

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
08G1134

IN THE MATTER OF

Robert G. Spaugh,
Attorney At Law

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REPRIMAND

On April 23, 2009 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by D. G.

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.

You were retained by D.G. in June 2007 to represent him in a domestic matter, which included seeking a modification of an existing child support order. From June 2007 through March 2009, you neglected D.G.'s matter by failing to make any progress in the matter and failing to maintain adequate communication with your client. Your failure to pursue D.G.'s domestic matter with reasonable diligence and promptness violated Rule 1.3 of the Rules of

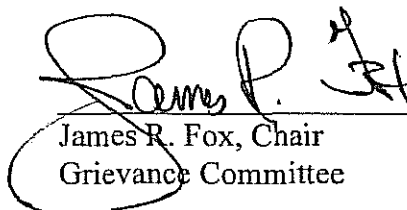
Professional Conduct. Additionally, your failure to keep D.G. reasonably informed about the status of the matter violated Rule 1.4(a)(3) of the Rules of Professional Conduct.

You were originally served with a Letter of Notice from the North Carolina State Bar regarding this grievance on October 27, 2008. The Letter of Notice required you to submit a response within fifteen days of service. You did not respond within the timeframe provided by the Letter of Notice. On December 5, 2008, the State Bar sent a follow-up letter noting you had failed to respond by the original deadline, and requiring your response by December 15, 2008. Again, you did not respond within the timeframe provided. You were served with yet another follow-up letter regarding your failure to respond on January 13, 2009, which required you to respond to the original Letter of Notice by January 26, 2009. You submitted your response by letter dated January 30, 2009. You were then sent a follow-up letter dated February 9, 2009 requesting further information and documentation regarding your representation of D.G. The follow-up letter required your response to the additional inquiries by February 23, 2009. You responded in part to the State Bar's additional inquiries by e-mail on March 10, 2009, but your response failed to address all of the State Bar's inquiries and failed to provide the requested documentation. Your knowing failure to respond to a lawful demand for information from a disciplinary authority constituted a violation of Rule 8.1(b) of the Rules of Professional 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 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, 2009


James R. Fox, Chair
Grievance Committee

JRF/lr