

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
08G1338 & 09G0041

IN THE MATTER OF

Charles M. Feagan,
Attorney At Law

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REPRIMAND

On July 23, 2009 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by M. H. and J. W.

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 2004, you were retained by M.H. to handle a civil matter. Between the time you were retained and the present, you made little to no progress on resolving the matter. You also failed to provide sufficient status updates to M.H. regarding his case; specifically, you failed to notify M.H. when his claim was denied by the insurance company in December 2005. You did not meaningfully or consistently communicate with M.H. since 2006, despite M.H.'s numerous

telephone calls and letters requesting an update on the status of his case. Your failure to diligently pursue M.H.'s case violated Rule 1.3, and your failure to keep your client reasonably informed about the status of a matter and promptly comply with M.H.'s reasonable requests for information violated Rules 1.4(a)(3) & (4).

In October 2008, M.H. filed a Petition for Resolution of Disputed Fee ("fee dispute") with the North Carolina State Bar. You did not timely respond to the notices sent by the State Bar regarding this fee dispute. You eventually contacted the State Bar and requested the fee dispute process be re-opened because you wished to resolve the matter with M.H. The State Bar re-opened the fee dispute process based upon your willingness to participate; however, despite submitting an initial response, you failed to fully respond to communication sent by the State Bar during the fee dispute process. Your failure to participate in good faith in the fee dispute resolution process violated Rule 1.5(f).

The State Bar opened a grievance file against you (grievance file no. 08G1338) based upon your representation of M.H. and your failure to participate in the fee dispute resolution process. You were served with a Letter of Notice regarding 08G1338 on May 13, 2009. You were required to respond to the Letter of Notice by May 28, 2009. You did not submit a response to the Letter of Notice until June 8, 2009. Your late response constituted a knowing failure to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b).

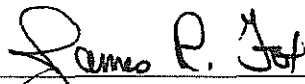
In June 2008, you were retained by J.W. for representation in a traffic matter. You failed to appear at J.W.'s court date and did not inform J.W. of your failure to appear. An arrest warrant was issued for J.W. due to your failure to appear at his scheduled court date. J.W. attempted to contact you for an update on the status of his case, but you did not return his calls. Your failure to diligently pursue J.W.'s case violated Rule 1.3, and your failure to keep your client reasonably informed about the status of a matter and promptly comply with J.W.'s reasonable requests for information violated Rules 1.4(a)(3) & (4).

The State Bar opened a grievance file against you (grievance file no. 09G0041) based upon your representation of J.W. You were served with the Letter of Notice regarding 09G0041 on March 18, 2009. You were required to respond to the Letter of Notice by April 2, 2009. You did not submit a response to the Letter of Notice until May 15, 2009. Your late response constituted a knowing failure to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b).

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 17 day of August, 2009



James R. Fox, Chair
Grievance Committee

JRF/lr