

NORTH CAROLINA
WAKE COUNTY

BEFORE
THE GRIEVANCE COMMITTEE
OF
THE NORTH CAROLINA STATE BAR
22G0050 & 23G0042

IN THE MATTER OF)
)
ROBERT G. SPAUGH,) CENSURE
ATTORNEY AT LAW)

On April 24, 2025, the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by I.M. and M.S. The grievances were assigned to a Subcommittee, which thoroughly reviewed the results of the State Bar staff's investigation of these matters.

Pursuant 27 N.C. Admin. Code 1B.0113(a), the Grievance Subcommittee conducted a preliminary hearing. After considering the information available to it, including your responses to the letters 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."

Having found probable cause exists in your matters, the Grievance Committee next considered what level of discipline is most appropriate based on all the facts, the nature of the misconduct, the actual or potential injury caused, and any aggravating or mitigating factors. After further discussion and deliberations, the Grievance Committee determined the conduct before it merited discipline at the level of censure.

A censure is a written form of discipline issued when an attorney is determined to have violated one or more provisions of the Rules of Professional Conduct and has caused significant harm or potential significant harm to a client, the administration of justice, the profession or a member of the public, but the protection of the public does not require suspension of an attorney's license.

As Chair of the Grievance Committee of the North Carolina State Bar, it is my duty to issue this censure.

You represented I.M. in an equitable distribution matter. I.M. contacted the Attorney Client Assistance Program ("ACAP") for assistance getting in contact with you. You informed ACAP that you filed a calendar request for a scheduling order and secured a hearing date. The day before the alleged hearing, you emailed I.M. that you would attend the hearing on his behalf and provide him with an update by the end of that day as to when the Judge could enter a scheduling order. However, you did not file a calendar request for a scheduling order, and you did not provide any updates to I.M. The Grievance Committee determined that by misleading your client about what was happening in their case, you failed to keep your client informed about the status of the matter in violation of Rule 1.4(a)(3). By making representations to ACAP and your client about filing a calendar request and planning to attend a hearing, but not doing either, you made false statements and engaged in

conduct involving dishonesty, fraud, deceit, or misrepresentation that reflects adversely on your fitness as a lawyer in violation of Rule 8.4(c).

You did not notify I.M. that you did not intend to calendar the case until you received additional payment beyond the fee I.M. paid pursuant to the representation agreement. The Grievance Committee determined that your failure to convey that was a failure to explain the matter to the extent reasonably necessary to permit your client to make informed decisions regarding the representation in violation of Rule 1.4(b) and a failure to communicate the basis or rate of fee for which your client would be responsible in violation of Rule 1.5(b). Furthermore, despite being the attorney of record, you failed to move the matter forward for two years. The Grievance Committee determined that in doing so, you failed to act with reasonable diligence and promptness in violation of Rule 1.3.

You represented M.S. in a domestic matter involving divorce and equitable distribution. The matter came on for hearing in September 2022. The court ruled in M.S.'s favor and you were responsible for drafting the resulting order. You told M.S. that you would provide her with a draft order within one week and that the divorce would be revisited in one month. However, you did not draft the order, did not notify M.S. about any second hearing, and did not respond to any of M.S.'s requests for updates into January 2023. M.S. hired a new attorney in April 2023 to pursue the matter. The new attorney contacted you and requested a copy of M.S.'s client file. You agreed to provide the new attorney with a copy of M.S.'s client file; however, you did not do so.

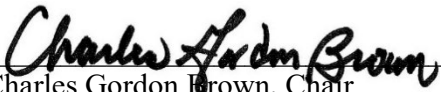
The Grievance Committee determined that you failed to keep your client reasonably informed about the status of the matter in violation of Rule 1.4(a)(3) and failed to promptly comply with reasonable requests for information in violation of Rule 1.4(a)(4). The Grievance Committee further determined that by neglecting to draft the order and significantly delaying a disposition in your client's favor, you failed to act with reasonable diligence and promptness in violation of Rule 1.3 and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d). Finally, the Grievance Committee determined that by not providing a copy of your client file to your client's new attorney, you failed to take reasonably practicable steps to protect your client's interest upon termination of the representation in violation of Rule 1.16(d).

Accordingly, you are hereby censured by the North Carolina State Bar for your professional misconduct consisting of the cited violations of the Rules of Professional Conduct. The Grievance Committee trusts that you will heed this censure, recognize the errors you made, and hereafter embrace and adhere to the high ethical standards of the legal profession to which you committed when you took your oath. This censure should serve as a strong reminder and inducement for you to weigh carefully your responsibility to the public, your clients, your fellow attorneys and the courts, and to comport yourself as a respected member of the legal profession whose conduct may be relied upon without question.

If you accept this censure, it will be forwarded to the Clerk of the Superior Court in the county where you practice for entry upon the judgment docket and to the Clerks of the North Carolina Supreme Court and Court of Appeals, the United States District Courts of North Carolina, the United States Court of Appeals for the Fourth Circuit and the United States Supreme Court for entry in their minutes. The censure will be maintained as a record in the judgment book of the North Carolina State Bar and a copy will be sent to the complainant. Please review carefully the details set forth in the formal Notice of Censure attached.

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 censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 20th day of May, 2025.


Charles Gordon Brown, Chair
Grievance Committee

CGB/jms