

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
20G0055

IN THE MATTER OF)
)
JULIAN M. HALL,) CENSURE
ATTORNEY AT LAW)

On October 21, 2020, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by the North Carolina State Bar. 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.

In August 2018, your client ("the CI") agreed to provide information to law enforcement in an effort to obtain a more favorable resolution of pending criminal charges. During the officers' interview with the CI at your office, he implicated one of your former clients ("D.M.") in a recent homicide. When the CI implicated D.M., you stood up and left the room for a few minutes.

The following day, D.M. contacted you because law enforcement was at his residence with a search warrant. You went to the scene to review the warrant and advise D.M. During the execution of the warrant, D.M. told the police his purported alibi for the time of the murder. His alibi was later proven to be false and he was charged with the homicide. The lawyer representing D.M. in the homicide case sought to have D.M.'s statements to police regarding his alibi suppressed on the grounds that he

was relying on your advice at a time when you had a conflict of interest arising out of your representation of the CI.

During your testimony at the hearing on the motion to suppress, you explained that standing up and walking out of the room was your method of signaling to clients that they should not provide law enforcement with further information about whatever individual they had just mentioned. You stated that you used this cue if a client was talking about one of your current or former clients or anyone else with whom you have a connection. Signaling a client to stop giving this type of information during a debriefing is inherently prejudicial to the client, whose goal is to receive a more favorable outcome by being as helpful as possible to law enforcement. By your own admission, you regularly put yourself in this situation, where your representation of the client "may be materially limited by the [your] responsibilities to another client, a former client, or a third person" in violation of Rule 1.7(a). By walking out of the room without explanation, you do not give clients an opportunity to give informed consent to your conflict of interest, you fail to "promptly inform the client of [a] decision or circumstance with respect to which the client's informed consent . . . is required," and you fail to "explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation" in violation of Rule 1.4(a) and (b).

Your method of stopping clients from providing information to law enforcement when you have a conflict of interest reflects a lack of competence in violation of Rule 1.1 and a lack of diligence in violation of Rule 1.3: In order to competently and diligently monitor for potential conflicts of interest, you would have to listen carefully to everything the client says to the officers, note when a familiar name comes up in the debriefing, and immediately stop the process in order to inform the client of the conflict that has arisen. Instead, according to your own testimony, you don't listen very carefully, don't take notes, and periodically leave the room while the debriefing continues (thereby cueing your client to stop talking, which is adverse to the client's interests).

In the case of D.M., your misconduct resulted in the needless consumption of court time and resources addressing the motion to suppress and therefore was prejudicial to the administration of justice in violation of Rule 8.4(d).

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 13th day of November, 2020.



A. Todd Brown, Sr., Chair
Grievance Committee