

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
20G0058 & 20G0079

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IN THE MATTER OF )  
 )  
ANDRE T. T. MCDAVID, ) REPRIMAND  
ATTORNEY AT LAW )

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On January 13, 2021 the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by K. M and M. R. The grievances were assigned to a Subcommittee, which thoroughly reviewed the results of the State Bar staff's investigation of these matters.

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 D. Rodrigues in a domestic case involving child custody and support. You contacted M. Rodrigues, D. Rodrigues' ex-husband, and arranged a meeting for he and one other person to come to your office and meet with D. Rodrigues to attempt to resolve their issues. M. Rodrigues agreed to attend the meeting. You sent M. Rodrigues your business card by text message, identifying yourself as a "Dispute Resolution and Litigation Attorney." You also sent M. Rodrigues a text message confirming the time and place for the "Child Support, Child Custody and Visitation Mediation" and thanking him "for choosing [your firm] for

answers to all [M. Rodrigues'] legal questions." By implying that you were disinterested and serving as a mediator in your text messages to M. Rodrigues when you represented D. Rodrigues, you violated Rule 4.3(b).

In or around August 2019, you filed a motion to compel against M. Rodrigues' current wife, M. Rayol. When you arrived in the courtroom for the hearing on that motion, you complimented on M. Rayol's appearance for no purpose other than to harass her in violation of Rule 4.4(a). In responding to the Letter of Notice in the grievance investigation, you stated that you did not know who M. Rayol was or why she was in the courtroom. This statement was false. You had previously met M. Rayol during the meeting at your office months before and you knew or reasonably should have known that she would be in the courtroom for the hearing on your motion to compel. Your conduct violated Rule 8.1(a).

On or about 21 January 2020, you went to M. Rodrigues' home to assist in a custodial exchange. M. Rodrigues presented the minor child to its maternal grandmother. You approached M. Rodrigues while he was speaking to the child's maternal grandmother, and a verbal altercation ensued between you and M. Rodrigues. You made derogatory remarks toward M. Rodrigues and remarks about M. Rodrigues' failure to pay child support. At that time, M. Rodrigues was represented by counsel, and child support was a subject of the pending litigation. Your conduct violated Rules 4.2(a) and 4.4(a).

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 15<sup>th</sup> day of February, 2021.



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Matthew W. Smith, Chair  
Grievance Committee

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