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NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
98G1229(II)

IN THE MATTER OF)

STANLEY M. TODD,)
ATTORNEY AT LAW)

REPRIMAND

On January 13, 1999, 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 .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.

Sometime before the trial of Ms. Patty Faye Hunt, you and one of the other Assistant District Attorneys were sitting in your office trying to understand parts of a conversation contained on a tape between the defendant and the SBI agent. A reporter came into your office. This was not a planned interview, but the reporter was present during the playing of the tape, or parts of the tape. You told the reporter that the case involved the defendant wanting to have another individual killed, and that the tape would be played during the trial. You told the reporter portions of the testimony of the SBI agent that you expected to elicit. A reasonable

person would expect that the information that you communicated to a reporter would be disseminated by means of a public communication. Your discussion of the identity of a witness, the expected testimony of a witness, and the expected evidence to be introduced, and the playing of a tape that would be introduced for the reporter were reasonably likely to materially prejudice an adjudicative proceeding and therefore violated Rule 3.6 and Rule 3.8(g) of the North Carolina Revised Rules of Professional Conduct. In deciding to issue this Reprimand, and not to issue more serious discipline, the Grievance Committee took into account your lack of a previous disciplinary record.

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 31 day of March, 1999.



James K. Dorsett, III
Chair, Grievance Committee