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NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
03G0935

IN THE MATTER OF	)	
	)	
Deborah G. Church,	)	REPRIMAND
Attorney At Law	)	
	)	

On Wednesday, July 14, 2004 the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by J. Michael Godley.

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, and I am certain that you will understand fully the spirit in which this duty is performed.

You met with and provided legal advice to David Charpentier and Sindy Ann Charpentier, a couple who were in the process of dividing their marital property incident to the break up of their marriage. In your representation of the Charpentiers, you drafted a property settlement agreement, signed by the parties on August 6, 2002. The parties did not receive adequate legal advice concerning the law and their rights

concerning equitable distribution, post separation support, alimony, attorney's fees and other issues relating to the their child, Joel David Charpentier. In substance, you attempted to concurrently represent and mediate the interests of both David Charpentier and Sindy Ann Charpentier even though their interests clearly were adverse. You also failed to inform the parties about your conflict of interest in providing legal advice concurrently to two parties with adverse interests. The advice you gave may have misled the parties, particularly David Charpentier, and resulted in an unworkable agreement that disadvantaged both David and Sindy Ann Charpentier. After the settlement agreement that you helped to negotiate, draft and execute was signed, the agreement soon broke down; each party retained separate counsel in an attempt to resolve their differences resulting from the termination of their marriage and the problems created by the agreement you prepared.

Your hereby are reprimanded for violating the Revised Rules of Professional Conduct and causing potential harm to your former clients, the administration of justice, and the profession of law. Your conduct in concurrently representing two people with clearly adverse interests violated Rule 1.7 and Rule 8.4 (d) & (g) of the Revised 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 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 reprimand by the Grievance Committee, the costs of this action in the amount of $50.00 are hereby taxed to you.

Done and ordered, this the 10th day of August, 2004.

John B. McMillan, Chair
Grievance Committee

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