

STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
91G1085(III) & 91G0900(III)

IN THE MATTER OF)
)
JANET BRANCH,)
ATTORNEY AT LAW) REPRIMAND

On July 16, 1992, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Samuel Kiser and the North Carolina 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.

In November 1989, you were assigned by the Forsyth County District Attorney to prosecute Blanche Taylor Moore for murder. Ms. Moore's trial began in October 1990. Prior to and during the murder trial, you met with media representatives regarding the

possibility of selling your rights to the "story" of the trial. You did not actually enter into a contract to sell your rights to the story, and it appears that you did not ever negotiate or attempt to negotiate any deal regarding Ms. Moore's story.

By discussing the sale of your rights to the Moore trial before the trial was over, you placed yourself in a position in which your duties as a prosecutor were potentially adverse to your personal interest in selling the story. This constituted a violation of Rule 5.1(B) of the Rules of Professional Conduct.

Additionally, the resulting publicity regarding the media interest in your story and your discussions with the media created at least the appearance that the prosecution of the Moore case may have been influenced by your personal and financial motives, rather than the pursuit of truth and justice, though no evidence has been presented to the North Carolina State Bar to support a finding of any impropriety in the prosecution of the Moore case. Your dealings with the media constituted conduct prejudicial to the administration of justice, in violation of Rule 1.2(D) of the Rules of Professional Conduct.

You are hereby reprimanded by the North Carolina State Bar due to your aforementioned conduct. 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 10 day of February, 1993.



Fred H. Moody, Jr., Chairman
The Grievance Committee
North Carolina State Bar