
In re Hair

prejudiced by plaintiff's failure to procure its consent to the settlement.

Modified and Affirmed.

Justice WEBB dissenting.

I dissent for the reasons stated in the dissenting opinion in *Silvers v. Horace Mann Ins. Co.*, 324 N.C. 289, 378 S.E. 2d 21 (1989).

Justice MEYER joins in this dissenting opinion.

IN RE: INQUIRY CONCERNING A JUDGE, NO. 117 LACY S. HAIR, RESPONDENT

No. 504A88

(Filed 5 April 1989)

Judges § 7— censure of judge for misconduct

A district court judge, now retired, is censured by the Supreme Court for conduct prejudicial to the administration of justice that brings the judicial office into disrepute on the basis of the following actions: (a) attempting an assignation with a woman, convicted of prostitution and on probation, and giving the impression that he could assist her with her legal problems; (2) changing verdicts in motor vehicle violation cases upon *ex parte* communications from defendants without providing the State an opportunity to be heard; (3) making an inappropriate advance toward a woman detective; (4) making improper remarks to a victim in a criminal proceeding; and (5) making implied threats to attorneys who were representing clients in cases heard by respondent or pending before his court.

THIS matter is before the Court upon a recommendation by the Judicial Standards Commission (Commission), filed with the Court on 31 October 1988, that Judge Lacy S. Hair, now retired, formerly a Judge of the General Court of Justice, District Court Division, Twelfth Judicial District of the State of North Carolina, be censured for conduct prejudicial to the administration of justice that brings the judicial office into disrepute, in violation of Canons 2A, 2B, 3A(2), 3A(3), and 3A(4) of the North Carolina Code of Judicial Conduct.

In re Hair

No counsel for respondent.

ORDER OF CENSURE.

The conduct of the respondent in this proceeding, which formed the basis of the Commission's recommendation that he be censured, involved: (1) attempting an assignation with a woman, convicted of prostitution and on probation, and giving the impression that he could assist her with her legal problems; (2) changing verdicts in motor vehicle violation cases upon *ex parte* communications from defendants without providing the state an opportunity to be heard; (3) making an inappropriate advance toward a woman detective employed by the Fayetteville Police Department; (4) making improper and potentially embarrassing and humiliating remarks to the victim in a criminal proceeding before the court and the victim's girlfriend; and (5) making what could be construed as implied threats to attorneys who were representing clients in cases heard by the respondent or pending before his court.

Respondent in his answer to the complaint against him "acknowledges that his conduct . . . could be interpreted as conduct prejudicial to the administration of justice, thus bringing the judicial office into disrepute." Respondent also waived formal hearing before the Commission and agreed "to accept and abide by any rulings and sanctions imposed by the Commission." Respondent retired effective 1 November 1988 and has made no application to sit as an emergency district court judge.

The Court concludes that respondent's conduct does amount to conduct prejudicial to the administration of justice that brings the judicial office into disrepute within the meaning of N.C.G.S. § 7A-376. The Court approves the recommendation of the Commission that respondent be censured.

Now, therefore, it is, pursuant to N.C.G.S. §§ 7A-376, -377 and Rule 3 of the Rules for Supreme Court Review of Recommendations of the Judicial Standards Commission, ordered that Judge Lacy S. Hair, retired, be, and he is hereby, censured for conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

Brooks Distributing Co. v. Pugh

Done by the Court in Conference this the 5th day of April 1989.

WHICHARD, J.
For the Court

BROOKS DISTRIBUTING COMPANY, INC., PLAINTIFF v. JEFFREY PUGH,
DEFENDANT

BROOKS DISTRIBUTING COMPANY, INC., PLAINTIFF v. HOWARD HELTON,
DEFENDANT

No. 560A88

(Filed 5 April 1989)

APPEAL by plaintiff from a divided panel of the Court of Appeals, 91 N.C. App. 715, 373 S.E. 2d 300 (1988), which affirmed in part and reversed in part a judgment of superior court entered 22 September 1988. Heard in the Supreme Court 14 March 1989.

Maxwell, Martin, Freeman and Beason, by James B. Maxwell and John C. Martin, for plaintiff appellant.

Haywood, Denny, Miller, Johnson, Sessoms and Patrick, by George W. Miller, Jr. and E. Elizabeth Lefler, for defendant appellees.

PER CURIAM.

For the reasons stated in the dissenting opinion of Cozort, J., the decision of the Court of Appeals as to the defendant Helton is reversed. The case is remanded to the Court of Appeals for further remand to the Superior Court of Durham County.

Reversed and remanded.