

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
18G0255

IN THE MATTER OF	)	
	)	REPRIMAND
GREGORY A. NEWMAN,	)	
ATTORNEY AT LAW	)	

On April 25, 2019 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by the North Carolina State Bar. 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.

While you were in private practice, you represented C.B. when he pled guilty in 2007 to felony possession of a schedule II controlled substance and possession of drug paraphernalia. The court found that the plea was C.B.'s informed choice and was "made freely, voluntarily, and understandingly." C.B. was placed on probation and completed the probation in 2008. In 2016, another attorney filed a motion for appropriate relief ("MAR") on behalf of C.B. alleging that C.B. "did not knowingly enter the plea or enter the plea knowing the full extent of the consequences for his doing so." C.B.'s attorney brought the motion to you in 2016 as you were

at that time the elected District Attorney for Prosecutorial District 29B. You signed a document consenting to the MAR and the striking of the plea entered while you were representing C.B. After the MAR was granted, you also signed a dismissal of the charges to which C.B. had pled guilty in 2007 while you were representing C.B. The Grievance Committee found that your actions in this matter while serving as the District Attorney implicated the conflict of interest rules and violated Rule 1.11 and Rule 1.7(a)(2) of the Rules of Professional Conduct. The Grievance Committee also found that you, in violation of Rule 8.1(a), knowingly made a material misrepresentation of fact in your response to the Letter of Notice concerning your knowledge of your prior representation of C.B. on those same charges at the time you consented to the MAR and dismissed those charges.

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, 2019.

A. Todd Brown Sr

A. Todd Brown, Sr., Chair
Grievance Committee

ATB/lb