 1983, you were an inexperienced attorney and you had never prepared a will, codicil, or any other legal document.

The hearing committee is satisfied that you will never again allow yourself to depart from the strict adherence to the highest standards of the legal profession. We believe that you will heed to this Public Reprimand.

Signed by the undersigned chairman with the full knowledge and consent of the other members of the hearing committee, this the 19<sup>th</sup> day of March, 1990.

  
John B. McMillan, Chairman  
Hearing Committee

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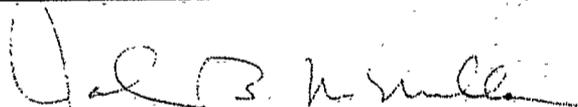
CONSENT  
ORDER OF DISCIPLINE

BASED UPON the stipulated Findings of Fact and Conclusions of Law agreed to by the parties and adopted by the hearing committee, the parties have consented to the following Order of Discipline which the hearing committee approves and adopts as its own:

1. The Defendant, Clara D. King, shall receive a Public Reprimand.
2. The Defendant shall pay all costs of this proceeding.

Pursuant to Section 14(20) of the Rules of Discipline and Disbarment of the North Carolina State Bar, the Committee has authorized the chairman to sign on behalf of all the members.

This the 19<sup>th</sup> day of March, 1990.

  
John B. McMillan, Chairman  
Hearing Committee

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