

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
07G1042

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IN THE MATTER OF )  
 )  
Clair Campbell, ) REPRIMAND  
Attorney At Law )  
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On January 24, 2008 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 advertised in a telephone book regarding your services. In your ad, you stated the following: "CALL US IT'S JUST THAT EASY! Get the money you deserve!" You also had a magnet that was attached to the telephone book page with your ad. The magnet had the following message: "HURT? CALL US, It's Just That Easy!" On the magnet, a man is shown holding what appears to be a check. The Grievance Committee found that your ad and magnet

create unjustified expectations in violation of Rule 7.1 of the Rules of Professional Conduct. The statement, "Get the money you deserve", implies that the reader deserves something without regard for the merit of the claim. "It's just that easy", combined with the statement, "Get the money you deserve", and the man holding up a check also creates the expectation that compensation for any claim is guaranteed and easy.

On both the telephone ad and the magnet, you used the photo of a man without identifying him as a spokesperson. Your failure to identify that person as a spokesman or actor violates Rule 7.1(b) of the Rules of Professional Conduct. You also have examples of some of your "Past Results" or "Cases Settled". There is no context provided for these settlements, and the information that is printed in your ad is misleading and create unjustified expectations in violation of Rule 7.1(a)(1) and (2) of the Rules of Professional Conduct.

You also offer in your ad "Immediate assistance with lost wages, medical bills, transportation". That statement violates Rule 1.8(e) of the Revised Rules of Professional Conduct, as it may appear that you are providing financial assistance to a client in connection with pending or contemplated litigation.

A copy of your television ads were reviewed by staff counsel. Most of the problems found with your printed ad are found in your TV ads. The dramatization disclaimer appears on some of the television ads, but it does not appear conspicuously at the beginning and end of every ad, as required by Rule 7.1(b) of the Revised Rules of Professional Conduct.

The Grievance Committee was concerned about your statement in the television ad that one could receive "more money" if one hired an attorney. The committee's concern was whether or not that statement could be factually substantiated. You sent an article, "Frequency of workers-comp claims declining, report finds", which you claim supports the above referenced statement. The article does not specifically indicate that one receives more money when a lawyer is involved in the case. Furthermore, the article relates to workers' compensation claims, and not to the many other areas of law mentioned in your advertisements.

The Grievance Committee was very concerned about the numerous problems with your printed and television ads. The Grievance Committee strongly urges you to seek the advice of the State Bar ethics counsel, as you stated you would do in your response, before publishing or running any other advertisements.

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 October 15, 1981 by the Council of the North Carolina State Bar regarding the taxing of the administrative and investigative costs to any attorney issued a reprimand by the Grievance Committee, the costs of this action in the amount of \$100.00 are hereby taxed to you.

Done and ordered, this the 3rd day of March, 2008



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James R. Fox, Chair  
Grievance Committee

JRF/lr