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NORTH CAROLINA

WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
05G0172

IN THE MATTER OF )

RICHARD D. HALL, JR., )  
ATTORNEY AT LAW )

REPRIMAND

On April 20, 2006, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by H. Mc N.

Pursuant to Section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Committee conducted preliminary hearings in your case. 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 Revised 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.

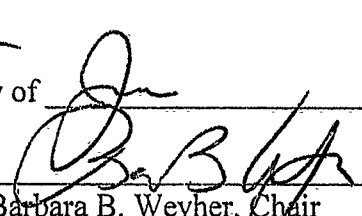
You were retained by H. Mc N. to assist with handling his mother, Mrs. Mc N.'s finances. Mrs. Mc N. was your client. You never spoke with Mrs. Mc N. You did not conduct any investigation to determine whether your client was mentally competent or to determine if the actions you were taking at H. Mc N.'s request were consistent with your client's wishes. You prepared a power of attorney giving H. Mc N. broad powers to impact your client's affairs and property. You prepared a deed of Mrs. Mc N.'s real property to H. Mc N. to be executed by H.

Mc N. as attorney in fact for Mrs. Mc N. The transactions you facilitated were presumptively fraudulent. You accepted payment from H. Mc N. without your client's knowledge or informed consent. You allowed H. Mc N. to direct and interfere with your professional judgment. You did not protect Mrs. Mc N.'s confidential information. The Grievance Committee determined that your conduct violated Revised Rules of Professional Conduct 1.4(a)(2) and (3), 1.4(b), 5.4(c), and 1.8(f). The Grievance Committee considered your lack of prior discipline as a mitigating factor.

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 \$50.00 are hereby taxed to you.

Done and ordered, this the 19<sup>th</sup> day of Jan, 2006.

  
Barbara B. Weyher, Chair  
Grievance Committee

BBW/lr