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FILED

NORTH CAROLINA

WAKE COUNTY

1978 SEP 20 AM 11:03

S.E. JAMES, SEC.
THE N.C. STATE BAR

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
78 DHC 5

THE NORTH CAROLINA STATE BAR,
Plaintiff,

vs.

FRANK WADE HALL, Attorney,
Defendant.

FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

This cause coming on to be heard and being heard before the undersigned hearing committee of the Disciplinary Hearing Commission of The North Carolina State Bar at a regularly scheduled hearing held on September 8, 1978, in the office of The North Carolina State Bar, 107 Fayetteville Street Mall, Raleigh, North Carolina, and said hearing committee having heard the evidence and arguments and contentions of counsel, make the following findings of fact:

1. The Plaintiff, The North Carolina State Bar, is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina.

2. The Defendant, Frank Wade Hall, is a citizen and resident of Buncombe County, North Carolina and was admitted to The North Carolina State Bar in 1956 and is, and was, at all times relevant to this proceeding, an attorney at law licensed to practice law in the State of North Carolina and was and is subject to the Rules, Regulations, Canons of Ethics and Code of Professional Responsibility of The North Carolina State Bar and the laws of the State of North Carolina.

3. A duly verified Complaint, setting forth the charges against the Defendant, was filed in the office of The North Carolina State Bar on May 24, 1978. Notice thereof was given to the Defendant by personal service upon the Defendant of a copy of the Complaint, Notice and Summons by the Sheriff of Buncombe County on June 9, 1978.

4. An Answer to the Complaint was filed with the Disciplinary Hearing Commission on September 8, 1978 but upon objection by counsel for the Plaintiff, said Answer was not allowed.

5. On October 3, 1977 in the Superior Court of Buncombe County, the Defendant entered a plea of guilty to the common law offense of embracery. Judgment was entered on November 1, 1977 ordering that the Defendant be imprisoned for a term of twelve months in the common jail of Buncombe County. No appeal was taken from the Judgment. The Defendant's license to practice law was forwarded to The North Carolina State Bar on October 31, 1977.

6. Pursuant to Section 15, Subsection 2 of the Rules for Discipline and Disbarment of Attorneys, counsel for the Plaintiff offered into evidence a certified copy of the Judgment and Commitment Order of November 1, 1977 from the Superior Court of Buncombe County.

7. The Defendant testified in his own behalf that upon the request of Harry DuMont, an attorney in Buncombe County, he had gone to the house of a person serving on the jury in a case in which Harry DuMont represented the defendant and had discussed the case with the juror. The Defendant further testified that on several occasions over a number of years Mr. DuMont had requested that he contact jurors in cases in which Mr. DuMont represented a party and that on one occasion in the past, prior to the incident which is the basis for this proceeding, he had contacted a juror on behalf of Mr. DuMont.

8. Fourteen other persons from the Buncombe County area testified on behalf of the Defendant concerning their own personal associations with the Defendant and as to the Defendant's qualifications as an attorney and attributes as a person.

Based upon the foregoing findings of fact, the trial committee hereby makes the following CONCLUSIONS OF LAW:

1. The Defendant, a duly licensed attorney in the State of North Carolina subject to the Code of Professional Responsibility and the laws of the State of North Carolina, illegally contacted a person serving on a jury to discuss the trial of the case and subsequently pled guilty and was convicted of the common law offense of embracery and that such acts involved professional conduct prejudicial to the administration of justice and professional conduct that adversely reflects upon his fitness to practice law, all in violation of Disciplinary Rule 1-102(A)(3).

of the Code of Professional Responsibility of The North Carolina State Bar
and North Carolina General Statute 84-28(b)(1).

This 27th day of September, 1978.

Winifred T. Wells
Winifred T. Wells, Chairman

Ralph C. Gingles, Jr.
Ralph C. Gingles, Jr.

R. Powell Majors
R. Powell Majors

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vs.

FRANK WADE HALL, Attorney,
Defendant.

ORDER

Based upon the foregoing findings of fact and conclusions of law and pursuant to Section 9 of Article IX, Discipline and Disbarment of Attorneys, the undersigned Hearing Committee of the Disciplinary Hearing Commission hereby issues the following Order.

IT IS HEREBY ORDERED that the Defendant, Frank Wade Hall, be suspended from the practice of law in the State of North Carolina for a period of three years from October 31, 1977.

IT IS FURTHER ORDERED that Frank Wade Hall be taxed with the costs of this hearing.

This the 8th day of September, 1978.

Winifred T. Wells, Chairman
Winifred T. Wells, Chairman

Ralph C. Gingles, Jr.
Ralph C. Gingles, Jr.

R. Powell Majors
R. Powell Majors