

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
19G0260

IN THE MATTER OF)	
)	REPRIMAND
J. ERIC SKAGER,)	
ATTORNEY AT LAW)	

On July 18, 2019 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by L. K. The grievance was assigned to a Subcommittee, which thoroughly reviewed the results of the State Bar staff's investigation of this matter.

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 October 2018, you agreed to represent Ms. L.K. in her traffic case. Ms. K's initial court date was October 30, 2018. In your response to this grievance, you stated that your "office file indicated we appeared for her on that date and continued her cases to December 4, as her driving record had not been processed prior to that initial court date." Ms. K. told you that she could not attend court on October 30, as she would be returning to the United States from her honeymoon. Ms. K relied upon you to be in court on October 30 to represent her. She was called and failed on October 30, as she did not appear in court. You implied in your response

that you were in court for Ms. K. on October 30, 2018. However, you gave no plausible explanation as to why Ms. K. was called and failed if you were in court on October 30. Ms. K. learned about the failure to appear from a letter she received from DMV about possible suspension of her driver's license.

Your failure to diligently handle Ms. K.'s case violated Rule 1.3 and Rule 8.4(d). Your failure to promptly tell Ms. K. that an FTA had been entered in her case violated Rule 1.4(a)(3)(b).

State Bar deputy counsel sent you two letters asking follow-up questions in the investigation of this grievance. You provided a late response to the questions. Your failure to respond promptly to the questions raised in the investigation of this grievance violated Rules 8.1(b) and 8.4(d).

In issuing this reprimand, the Grievance Committee found as an aggravating factor that you were reprimanded in grievance file number 19G0065 for your neglect of a client's traffic case. In that case, the client was called and failed because neither you nor the client appeared in court for the September 25, 2018 hearing. You were also reprimanded for not responding to additional questions posed by State Bar deputy counsel in the investigation of the grievance.

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 7th day of August, 2019.

A. Todd Brown Sr

A. Todd Brown, Sr., Chair
Grievance Committee

ATB/lb