

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
13G0076

IN THE MATTER OF)

Linda H. McCown,)
Attorney At Law)

REPRIMAND)

On April 18, 2013 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by H. B.

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.

In September 2005, you represented J. P. and H. B. as joint tenants in their purchase of a condominium in Dare County.

In spring 2009, Mr. P. contacted you about buying Ms. B.'s interest in the property. You prepared a contract, a deed, and other documents and sent them to Ms. B. for her signature. Mr. P. sent you money to purchase Ms. B.'s interest in the property. Ms. B. complained to you that

you had a conflict of interest in your representation of Mr. P. Ms. B refused to sign the documents. Mr. P. asked you about filing a petition to partition the property.

Ms. B. alleged in her grievance against you that in an email dated July 15, 2009 to Mr. P. you acknowledged that you may have a conflict of interest in representing him in the petition to partition. You stated in the email that you prepared the petition, but had another attorney, A. C. N., sign the petition. You told Mr. P. that Ms. N. helps you in situations like this and he would not have to pay for two attorneys. You told Mr. P. in the email that you would do the leg work and Ms. N. would review and sign off on everything.

In your response to the grievance, you told the Grievance Committee that you had "no recollection of the email that is quoted in the substance of grievance" and you did not have a copy of the email in your file. You also responded: "I see that there was Partition Pleadings prepared wherein Ms. N. was listed as the attorney for the Petitioner and I was requesting to be an appointed Commissioner."

The Grievance Committee found that you did have a conflict of interest in representing Mr. P. in his attempts to purchase Ms. B.'s interest in the condominium, in violation of Rule 1.9(a). The Grievance Committee also found that you engaged in dishonest conduct, in violation of Rule 8.4(c), when you prepared the petition, allowed another attorney to sign the petition, but agreed to do all the "leg work", so as to conceal the fact that you were representing Mr. P. against Ms. B. Finally, the Grievance Committee found that you were less than candid in your response to the Grievance Committee when you said that you "see" that Ms. N. was listed as the attorney for the petitioner, Mr. P. Your email to Mr. P. shows that you asked Ms. N. to sign the petition that you prepared. Rule .0112(c) of the Discipline and Disability Rules of the North Carolina State Bar requires a lawyer to respond to a letter of notice with a "full and fair disclosure of all facts and circumstances pertaining to the alleged misconduct." You did not give a full and fair disclosure of all circumstances in violation of Rule 8.1.

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 6th day of May, 2013.



Margaret M. Hunt, Chair
Grievance Committee