

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
12G1232

IN THE MATTER OF

Scott Leon Ingersoll
Attorney At Law

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REPRIMAND

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

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.

On September 4, 2012, you filed a Motion to Suppress in a criminal case on behalf of a client and attached your own affidavit in which you asserted that the client's probation judgment "did not grant authority for the probation officer to conduct warrantless searches." You attached to the Motion to Suppress a document purporting to be the client's probation judgment which did not contain the provision requiring Mr. Ballard to submit to warrantless searches by his probation

officer. In fact, the client's actual probation judgment did require the client to "submit at reasonable times to warrantless searches by a probation officer..." The Grievance Committee found that filing the motion when you had documents in your possession that refuted your affidavit constituted reckless disregard of your obligations as an attorney and violated Rule 1.3.

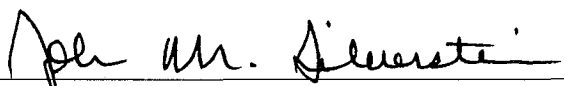
In addition, in your representation of the same client, you submitted to the court an affidavit of time for your representation of the client on pending criminal charges. The affidavit contained numerous discrepancies and inaccuracies. For example, you requested payment for time spent on your client's probation matters when your fee request on the probation matters had already been reviewed and ruled upon by another judge. You also requested payment for time expended when you mistakenly believed your client's case was scheduled. You submitted this affidavit of time after being admonished by a superior court judge about being accurate in court filings. The Grievance Committee found that your submission of this affidavit containing so many errors after you had been so admonished by the court constituted reckless disregard of your obligations as an attorney and violated Rule 1.3.

The Grievance Committee further found that while your conduct was a result of negligence rather than intentional misrepresentation, your failure to use due diligence in these two matters was potentially prejudicial to the administration of justice in violation of 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 25th day of JUNE, 2014.



John M. Silverstein, Chair
Grievance Committee

JMS/lb