

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
21G0732

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IN THE MATTER OF )  
 )  
JUSTICE H. CAMPBELL, ) CENSURE  
ATTORNEY AT LAW )

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On January 20, 2022, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by J.H. The grievance was assigned to a Subcommittee, which thoroughly reviewed the results of the State Bar staff's investigation of this matter.

Pursuant to section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Subcommittee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Subcommittee 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.

A censure is a written form of discipline more serious than a reprimand, issued in cases in which an attorney has violated one or more provisions of the Rules of Professional Conduct and has caused significant harm or potential significant harm to a client, the administration of justice, the profession or a member of the public, but the misconduct does not require suspension of the attorney's license.

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

You represented the plaintiff J.H. in personal injury litigation where J.H. sustained severe burns while a patron of a restaurant. You assigned an associate, S.T., to handle the litigation, and when served with the defendant's discovery requests, S.T. failed to respond. Three days before a hearing on summary judgment, you instructed S.T. to dismiss the case without prejudice before consulting with your client. By failing to adequately supervise S.T. and instructing him to dismiss the case without prejudice before consulting J.H., you failed to make reasonable efforts to ensure your associate conformed to the Rules of Professional Conduct, and you failed to take reasonable remedial action to avoid the consequences of your associate's failure to communicate with J.H. in violation of Rule 5.1, which in turned left J.H. unable to make informed decisions about his case in violation of Rule 1.4(b).

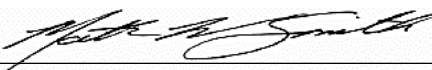
After S.T. left the firm, you re-filed the lawsuit and attempted service, but failed to maintain an adequate chain of summons and maintain a live controversy such that J.H.'s claim is likely time-barred and he will not be able to recover damages against the defendants. During the time period in which you failed to maintain a chain of summons, J.H. made inquiries regarding the status of his case, and on at least three occasions you falsely informed your client that "there was an issue with service of process" but that "the action was still pending." You also falsely informed J.H. that he would not recover damages based on the facts of the case and not on your failure to maintain a live controversy. Your failure to maintain an adequate chain of summons demonstrated a lack of legal knowledge and skill necessary to competently represent J.H. in violation of Rule 1.1, and showed a lack of reasonable diligence in violation of Rule 1.3. Your false statements to J.H. denied J.H.'s reasonable requests for information regarding the status of his case in violation of Rule 1.4(a)(4), and your insufficient explanations of the matter denied him the opportunity to make informed decisions about his case in violation of Rule 1.4(b). Your false statements to J.H. constituted misconduct involving dishonesty, fraud, deceit, or misrepresentation, which reflects adversely on your fitness as a lawyer, in violation of Rule 8.4(c).

You were served with a letter of notice to this grievance, and in your October 27, 2021 response to the Grievance Committee, you admitted that you failed to adequately supervise S.T., but again falsely stated that "[J.H.'s] action was still pending." Your false statement to the Grievance Committee was misconduct involving dishonesty, fraud, deceit, or misrepresentation, which reflects adversely on your fitness as a lawyer, in violation of Rule 8.4(c), and was a false statement of material fact made in connection with a disciplinary matter, in violation of Rule 8.1.

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, 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 censure 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.

In accordance with the policy adopted July 23, 2010 by the Council of the North Carolina State Bar regarding the taxing of administrative fees and investigative costs to any attorney issued a censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this the 16<sup>th</sup> day of February, 2022.

  
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Matthew W. Smith, Chair  
Grievance Committee  
The North Carolina State Bar

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