

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
09G0826

IN THE MATTER OF)	
)	
Eric Alexander Halus,)	REPRIMAND
Attorney At Law)	
)	

On July 22, 2010, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by S.C.

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 reside and practice law in North Carolina. Ann Thomas is a New York lawyer. You are "Of Counsel" with Thomas' firm. You regularly represent Thomas' clients in North Carolina matters. You and Thomas represented Calvary SPV II, LLC ("Calvary") in a civil matter filed against G.S. Calvary obtained a \$31,000 judgment on July 21, 2004 in Jefferson County, Alabama. In November 2004, the Alabama court set the judgment aside. The Alabama Court

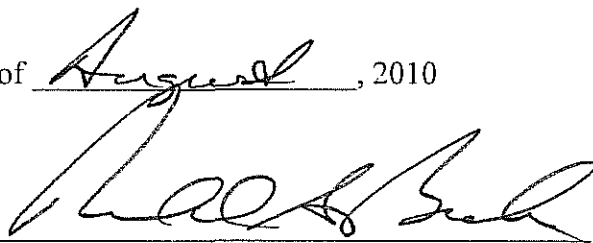
dismissed the case without prejudice in December 2004. On May 5, 2009, you filed an Abstract of Judgment and registered a Foreign Judgment in New Hanover County, NC.

Thomas is not licensed to practice law in NC. Thomas therefore cannot represent clients in North Carolina actions. Thomas cannot offer the ability to represent clients in NC actions. By agreeing to represent Calvary, registering a foreign judgment in NC and pursuing G.S. for payment, Thomas held herself out as able to provide legal services in NC. Thomas' conduct is unauthorized practice of law pursuant to Rule 5.5(a) and (b). Your serving as Of Counsel to Thomas' firm does not cure the unauthorized practice of law. You cannot be Of Counsel to an out of state law firm. To do so would allow the out of state law firm to create a regular and systemic presence in NC in violation of Rule 5.5(b). Serving as Of Counsel to Thomas' firm and participating in Thomas' representation of Calvary is assisting Thomas with unauthorized practice of law in violation of Rule 5.5(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 January 24, 2008 by the Council of the North Carolina State Bar regarding the taxing of the administrative and investigative costs to any attorney issued a reprimand by the Grievance Committee, the costs of this action in the amount of \$100.00 are hereby taxed to you.

Done and ordered, this the 26 day of August, 2010


Ronald G. Baker, Sr., Chair
Grievance Committee

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