

NORTH CAROLINA

WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
13G0290

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IN THE MATTER OF )

Cheri C. Patrick, )  
Attorney At Law )

REPRIMAND )

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On October 24, 2013 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by N. K.

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.

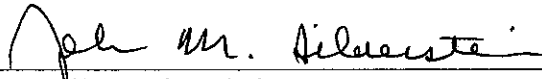
You represented W. K. in a protracted domestic action against N. K. N. K. sued you and W. K. relative to a series of lis pendens that you filed on N. K.'s properties. You claim that you told W. K. that you could not represent her in N.K.'s lawsuit because of a possible conflict of interest.

You prepared pleadings to file on your behalf in N. K.'s lawsuit. You sent W.K. the same pleadings that you had prepared for yourself. You knew when you sent those pleadings to Ms. K. that she was not represented by counsel, as she told you she could not afford a lawyer. You also knew or should have known that W. K. would sign the same pleadings that you prepared for yourself, and that she would sign them in a "pro se" capacity. The Grievance Committee found that despite your conflict of interest, you ghost-wrote the pleadings for W. K. You also forwarded W. K.'s pleadings, which you authored, to N.K.'s attorney. W.K.'s reliance upon your counsel is exemplified when you missed the date to file an answer in W.K.'s lawsuit, W.K. also missed the filing deadline. Your and W.K.'s interests in this lawsuit were not aligned and you should not have advised her or prepared pleadings for her to file in the action. Your conduct violated Rule 1.7(a)(2) of the Rules of Professional Conduct.

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 12<sup>th</sup> day of NOVEMBER, 2013.

  
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John M. Silverstein, Chair  
Grievance Committee

JMS/lb