

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
07G1003

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IN THE MATTER OF

Joseph L. Anderson  
Attorney At Law

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REPRIMAND

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Pursuant to Section .0116(a) of the Discipline and Disability Rules of the North Carolina State Bar, this reprimand is issued to you based upon an order of reciprocal discipline entered on this same date.

On August 27, 2006, Comair Flight 5191 (hereafter, Flight 5191) crashed in Lexington, Kentucky. On August 28, 2006, you, a licensed attorney in Kentucky and North Carolina, contacted a website design company and asked that they design and publish a website: [www.comair5191families.com](http://www.comair5191families.com) (hereafter, Comair website).

On August 30, 2006, the Comair website was published on-line, making it available to the general public. The website stated that it offered counseling services to friends and family members of the crash victims. Although the website offered counseling services, it was also an advertisement for your law firm.

Three employees of Galls, Inc. died in the crash of Flight 5191. On August 31, 2006, one of your paralegals sent an e-mail to an employee of Galls, Inc. directing the employee to the Comair website. The email did not contain the words, "THIS IS AN ADVERTISEMENT". The employee who was contacted by your paralegal forwarded the e-mail to other Galls, Inc. employees. One employee accessed the Comair website and discovered that by clicking on the text "legal assistance", the site immediately changed to your firm's website. The website was removed from public access on September 5, 2006.

You admitted that your actions violated the following Kentucky rules of ethics: 1. SCR 3.130-5.3 when you failed to properly supervise your paralegal, leading to her attempt to solicit clients in a way that did not comply with your ethical and professional obligations; 2. SCR 3.130-7.09(3) when your paralegal contacted an employee of Galls Inc. via email and directed the employee to the Comair website, and the email to the Galls, Inc. employee did not contain the advertising notice, "THIS IS AN ADVERTISEMENT"; 3. SCR 3.130-7.09(4) when your paralegal initiated direct communication with an employee of Galls, Inc. via email in violation of the 30-day no contact period following a mass disaster; and SCR 3.130-7.15 when you directed the creation of the Comair website, which was false, deceptive, and misleading as it appeared to

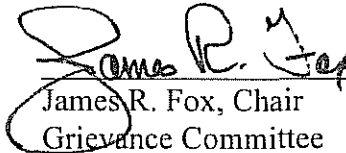
be a grief counseling website established to aid the friends and families of the victims of the airplane crash, but was in fact an advertisement for your firm. The Supreme Court of Kentucky found that your advertising did in fact violate the requirements of the above referenced rules.

The Supreme Court of Kentucky imposed a public reprimand, along with other sanctions, and you did not object to the discipline issued to you.

Therefore, you are hereby reprimanded by the North Carolina State Bar for your professional misconduct as committed in Kentucky. 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 January 24, 2008 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 27<sup>th</sup> day of May, 2009

  
James R. Fox, Chair  
Grievance Committee

JRF/lr