

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
13G1185

IN THE MATTER OF)

Mark S. Jetton, Jr.)
Attorney At Law)

REPRIMAND

On April 24, 2014 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 sent a targeted mail solicitation to a person involved in a car accident. The advertising notice, “THIS IS AN ADVERTISEMENT FOR LEGAL SERVICES,” was smaller than your firm’s name on the letterhead, in violation of Rule 7.3(c)(1). You promised that an injured person would have his medical bills paid and have access to doctors without having insurance. The Grievance Committee found that these statements were misleading and tended to

convey a promise to the reader that the medical bills would be paid as a result of your representation. This statement violated Rule 7.1(a)(1) and (2).

You stated in the solicitation letter that an injured person doesn't "pay us a penny, unless we put money in your pocket." This is a false or misleading statement in violation of Rule 7.1(a)(1) unless you waive repayment of costs and expenses that you advance in every personal injury case that you handle.

You also stated in the letter that you charge a substantially lower fee than other law firms. This statement violates Rule 7.1(a)(3) as it is a comparison of your services with other lawyers' services, and the comparison cannot be factually substantiated.

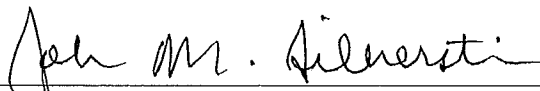
You enclosed a "GOLDEN TICKET" in the solicitation letter, which if presented to your office would result in a reduction of your attorney's fee. The statement on the "Golden Ticket" indicated that one could not imagine in one's wildest dreams the potential settlement that awaits them. The Grievance Committee found that this statement was a promise to the injured person that they would receive an incredible or unbelievable settlement. This statement violated Rule 7.1(a)(2) of the Rules of Professional Conduct.

You describe your law firm as "Super Lawyers" on your website. This description is prohibited since it is an impermissible comparison of your services with other lawyers' services which cannot be factually substantiated, in violation of Rule 7.1(a)(3). See 2007FEO14.

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 23rd day of MAY, 2014.



John M. Silverstein, Chair
Grievance Committee