

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
19G0065

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

On April 25, 2019 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by M. H. 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.

M. H. hired you to represent him in a speeding ticket. His case was scheduled for hearing for September 25, 2018. You admitted in your response to this grievance that a file was not opened for Mr. H.'s case and his case did not get on your calendar "most likely due to clerical error or office oversight." Neither you nor Mr. H. appeared for the September 25 hearing. A failure to appear was entered against Mr. H. on November 2, 2018.

You claim that you re-calendared Mr. H.'s case for November 8, 2018 and that you requested his driving record to resolve his case.

Mr. H. later learned that his license had been suspended and he had to pay the following costs: \$200.00 for failure to appear in court, \$115.00 to DMV to have his license reinstated and \$218.00 in court costs. Mr. H. also received three points on his driver's license.

You told the Grievance Committee that you planned to file a motion for appropriate relief on Mr. H.'s behalf to resolve the driver's license points issue. You also told the Grievance Committee that you would compensate Mr. H. for "any extra expense that occurred because of my office's mis-handling of his file and issue him a refund as well."

On February 28, 2019, a State Bar Deputy Counsel wrote you to find out whether you had followed through on your plans to correct the wrongs done in Mr. H.'s case. You did not respond to the deputy counsel's letter. In addition, Mr. H. claims that he never heard from you about any offers to rectify the wrongs done in his case.

The Grievance Committee found that you neglected Mr. H.'s traffic case which resulted in harm, as his driver's license was revoked, he had to pay fines and he incurred points on his driver's license. Your conduct violated Rule 1.3 and Rule 8.4(d). You also failed to communicate with your client in violation of Rule 1.4(a)(2)(3) when you did not follow up with him on your plans to rectify the problems with his traffic case. The Grievance Committee found that you failed to cooperate in the investigation of this grievance by not responding to deputy counsel's follow-up questions, in violation of Rule 8.1(b) and Rule 8.4(d).

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., Chair
Grievance Committee

ATB/lb