

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

10347

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
94G1089 (III)

IN THE MATTER OF )  
 )  
MARK V. GRAY )  
ATTORNEY AT LAW )

REPRIMAND

On April 15, 1995, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by the State Bar.

Pursuant to section 13(A) of article IX of the Rules and Regulations 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, reprimand, or 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 were associated by Karen Bethea Shields in 1993 to assist her with a wrongful death case. The decedent, Peter A. Fore, Sr., was killed when a Hillsborough police officer's car collided with Fore's vehicle during a high speed chase. Fore was

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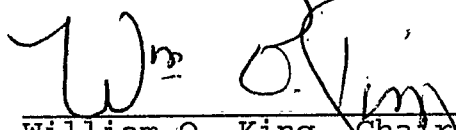
an innocent motorist. Shields was representing the guardian for Fore's minor son, Peter A. Fore, Jr. and she was representing the administratrix for the estate, Alberta High.

High discharged Shields and hired you as her attorney in this matter on or about September 2, 1994. High hired you because you offered or appeared to be willing to share a portion of your attorney fees with her as administratrix. On January 19, 1995, Superior Court Judge Donald W. Stephens upheld an order affirming the removal of High as administratrix of Fore's estate. Stephens found that there was sufficient evidence to support the October 20, 1994 order of The Honorable Shirley L. James, former Orange County Clerk of Superior Court that Shields was fired in order to retain you because you appeared to be willing to share a portion of your attorney fees with her as administratrix. Such a fee splitting arrangement violates Rule 3.2 of the 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 8th day of May, 1995.

  
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William O. King, Chairman  
The Grievance Committee  
North Carolina State Bar

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