

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
16G0957 and 17G0666

IN THE MATTER OF)	
)	REPRIMAND
JEFFREY G. WEBER,)	
ATTORNEY AT LAW)	

On April 25, 2019 the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by the North Carolina State Bar and G. F. The grievances were assigned to a Subcommittee, which thoroughly reviewed the results of the State Bar staff's investigation of these matters.

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.

In August 2016, the U.S. Bankruptcy Court for the Western District of North Carolina issued an order revoking your admission to practice law in that court for failure to appear at several hearings and eventually being held in contempt. Although the Court later granted your motion to reconsider and reinstated your admission to practice, the Court noted that you had "made erroneous assumptions and acted imprudently by missing hearings . . . without filing the appropriate motions or properly communicating to the court about [your] health conditions." The Court admonished you to "follow the Local Rules and procedures . . . in any future

appearance.” You knowingly failed to comply with the rules of the Bankruptcy Court in violation of Rule 3.5(a)(4) and needlessly wasted the Court’s time, which is prejudicial to the administration of justice in violation of Rule 8.4(d). You also failed to timely respond to the State Bar’s grievance inquiry about this matter in violation of Rule 8.1(b).

J.F hired you to bring a malpractice action, and—after that claim was settled—to negotiate her debts with creditors. You deposited J.F.’s portion of the malpractice settlement (\$18,520.49) into your trust account to be used to pay negotiated amounts to creditors. The representation agreement provided that you would send J.F. monthly statements reflecting hours billed and money remaining in trust, but you failed to do so. During the representation you closed your office without notifying J.F. You failed repeatedly to respond to her requests for information about the status of your negotiations. In June 2017, J.F. began asking for an itemized billing statement and a refund of her entrusted funds. You did not promptly provide either a billing statement or a refund, and your responses to J.F. were evasive and on occasion misleading. You failed to adequately communicate with a client in violation of Rule 1.4(a) and technically violated Rule 1.15-3(e) by failing to provide a client with an accounting of all funds held in trust at least annually. J.F asked you not to discuss the representation with her husband, but you exchanged text messages with him, thereby disclosing confidential information without client authorization in violation of Rule 1.6(a). In addition, you failed to timely respond to the State Bar’s grievance inquiry about this matter in violation of Rule 8.1(b).

The Committee took into account the significant mitigating circumstances relating to your health and personal circumstances during the last several years. Nonetheless, the Rule violations described above are not “minor,” and therefore collectively warrant a reprimand.

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 14th day of May, 2019.

A. Todd Brown, Sr.
A. Todd Brown, Sr., Chair
Grievance Committee

ATB/lb