

NORTH CAROLINA

WAKE COUNTY

14060  
BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
00G0771

IN THE MATTER OF )

WILLIAM R. BURTON )  
Attorney At Law )

REPRIMAND

On April 25, 2001 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Donna Wilder.

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 held a conference with both the Complainant, Donna Wilder, and her ex-husband, Ronald Jefferson Quattlebaum, regarding the preparation of a Separation Agreement and Property Settlement (hereafter, separation agreement). Thereafter, you prepared a separation agreement for the parties and charged a fee of \$200.00, which was paid by Mr. Quattlebaum.

You claim that you served only as a scrivener in the drafting of the separation agreement. You further claim that you did not represent either the Complainant or Mr. Quattlebaum.

In your response to the Grievance Committee you stated that you would communicate concerns that the Complainant had about the separation to her ex-husband, Mr. Quattlebaum.

You later prepared a divorce complaint for Mr. Quattlebaum to file. You also prepared an answer for the Complainant to sign. You indicate that you never told the Complainant not to answer the divorce complaint that you prepared on behalf of Mr. Quattlebaum. Although you think you told her that if she didn't answer the divorce complaint she would be in default after 30 days. You have indicated that the Complainant asked you what she needed to do about obtaining a divorce. You provided her with advice on how to proceed to get a divorce.

The Complainant and Mr. Quattlebaum subsequently obtained their own attorneys for the divorce. Mr. Quattlebaum was represented by Thomas Eagen. Mr. Eagen asked you to provide your recollections of your interaction with the Complainant and Mr. Quattlebaum. In your letter of December 2, 1998, you related to Mr. Eagen conversations you had with the Complainant or Mr. Quattlebaum. At that time, you knew that Complainant was represented by Attorney Tracy K. Lischer, but you did not share your recollections with Ms. Lischer.

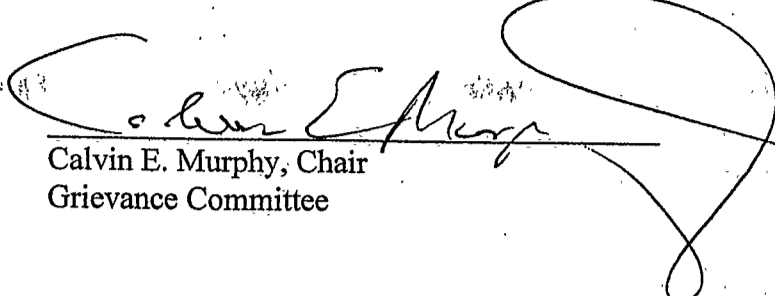
The Grievance Committee found that your conduct in this matter violated Rule 1.7(a) of the Revised Rules of Professional Conduct. Although you claimed to be only a scrivener, you gave advice to the Complainant about various aspects of the separation and divorce processes. You clearly attempted to represent two individuals whose interests were inherently in conflict.

The Grievance Committee was further concerned that your involvement in the Complainant and Mr. Quattlebaum's separation agreement was prejudicial to the interests of both parties. Again, although you claimed to be only a scrivener, the Complainant relied upon you for advice and assistance in obtaining a separation agreement.

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 25<sup>th</sup> day of June, 2001.

  
Calvin E. Murphy, Chair  
Grievance Committee

CEM/swe