

21748

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
03G0559

IN THE MATTER OF)

LISA N. ROGERS,)
ATTORNEY AT LAW)

CENSURE

On October 23, 2003, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by John Bass.

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.

A censure is a written form of discipline more serious than a reprimand, issued in cases in which an attorney has violated one or more provisions of the Rules of Professional Conduct and has caused significant harm or potential significant harm to a client, the administration of justice, the profession or a member of the public, but the misconduct does not require suspension of the attorney's license.

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure. I am certain that you will understand fully the spirit in which this duty is performed.

When your former husband informed you of his intention to end your marriage, you told him that you would not resist a divorce and would waive any and all interest in marital property and alimony. After the one-year period of separation had passed, you told him that you could handle the divorce proceedings for both of you so that the process would be quick, simple, private and less costly for both of you. You also told him that there would be no need for him to consult another lawyer about it.

On June 17, 2002, you filed a complaint for absolute divorce as your husband's attorney and naming yourself as the defendant. The complaint was styled "John Ralph McLellan Bass, Plaintiff v.

Lisa Rogers Bass, Defendant." You signed the complaint "Lisa N. Rogers, Esq. Counsel for Plaintiff." You then served the complaint on yourself as Lisa Rogers Bass. On September 27, 2002, you filed an answer in your individual capacity in which you stated that "the Plaintiff, having been advised by the Defendant that a Complaint for Equitable Distribution will be filed in the near future" is entitled to his divorce. You served the answer upon yourself by mail as counsel for the plaintiff.

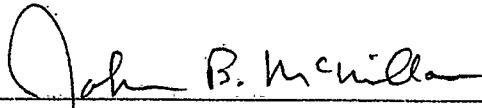
When your former husband learned about your intent to file a potential claim for equitable distribution, contrary to the representation you had made to him and upon which he relied, he consulted another attorney for assistance. That attorney contacted you. You responded to that attorney by letter stating that you were your former husband's attorney and that you could handle preparation of the divorce judgment. You signed the letter to the other attorney in your dual capacity as "Lisa N. Rogers (Mrs. John R. Bass)." Prior to entry of the divorce decree, which was obtained by the other attorney, you filed a motion for equitable distribution and a separate action for post separation support, alimony, equitable distribution and attorney's fees. In the second action, you represented yourself and sued your former husband, who by that time was your former client.

You hereby are censured for violating several of the Revised Rules of Professional Conduct and causing potential significant harm to your former husband and purported client, the administration of justice, and the profession of law. Representing your former husband as his attorney in an action in which you had a materially adverse interest, and subsequently filing an action against him that was substantially related to the one in which you served as his attorney, constituted a flagrant conflict of interest in violation of Revised Rules 1.7(a), 1.8(b) and 1.9(a) and (c). You also violated Revised Rule 1.4(b) by failing to explain to your former husband the legal matters for which you provided legal services to the extent reasonably necessary to permit him to make informed decision regarding the representation. Your acts also constituted professional misconduct involving dishonesty, deceit or misrepresentation to your former husband, conduct prejudicial to the administration of justice, and conduct prejudicial to your former husband's legal rights in violation of Revised Rules 8.4(c) and (g).

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the errors that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

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 censure by the Grievance Committee, the costs of this action in the amount of \$50.00 are hereby taxed to you.

Done and ordered, this 12th day of December, 2003.



John B. McMillan, Chair
Grievance Committee
The North Carolina State Bar