

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
17G0951

IN THE MATTER OF)	
)	CENSURE
JENNIFER NICOLE FOSTER,)	
ATTORNEY AT LAW)	

On January 17, 2019, the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by District Attorney Todd M. Williams, 28th Prosecutorial District ("Williams"), Assistant District Attorney James A. Bass, and attorney Samuel B. Craig ("Craig"). These grievances were assigned to a Subcommittee, which thoroughly reviewed the results of the State Bar staff's investigation of these matters.

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.

On or about November 8, 2018, you made public postings on social media that you "basically" have been put out of business by Craig and Williams, and that you were "not able to take new cases, nor likely resolve the ones [you] presently [had] due to this retaliation from DA Todd Williams, matters which he submitted to the NC State Bar 15 months ago, upon which the State Bar has taken no action." You also asserted that Williams's misconduct claims were "reporting to you, our community, of said wrongful conviction of former doctor [G.P.]." On their face, these public social

media statements about being unable to take new cases or resolve the ones you currently had due to retaliation by Williams and being "put out of business" by Craig and Williams were false. At the time, there was no legal or State Bar impediment to your being retained by new clients or for your being able to resolve the already pending cases of your clients. Your characterization of Williams's claims was also misleading, if not false, given that your social media comments were not the only allegations of misconduct against you. By making these publicly false and misleading statements on social media, you engaged in conduct involving dishonesty, fraud, deceit or misrepresentation that reflect adversely on your fitness as a lawyer in violation of Rule 8.4(c).

In addition, you violated Rule 4.2(a) by communicating and meeting with G.P. on or about December 7, 2017 at the Marion Correctional Institution, when you knew that G.P. was represented by Craig at the time and had been warned by Craig not to do so. For similar reasons, you made a misleading statement to prison personnel at the time about your role as G.P.'s attorney and thereby engaged in conduct 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 25th day of March, 2019.

A. Todd Brown, Sr.
A. Todd Brown, Sr., Chair
Grievance Committee
The North Carolina State Bar

ATB/lb