

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
20G0819

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IN THE MATTER OF )  
 )  
ANDREW K. WIGMORE, ) REPRIMAND  
ATTORNEY AT LAW )

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On April 14, 2021 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by R. M. The grievance was assigned to a Subcommittee, which thoroughly reviewed the results of the State Bar staff’s investigation of this matter.

Pursuant to Section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Subcommittee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Subcommittee 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 R.M., the daughter of friends, in a criminal matter in Carteret County. R.M. lived in Raleigh at the time. You obtained a resolution of the charges whereby R.M. could receive a dismissal upon completion of 8 hours of community service. You sent R.M. a letter notifying her of the resolution of her case, but you provided an incorrect hearing date by which R.M. had to complete her community service. You contacted R.M. the day before the correct, earlier hearing date to inquire whether she had completed the required hours, which she had not. You were able to obtain a continuance, but you failed to inform R.M. of the new hearing date

until the day before. When you contacted her the day before the continued hearing, R.M. informed you that she still had not completed the community service and was surprised to learn the hearing was the following day. In response, you told R.M.: “Ok I’ll withdraw and you can handle court tomorrow as far as I’m concerned[.]” You did not communicate any information to R.M. on what to expect at the hearing or what role, if any, you would have at the hearing. When R.M. attempted to contact you to seek clarification of your comment, your office simply confirmed that you were withdrawing and that R.M. would need to attend the hearing herself. As a result of your withdrawal, R.M. was forced to drive approximately 3 hours from Raleigh to Carteret County to attend her hearing the following morning.

You also attended the hearing, where you continued R.M.’s case and withdrew as counsel of record, without discussing the matter further with R.M. After withdrawing, you contacted R.M.’s stepfather, wherein you disclosed embarrassing details concerning your dispute with R.M. and claimed that R.M. was responsible for the confusion because she did not contact you to learn her court date. R.M. had not given you informed consent to disclose the information to her parents, and the disclosure did not assist with carrying out the representation. After being notified of this grievance by the State Bar, you again contacted R.M.’s stepfather to complain about R.M. filing a grievance. You did so with knowledge that this information would cause R.M.’s parents to become angry with her. As a result of your communications with her parents, R.M. felt pressure to withdraw her complaint and tried to do so.

By failing to provide R.M. with her upcoming court dates, you failed to keep a client reasonably informed about the status of her case, in violation of Rule 1.4(a)(3). By failing to clarify after you communicated your withdrawal what role, if any, you would have at R.M.’s hearing the following day, you failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions and failed to promptly comply with reasonable requests for information, in violation of Rules 1.4(a)(4) and 1.4(b). By withdrawing from R.M.’s case the day before her hearing, with no explanation of the hearing process and leaving her no time to obtain another lawyer and no choice but to drive across the state, you failed to take reasonable steps to protect your client’s interests upon your withdrawal, in violation of Rule 1.16(d). By disclosing embarrassing information about R.M.’s case to her stepfather without obtaining R.M.’s informed consent, you disclosed information acquired during your representation of a client, in violation of Rule 1.6(a). Finally, by pressuring R.M. to withdraw this grievance, you engaged in conduct that is prejudicial to the administration of justice, in violation of Rule 8.4(d).

In determining that a Reprimand was appropriate in this matter, the Committee considered the number of violations at issue, the harm and potential harm caused by your actions, your failure to acknowledge the wrongful nature of your conduct, and your lack of remorse. The Committee also noted your lack of prior discipline and that these violations occurred in a single matter.

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 July 23, 2010 by the Council of the North Carolina State Bar regarding the taxing of administrative fees and investigative costs to any attorney issued a reprimand by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this the 14th day of May, 2021.



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Matthew W. Smith, Chair  
Grievance Committee

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