## NORTH CAROLINA

## WAKE COUNTY

## BEFORE THE GRIEVANCE COMMITTEE OF THE NORTH CAROLINA STATE BAR 13G0121

IN THE MATTER OF	)			
David J. Turlington, III, ATTORNEY AT LAW	)	CENSURE	RE	
	)			

On October 24, 2013, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by the North Carolina State Bar.

Pursuant to section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Committee conducted a preliminary hearing. 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.

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.

Prior to April 27, 2012, you employed other attorneys' names and names of law firms in a keyword advertising campaign through Google's AdWords program. On April 27, 2012, the North Carolina State Bar Ethics Committee published 2010 Formal Ethics Opinion 14, which states that an attorney's purchase or use of another attorney's name in an Internet search engine's keyword-advertising program is dishonest and therefore violates Rule 8.4(c) of the Rules of Professional Conduct. After the publication of this ethics opinion, you continued to intentionally add inappropriate keywords to your Google AdWords advertising campaign; your inappropriate keywords consisted of other individual attorney names (including attorney nicknames), names of law firms, and names of judicial officials. Although you claimed that any inclusion of inappropriate keywords in your advertising campaign was inadvertent and was the result of your bulk-purchase of keywords suggested by Google, your history of

keyword purchases demonstrates that you specifically selected and approved a number of these keywords for inclusion in your advertising campaign. It is your duty to scrutinize all keywords prior to adding the keyword to your advertising campaign, regardless of whether you created the keyword or whether the keyword was suggested to you. Your intentional inclusion of other attorneys' names and law firms in your keyword advertising campaign is dishonest and therefore violates Rule 8.4(c). Furthermore, you knowingly made a false statement of material fact in violation of Rule 8.1(a) by claiming in your response to the letter of notice in this matter that your inclusion of inappropriate keywords in your advertising campaign was inadvertent.

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 18th day of November, 2013.

John M. Silverstein, Chair

Grievance Committee

The North Carolina State Bar