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NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
97G1719(I)

IN THE MATTER OF)	
)	
ANGELEA C. NORCROSS,)	REPRIMAND
ATTORNEY AT LAW)	
)	

On January 13, 1999, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by EAK.

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, and I am certain that you will understand fully the spirit in which this duty is performed.

You represented Bob DeGabrielle and Associates, a residential builder and developer of custom homes in the Outer Banks of eastern North Carolina (the "Client"). As part of your representation, you prepared drafts of employment agreement documents, and drafts of a non-compete clause for the Client. Although you did not participate in the preparation of negotiations for the final employment contract and did not draft the final employment contract, your earlier drafts were incorporated in part into employment agreements for employees of the

Client. You subsequently represented the employees in transactions that could have been in breach of the non-compete provisions in the employment contract. Rule 5.1(d) of the North Carolina Rules of Professional Conduct provides that a lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client, unless the former client consents after full disclosure. Your representation of the former employees in preparing contracts which could violate the terms of a non-compete agreement, which you in part drafted, was a conflict of interest within the meaning of Rule 5.1(d). In deciding to issue a reprimand, and not to issue more serious discipline, the Grievance Committee took into account the fact that you do not have a prior disciplinary history.

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 22 day of February, 1999.


James K. Dorsett, III
Chair, Grievance Committee