

NORTH CAROLINA BEFORE THE
WAKE COUNTY

GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
07G0820

IN THE MATTER OF)

Robert J. Lane, III)
Attorney At Law)

REPRIMAND)

On April 24, 2008 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by W. P.

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 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.

In 2001, you agreed to represent W.P. regarding his discrimination and termination claims against his former employer. You did not file a claim with Equal Employment Opportunity Commission (EEOC) prior to the deadline of December 23, 2001. Instead, the EEOC complaint was received on December 26, 2001 and was dismissed as untimely on January

15, 2002. The Grievance Committee found that your failure to file timely the EEOC complaint was in violation of Rule 1.3 of the Rules of Professional Conduct.

The Grievance Committee also found that you failed to communicate effectively with W.P. such that he did not understand the status of his case, did not fully understand his right to appeal, and at one point during the representation, consulted another lawyer to write a letter threatening malpractice to get you to act in his case. The Grievance Committee found that your lack of effective communication with the Complainant was in violation of Rule 1.4(a)(1)(2) and (3).

In issuing this reprimand, the Grievance Committee found as aggravating factors that it had issued an admonition to you on October 30, 2001 and a reprimand on November 19, 2004 for similar misconduct.

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 October 15, 1981 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 15th day of May, 2008



James R. Fox, Chair
Grievance Committee

JRF/lr