

NORTH CAROLINA

WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
15G0254

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IN THE MATTER OF

James E. Reaves,  
Attorney At Law

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REPRIMAND

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On July 16, 2015 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by A. T. and P. T. 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.

You represented Mr. W. R. in several criminal charges, as well as a child abuse charge in juvenile court. In 2009, Mr. R. was found guilty of the criminal charges.

Mr. R. filed a motion for appropriate relief. In January 2015, the judge entered an order granting Mr. R.'s motion for appropriate relief. The court found, among other things, that you failed to investigate Mr. R.'s case which deprived him of "a meaningful opportunity to present a complete defense"; denied Mr. R. of his sixth amendment right to competent counsel; denied Mr. R. a full understanding of the risks of going to trial and left him "unable to make an intelligent choice of whether to accept a plea or take his chance in court"; failed to investigate the state's claims against Mr. R.; failed to "attack" the truthfulness of the alleged victim and the veracity of claims that were made against Mr. R. and failed to investigate C. B., a viable suspect.

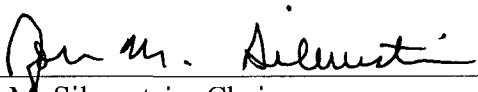
The judge ordered further proceedings in Mr. R.'s case. The judge also removed you from the appointment list for felony cases in Rockingham County Superior Court for at least one year from the entry of the order.

Your failure to effectively represent Mr. R. in his criminal charges violated Rule 1.1, 1.3, 1.4(a)(1)(2)(3), and 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 4th day of August, 2015.

  
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John M. Silverstein, Chair  
Grievance Committee

JMS/lb