

NORTH CAROLINA
WAKE COUNTY

BEFORE THE GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
22G0272

IN THE MATTER OF	)	
	)	CENSURE
JAMES E. HAIRSTON, JR.,	)	
ATTORNEY AT LAW	)	

On April 18, 2024, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by L. I. 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.

L.I. hired you to represent him in a federal lawsuit he initially filed *pro se* in the Eastern District of North Carolina. You agreed to represent L.I. for a flat fee of \$20,000.00. L.I. paid you \$9,500.00 of that flat fee. You violated Rule 1.5 by charging a clearly excessive fee when you provided minimal services to L.I. Throughout representation of L.I., you violated Rule 1.1 for lacking a general understanding of the Federal Rules of Civil Procedure, federal filing practices, and the Rules of Professional Conduct. You violated Rule 1.2 by failing to consult with L.I. prior to filing an Amended Complaint; and failing to consult with L.I. about your decision not to respond to the opposing party's Motions to Dismiss and Response to L.I.'s Motion for Default Judgment. You violated Rule 1.3 by failing to respond to the first Motion to Dismiss; failing to file the Amended Complaint within 21 days of the filing of the first Motion to Dismiss or seeking leave of court to file the Amended Complaint; failing to respond to the second Motion to Dismiss; failing to file a Reply to the opposing party's Response to L.I.'s Motion for Default Judgment; and failing to provide L.I. with copies of pleadings after L.I. specifically

requested them. You violated Rule 1.4(a)(2), (3), and (4) by failing to consult with L.I. about your decision to file an Amended Complaint over L.I.'s objections; failing to consult with L.I. about your decision not to respond to the opposing party's filings; failing to keep L.I. informed about the status of his case despite L.I.'s repeated inquiries; failing to consult with L.I. about the decision to terminate your representation; and failing to provide L.I. with copies of filed pleadings pursuant to his requests. You violated Rule 1.16(d) when you withdrew from L.I.'s case because you failed to provide L.I. with reasonable notice of your decision to terminate representation; failed to allow L.I. time to employ new counsel; and failed to secure extensions of time for L.I. or a new lawyer to respond to the opposing party's pending filings. Finally, you violated Rule 5.1 by failing to make reasonable efforts to ensure M.B., a lawyer you supervised, conformed to the Rules of Professional Conduct in representing L.I.

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 28th day of May, 2024.

A handwritten signature in black ink, appearing to read "Kevin G. Williams", is written over a light gray rectangular background.

Kevin G. Williams, Chair
Grievance Committee

KGW/lb