

NORTH CAROLINA

WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
13G0545

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IN THE MATTER OF )

Eric D. Levine, )  
Attorney At Law )

REPRIMAND

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On July 24, 2014 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by L. T.

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 agreed to represent L. T. in administrative hearings and associated appeals regarding her license for child foster care placement. In February 2012, Ms. T. received an adverse ruling in her case. On April 9, 2012, you filed a petition for contested case hearing, but failed to file a prehearing statement, even after being given additional time to do so. The Department of Health and Human Services, Division of Social Services (DSS) moved to dismiss Ms. T’s case, and you

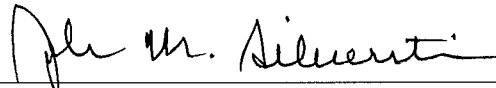
failed to respond to the motion to dismiss. On August 31, 2012, an administrative law judge granted DSS's motion to dismiss with prejudice for failure to prosecute. In your response to the grievance, you explained that you did not file the prehearing statement because Ms. T. admitted certain facts and she had no defense to the allegations. You indicated that you didn't know what to do, but you admit that "it was wrong to not file the prehearing statement."

The Grievance Committee found that your failure to file the prehearing statement violated Rule 1.3 of the Rules of Professional Conduct. The Grievance Committee considered as an aggravating factor that you have been censured on two occasions for neglecting client cases which resulted in the dismissal of their claims.

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 15<sup>th</sup> day of August, 2014.



John M. Silverstein, Chair  
Grievance Committee

JMS/lb