

WAKE COUNTY
NORTH CAROLINA



14146

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
99 DHC 30

THE NORTH CAROLINA STATE BAR)
Plaintiff)

v.)

CHRISTOPHER HUNTER, ATTORNEY)
Defendant)

CONSENT ORDER
OF DISCIPLINE

THIS MATTER was heard on the 20th day of March, 2000 before a hearing committee of the Disciplinary Hearing Commission composed of Franklin E. Martin, Chair; Elizabeth Bunting, and Catharine Sefcik. The defendant, Christopher Hunter, was represented by William S. Mills. The plaintiff was represented by Carolin Bakewell. Hunter does not oppose the recited findings of fact and conclusions of law recited in this consent order and consents to the discipline imposed. With the consent of the parties the hearing committee hereby enters the following:

FINDINGS OF FACT

1. The Plaintiff, the North Carolina State Bar, is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar promulgated thereunder.

2. The Defendant, Christopher Hunter, (hereafter, Hunter) was admitted to the North Carolina State Bar in 1987, and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the rules, regulations and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

3. During all of the relevant periods referred to herein, Hunter was actively engaged in the practice of law in the State of North Carolina and maintained a law office in the City of Durham, Durham County, North Carolina.

4. Hunter waived his right to a formal hearing.

5. Hunter was properly served with process herein.

6. In July 1995 Hunter placed an advertisement in the Charlotte Observer Newspaper promoting financial seminars at which he was a scheduled speaker. Another person, associated with an entity known as Investors Network, provided testimonials used in the advertisement. This advertisement contained misleading information in the form of testimonials purporting to be from individuals who had attended previous seminars held by Investors Network.

7. At the time Hunter placed the advertisement in the Charlotte Observer Newspaper, he relied on representations that the testimonials were, in fact, from satisfied customers of the individual that provided them. Hunter did not know the identity of the individuals purporting to give the testimonials and took no action to verify the representations made to him. Hunter now has reason to doubt the representations and the testimonials.

8. During 1996 and 1997, Hunter had a business relationship with an entity known as Dynasty Group International LTD (hereinafter Dynasty). During this period, Hunter spoke to members of the public at seminars arranged by Dynasty. Hunter promoted these seminars by, among other things, circulating flyers which contained testimonials purporting to be from individuals who had attended previous seminars sponsored by Dynasty.

9. At the time that the flyers were distributed, Hunter relied on the representations of another person that the testimonials were, in fact, from satisfied customers of Dynasty. Hunter did not know the identity of the individuals purporting to give the testimonials and took no action to verify the representations made to him. Hunter now has reason to doubt the representations and the testimonials.

10. One of the above referenced testimonials from a purported Investor's Network customer was identical to one of the testimonials from a purported Dynasty customer and therefore misleading since the two advertised programs were from different companies.

11. During October 1996, Hunter also disseminated to the public letters which were drafted by another person or persons which contained misleading statements. Although Hunter had an opportunity to modify the language, he did not take that opportunity. Specifically, the letters described Hunter as a "professional advisor to major corporations, family foundations and high net worth individuals worldwide. Many of his clients are among the creme-de-la-creme. They have old money - great wealth that has been passed down for generations." As phrased, this is not an accurate description of the nature of Hunter's practice or clientele and therefore misleading, because Hunter does not represent "major corporations" as a member of the public would understand that term (such as one of the fortune 500 corporations readily identifiable to the public) and because Hunter's representation of the other clients described in the

letter is generally limited to a very specific task related to international investments and trusts, rather than as their attorney advising them on all aspects of their legal needs.

12. Also during 1996 and 1997, Hunter distributed to members of the public material which advertised the sale of books of which he was listed as the author. Although the various flyers described six different books for sale, in fact, Hunter had written only one manuscript, which he varied by giving it six different titles and editing out certain chapters in some of the versions.

Based upon the consent of the parties and the foregoing Findings of Fact, the hearing committee enters the following:

CONCLUSIONS OF LAW

1. All parties are properly before the hearing committee and the committee has jurisdiction over the defendant and the subject matter of this proceeding.
2. Hunter's conduct, as set out in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. Section 84-28(b)(1) as follows:
 - a) By placing an advertisement in the Charlotte Observer Newspaper in July 1995 and by disseminating flyers to the public which contained testimonials which Hunter later learned to be misleading, Hunter disseminated misleading advertisements to the public, in violation of Rule 2.1 of the former Rules of Professional Conduct.
 - b) By disseminating to the public direct mail solicitation letters which contained inaccurate descriptions of his clientele and practice, Hunter disseminated misleading advertisements to the public in violation of Rule 2.1 of the former Rules of Professional Conduct.
 - c) By disseminating to the public flyers which offered for sale six books written by Hunter, when in fact Hunter had written one manual which he gave six different titles and edited to omit some chapters in certain versions of the manual, Hunter disseminated misleading advertisements in violation of Rule 2.1 of the former Rules of Professional Conduct.

Based upon the consent of the parties, the hearing committee also enters the following:

FINDINGS OF FACT REGARDING DISCIPLINE

1. Hunter's misconduct is aggravated by the following factors:
 - a. There are no aggravating factors.
2. Hunter's misconduct is mitigating by the following factors:

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- a. Lack of prior discipline
 - b. Lack of showing of harm to any client or member of the public.
3. The mitigating factors outweigh the aggravating factors.

Based upon the foregoing Findings of Fact and Conclusions of Law and the findings regarding discipline and based upon the consent of the parties, the hearing committee enters the following:

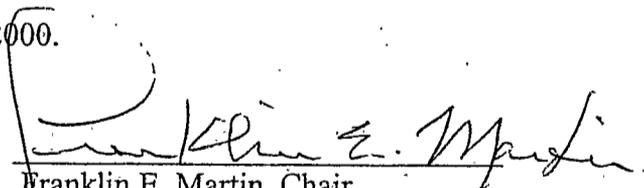
ORDER OF DISCIPLINE

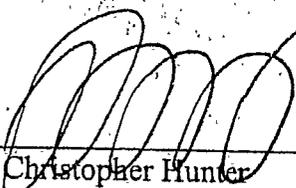
1. The Defendant, R. Christopher Hunter, is hereby reprimanded for his misconduct.
2. Hunter shall pay the costs of this proceeding as assessed by the Secretary within 30 days after service of the Order of Discipline upon him.
3. For a period of two years beginning 30 days from the service of this Order upon him, Hunter shall not circulate or disseminate or permit others to circulate or disseminate on his behalf any advertisements, direct mail solicitation letters, information on the Internet or other communications advertising his services as a lawyer until he has received prior oral approval from the N.C. State Bar respecting such advertisement, direct mail solicitation letter or communication. The Bar shall provide the oral approval, or notice of disapproval, within 10 days of receiving the proposed advertisement or communication. Should the Bar fail to give such approval, or notice of disapproval, within the 10 day period, then the advertisement or communication shall be deemed approved. Hunter shall confirm the approval in writing within 5 days of the approval. The N.C. State Bar can withhold their approval only upon a determination that the proffered communication violates the provisions of the Revised Rules of Professional Conduct relating to communication and advertising. (Rules 7.1 - 7.5) If such approval is withheld, Hunter shall be advised by the State Bar how such communication violates a rule for the purpose of education. If the violation is cured then the approval will be given.

It is further ordered that all other claims set forth in the plaintiff's Amended Complaint are dismissed.

Signed by the undersigned hearing committee chair with the consent of the other hearing committee members.

This the 20th day of March, 2000.


Franklin E. Martin, Chair
Disciplinary Hearing Committee



R. Christopher Hunter



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