

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
14G0313

IN THE MATTER OF)

Nicholas S. Ackerman,)
ATTORNEY AT LAW)

CENSURE

On October 23, 2014, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by B. S.

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.

A censure is a written form of discipline more serious than a reprimand, issued in cases in which an attorney has 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 misconduct does not require suspension of the attorney's license.

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

You were hired in 2009 to handle the adoption of Ms. S's grandchild. You prepared the adoption paperwork, but it was incomplete. You filed an amended petition but it was still incomplete. The clerk's office provided you with notice of the information that was needed to complete the adoption petition. However, you never completed the petition. You admitted that there was a delay in proceeding with the adoption due to your heavy litigation schedule. Furthermore, during the course of this adoption proceeding, you did not regularly communicate with Ms. S. about the status of her case. Ms. S. fired you and retained another attorney who completed the adoption petition.

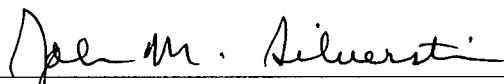
The Grievance Committee found that you violated Rule 1.3 and Rule 1.4(a)(1)(2)(3).

Your conduct is aggravated by prior discipline that you received in 2009 and 2010 relative to your neglect of a client's case and failure to communicate with the client about her case.

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

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 12th day of NOVEMBER, 2014.

A handwritten signature in cursive script, reading "John M. Silverstein", written over a horizontal line.

John M. Silverstein, Chair
Grievance Committee
The North Carolina State Bar