

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
00G0600

IN THE MATTER OF	)	
	)	
CHIEGE O. OKWARA,	)	REPRIMAND
ATTORNEY AT LAW	)	
	)	

On October 17, 2001, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Isaac T. Avery.

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.

In 1996, your husband, Dr. Benedict Okwara, was stopped for speeding in Union County, N.C. by N.C. Highway Patrolman Jeffrey L. Rowell. Dr. Okwara was ultimately convicted of speeding and his conviction was affirmed by the North Carolina Court of Appeals. In 1999, you filed a lawsuit in Union County Superior Court against Trooper Rowell on your husband's behalf. Trooper Rowell was represented in the civil action by Isaac T. Avery III and Stacy T. Carter, both deputy attorneys general with the N.C. Department of Justice.

Prior to May 2000, Avery and Carter filed a motion for summary judgment in the civil action. In your response of May 1, 2000, you stated that Trooper Rowell had submitted a false affidavit in the case and that Carter and Avery had "suborned perjury by encouraging and filing documents they know to be false, not grounded in fact is [sic] intended to mislead and will mislead the court."

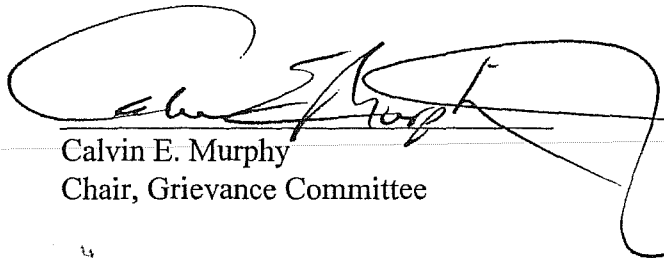
On May 12, 2000, the presiding judge, Michael Beale, wrote to you and indicated that he saw no basis for the accusations which you made in your brief about Carter and Avery. He suggested that you amend your brief and apologize to Carter and Avery. You failed to do so, however, and repeated your accusations.

The Grievance Committee also concluded that your statements about Carter and Avery were unfounded and that you did not have a reasonable basis to believe the statements were true. Consequently, the Committee found that your conduct in this regard violated Rules 3.1 and 8.4(d) of the Revised Rules of Professional Conduct.

You are hereby reprimanded by the North Carolina State Bar due to 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 30 day of October, 2001.

A handwritten signature in black ink, appearing to read "Calvin E. Murphy", is written over a horizontal line. The signature is stylized with a large, looping initial "C".

Calvin E. Murphy
Chair, Grievance Committee