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STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
93G0380 (IV)

IN THE MATTER OF)

JOHN R. SUTTON,
ATTORNEY AT LAW)

REPRIMAND)

On October 27, 1993, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by 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.

Prior to March 1993 you undertook to represent an individual who was involved in a juvenile matter in Buncombe County. The case was tried on March 10-12, 1993 before Hon. Earl J. Fowler, Jr. During the hearing, you used profanity in response to testimony of various witnesses and interrupted witnesses.

Moreover, you also made a number of meritless objections during the hearing, repeated objections which had previously been ruled upon by the court, argued with the court and made discourteous remarks to the court.

Rule 7.6(C)(6) of the Rules of Professional Conduct provides that a lawyer shall not engage in undignified or discourteous conduct which is degrading to a tribunal while appearing in a professional capacity before a tribunal. Rule 7.6(C)(8) forbids attorneys to engage in conduct intended to disrupt a tribunal. Your conduct during the juvenile hearing on March 10-12, 1993 violated both of these rules.

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 13th day of November, 1993.

W. Erwin Spainhour

W. Erwin Spainhour, Chairman
The Grievance Committee
North Carolina State Bar