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NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
03G1321 & 03G1365

IN THE MATTER OF)

JOSEPH W. MORTON,)
ATTORNEY AT LAW)

CENSURE

On January 15, 2004, the Grievance Committee of the North Carolina State Bar met and considered the grievances 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 letters 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.

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. I am certain that you will understand fully the spirit in which this duty is performed.

On July 8 and 9, 2003 you represented 17 clients who had traffic cases in Onslow County District Court. Pursuant to a policy imposed by the elected DA, all of your clients were required to personally appear in court. You believed that this policy was grossly unfair and was leveled at you because you had opposed the DA in his last election campaign.

You subpoenaed the arresting officers to court in each of the 17 cases and insisted on enforcing the subpoenas even though the ADA handling the cases offered favorable pleas to your clients and made it clear that the offers would be withdrawn if you required the arresting officers to appear in court.

You refused to release the officers, some of whom were attending to other duties or on leave. The ADA called the first three cases for trial and each client was convicted.

Even when the ADA gave you a chance to re-think your position, you insisted on pursuing your original plan. Thereafter all 17 clients were convicted and several went to jail.

The Grievance Committee found that you let your personal feud with the DA take precedence over pursuing your clients' best interests, in clear violation of Rule 1.7.

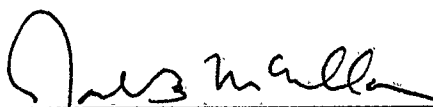
In another matter, on August 18, 2003 you appeared in Onslow County District Court before Judge Sarah Seaton. Upon inquiry by the Court, you stated that you were unable to resolve a particular case "because the DA is an ass."

This remark caused the Court to adjourn and delayed resolution of several hundred other matters then on the docket. Your conduct was not only unprofessional but was prejudicial to the administration of justice, and thus violated 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 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 censure by the Grievance Committee, the costs of this action in the amount of \$50.00 are hereby taxed to you.

Done and ordered, this 23rd day of February, 2004.



John E. McMillan, Chair
Grievance Committee
The North Carolina State Bar