

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
11G0035

IN THE MATTER OF

James E. Hairston, Jr.
Attorney At Law

)
)
)
)
)

REPRIMAND

On April 26, 2012 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.

You are a principal of your law firm. Since 2006, you and your firm have maintained a professional relationship with disbarred attorney Craig McGannon. Over the course of this relationship, McGannon has referred numerous clients to your firm. Additionally, your firm significantly integrated McGannon into your firm's identity and daily operation by allowing McGannon to work in your law office, by issuing business cards to McGannon under the firm

name, and by providing McGannon with a firm-specific email address without verifying McGannon's professional status. McGannon used these firm resources at his discretion and without supervision.

In 2008, McGannon referred C.S. to your firm, and C.S. retained your firm for representation in a domestic matter. You allowed McGannon to be significantly involved in your firm's representation of C.S., including advising C.S. on her case. McGannon was included in numerous email correspondence and in-person meetings between your firm and C.S., and McGannon accompanied an associate of your firm to court for a hearing in C.S.'s matter, wherein McGannon appeared before the court on C.S.'s behalf. Your relationship with McGannon, as well as your integration of McGannon into your firm's law office and representation of C.S., gave C.S. and your associate the false impression that McGannon was employed by your firm and licensed to practice law in North Carolina. By failing to take the necessary steps to shield your client from a disbarred attorney and by failing to ensure McGannon's professional status and role with your firm were abundantly clear to others, you assisted McGannon in the unauthorized practice of law in violation of Rule 5.5(d).

You are hereby reprimanded by the North Carolina State Bar for 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 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 reprimand by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this the 19th day of May, 2012.

Margaret M. Hunt

Margaret M. Hunt, Chair
Grievance Committee

MMH/lr