

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
14G1027

IN THE MATTER OF

Stephen A. Turner,
Attorney At Law

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REPRIMAND

On July 16, 2015 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by the North Carolina State Bar. The grievance was assigned to a Subcommittee, which thoroughly reviewed the results of the State Bar staff's investigation of this matter.

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 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 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 represented R.R. on a charge of simple assault. During R.R.'s trial, you called R.R.'s sister, I.R., as a witness. I.R. also had a pending charge of simple assault arising out of the same incident for which R.R. was charged. The lawyer representing I.R. in her criminal case was

not present in the courtroom during your examination of I.R., and I.R. was not advised of her Fifth Amendment rights before testifying. In response to your questioning, I.R. made self-incriminating statements and admissions about the alleged assault.

When the presiding judge became aware that I.R. had pending related charges, she halted the proceedings and asked whether I.R.'s counsel was aware that her client was testifying about these events. You told the judge that I.R.'s counsel had agreed to permit I.R. to testify, and that I.R.'s counsel was aware you were questioning I.R. without her lawyer present in the courtroom. These were false statements to the tribunal in violation of Rule 3.3(a)(1) and constitute conduct involving misrepresentation in violation of Rule 8.4(c). Moreover, your decision to elicit potentially incriminating testimony from a represented person without her lawyer present undermined I.R.'s attorney-client relationship and her constitutional protection against self-incrimination. As such, it was prejudicial to the administration of justice in violation of Rule 8.4(d). The administration of justice was also impeded in that the court's time was needlessly consumed addressing your conduct.

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 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 reprimand by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this the 7th day of August, 2015.



John M. Silverstein, Chair
Grievance Committee

JMS/lb