

STATE OF NORTH CAROLINA

COUNTY OF WAKE

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
90G0294 (III)
90G0304 (III)

IN THE MATTER OF

THURMAN B. HAMPTON,
ATTORNEY AT LAW

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PUBLIC REPRIMAND

On October 17, 1990, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Patricia Wilson and Loretta Joyce.

Pursuant to Section 13(7) of Article IX of the Rules and Regulations of the North Carolina State Bar, the Grievance Committee, after considering the evidence, including your response to the Letter of Notice, found probable cause which 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 a Private Reprimand, a Public Reprimand, or a Public Censure to the accused attorney.

The Grievance Committee was of the opinion that a complaint and hearing are not required in this case and issues this Public Reprimand to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this Public Reprimand and I am certain that you will understand fully the spirit in which this duty is performed.

A Public Reprimand is a serious form of discipline imposed by the Grievance Committee. The Grievance Committee felt that your conduct warranted public discipline due to your violation of the Rules of Professional Conduct. The committee trusts that this misconduct will not recur.

Pursuant to your duties as the District Attorney for the 17A Judicial District, you prosecuted Mark T. Soyars for murder in April, 1990. The jury found Soyars guilty, but recommended a life sentence.

Following the trial, you told the news media that Loretta Joyce and Patricia Wilson, two of the jurors in the Soyars trial, had not replied honestly to voir dire questions regarding their feelings about the death penalty. Your remarks were published in the local newspaper and both Ms. Joyce and Ms. Wilson were subjected to ridicule and embarrassment by family, co-workers and acquaintances. Both women indicated that they would never want to serve on a jury again, as a result of your statements to the media.

Rule 7.8(D) of the Rules of Professional Conduct provides that "[a]fter discharge of the jury from further consideration of a case with which the

lawyer was connected, the lawyer shall not ask questions of or make comments to a member of that jury that are calculated merely to harass or embarrass the juror or to influence his actions in future jury service."

You violated this rule by telling the news media that Ms. Joyce and Ms. Wilson had not answered the voir dire questions honestly. You knew or should have known that your statements to the newspaper regarding Ms. Joyce and Ms. Wilson would result in severe embarrassment to them. If anything, the fact that you spoke to the news media, rather than to the jurors directly, aggravates your misconduct, since it ensured that your views would be communicated not only to Ms. Joyce and Ms. Wilson, but to the public at large, as well.

Attorneys, like other citizens, have the right to criticize the justice system in a general way. You went far beyond this, however, by singling out two members of a jury for personal criticism. Moreover, you chose to vent your feelings in a public arena before attempting to seek relief through the legal system for the errors which you believed tainted the Soyars trial.

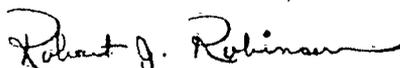
You are hereby publicly reprimanded by the North Carolina State Bar due to your professional misconduct. The Grievance Committee trusts that you will ponder this Public Reprimand, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This Public Reprimand should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

This Public Reprimand will be maintained as a permanent record in the judgment book of the North Carolina State Bar. Since a complaint was made and professional misconduct has been found, the complainant will receive a copy of this Public Reprimand. A copy also is available to the public upon request.

Within 15 days after this Public Reprimand is served upon you, you may refuse this Public Reprimand and request that charges be filed. Such refusal and request must be addressed to the Grievance Committee and filed with the Secretary. If you do file such refusal and request, counsel shall thereafter be instructed to prepare and file a complaint against you with the Disciplinary Hearing Commission of the North Carolina State Bar. The Hearing before the Disciplinary Hearing Commission is public and all of its proceedings and its decision are public.

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 30th day of December, 1990.



Robert J. Robinson, Chairman
The Grievance Committee
North Carolina State Bar

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