

STATE OF NORTH CAROLINA
COUNTY OF FORSYTH

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
10 CRS 2849

10:20 AM
Filed on the 6th day
of May 2010
10M1257

IN RE: RAYMOND MARSHALL

Attorney at Law

Deputy Clerk of Forsyth County

CONSENT

ORDER OF DISCIPLINE

This matter was scheduled to be heard on May 6, 2010 upon an Order to Show Cause issued to Raymond Marshall on March 31, 2010. The North Carolina State Bar was directed to investigate the matter and present evidence in the show cause hearing. The North Carolina State Bar is represented by A. Root Edmonson and Raymond Marshall appears *pro se*. Based upon the consent of those participating in this matter before the Court, the undersigned makes the following:

FINDINGS OF FACT

1. Between March 15, 2010 and March 18, 2010, Raymond Marshall represented Tonesha Meekins in a criminal trial in Forsyth County Superior Court before the presiding judge, the Honorable Catherine C. Eagles.

2. Throughout the trial, Raymond Marshall repeatedly argued with Judge Eagles, both inside and outside the presence of the jury, about the Court's rulings despite several warnings from Judge Eagles not to continue to argue with the Court about rulings the Court had made.

3. In addition to arguing with Judge Eagles, Raymond Marshall repeatedly made non-verbal expressions of his disapproval of the Court's rulings and repeatedly attempted to tell or imply to the jury that the Court's rulings were preventing him from putting evidence before the jury.

4. Raymond Marshall repeatedly interrupted Judge Eagles, both in and outside the presence of the jury, despite warnings from the Court.

5. Raymond Marshall repeatedly expressed personal statements of opinion during both his opening statement and his closing argument even after having been warned by Judge Eagles not to express his personal opinion. Because Raymond Marshall would not heed Judge Eagles' warnings, Judge Eagles had to terminate Raymond Marshall's closing argument on behalf of his client.

6. After Raymond Marshall advised Judge Eagles that he was experiencing bad back pain, Judge Eagles allowed Raymond Marshall to examine witnesses from a standing position rather than remaining seated at counsel table as is the normal

requirement under Rule 12 of the General Rules of Practice. However, Judge Eagles instructed Raymond Marshall to stand still behind counsel table.

7. Raymond Marshall repeatedly walked around the well of the courtroom while examining witness despite Judge Eagles' repeated instructions to remain still while standing.

8. Raymond Marshall was late returning to the courtroom on more than one occasion, causing everyone in the courtroom, including jurors, to have to wait for his arrival. Raymond Marshall was again late even after being warned by Judge Eagles to be in the courtroom on time.

9. Raymond Marshall repeatedly attempted to place facts not in evidence before the jury by making statements to the jury about things that were not supported by any evidence that had been presented to the jury. Raymond Marshall continued to do this even after being repeatedly warned by Judge Eagles not to do it again. As an example, Raymond Marshall made statements to the jury about the lack of a transcript of an earlier hearing that implied to the jury that the State or the Court had deprived the defendant of that transcript in an effort to hide something when in fact the transcript was not available because Raymond Marshall waited too late to order the transcript.

Based upon the foregoing Findings of Fact, the undersigned makes the following:

CONCLUSIONS OF LAW

1. By arguing with Judge Eagles about the Court's rulings, by making non-verbal expressions of his disapproval of the Court's rulings, by telling or implying to the jury that the Court's rulings were preventing him from putting evidence before the jury, by interrupting Judge Eagles, by expressing personal opinions in his opening statement and closing argument, by walking around the well of the courtroom while examining witnesses, by returning to court late, and by attempting to place facts not in evidence before the jury by making statements to the jury about things that were not supported by any evidence, Raymond Marshall violated Rule 12 of the General Rules of Practice regarding courtroom decorum.

2. By his repeated violations of Rule 12 of the General Rules of Practice, Raymond Marshall engaged in undignified or discourteous conduct that was degrading to the tribunal in violation of Rule 3.5(a)(4)(B) of the Rules of Professional Conduct and intentionally and habitually violated established rules of procedure in violation of Rule 3.5(a)(4)(C) of the Rules of Professional Conduct, both of which constituted conduct intended to disrupt the tribunal.

Based upon the foregoing Findings of Fact and Conclusions of Law and upon the consent of the parties, the undersigned also finds the following:

ADDITIONAL FINDINGS REGARDING DISCIPLINE

1. Raymond Marshall has substantial experience in the practice of law.
2. Raymond Marshall has not previously been disciplined by the North Carolina State Bar.
3. Raymond Marshall's conduct was not motivated by personal gain.
4. Raymond Marshall's conduct occurred in open court where it was observed by other court personnel and the public.
5. Raymond Marshall's conduct directly demeaned the respect to which the Court was entitled.
6. Raymond Marshall's disrespect for the Court that he exhibited to the public harmed the legal profession as a whole.
7. During the Meekins trial, Raymond Marshall suffered from severe back pain.
8. During the Meekins trial, Raymond Marshall was also distracted by concern for a family member who was undergoing tests for a potentially serious medical condition during the week of the trial.

Based upon the Findings of Fact, the Conclusions of Law, the Additional Findings Regarding Discipline and the consent of the parties, the undersigned also enters the following:

CONCLUSIONS REGARDING DISCIPLINE

1. Raymond Marshall's misconduct is aggravated by the following factors:
 - (a) substantial experience in the practice of law;
 - (b) multiple offenses during the ~~court~~^{COURSE} of the trial, especially after having been warned;
 - (c) the negative impact his conduct had on the administration of justice and the public's perception of the legal profession.
2. Raymond Marshall's misconduct is mitigated by the following factors:
 - (a) a frank admission of the wrongfulness of his conduct;
 - (b) the absence of a prior disciplinary record;
 - (c) the absence of a dishonest or selfish motive;

- (d) the effect his own personal discomfort and the concern for his family member's health had on his conduct.

3. In weighing whether Raymond Marshall's conduct warrants a suspension of his license, the most important consideration is to prevent similar conduct in the future. Because Raymond Marshall's personal discomfort and the distraction relating to his family member's medical condition are not likely to again converge to affect his conduct in the future, a suspension is not warranted.

4. The harm to the administration of justice and the protection of the public can be accomplished by imposition of a censure.

Based upon the Findings of Fact, the Conclusions of Law, the Additional Findings Regarding Discipline, the Conclusions Regarding Discipline and the consent of the parties, the undersigned also enters the following:

ORDER OF DISCIPLINE

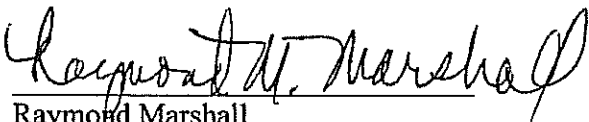
1. Raymond Marshall is hereby CENSURED for his misconduct during the course of the trial of *State v. Meekins*.

2. A copy of this order shall be filed in Forsyth County as is any other Censure issued by the North Carolina State Bar.

This is the 6th day of May 2010.


W. Erwin Spainhour
Judge Presiding

CONSENTED TO BY:


Raymond Marshall
pro se


A. Root Edmonson
Deputy Counsel
North Carolina State Bar