

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
16G1192

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IN THE MATTER OF	)	
	)	REPRIMAND
ERIC S. ELLISON,	)	
ATTORNEY AT LAW	)	

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On July 27, 2017 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by J. F. 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.

Your client, J.F., paid \$700 toward your \$1300 fee for representation on a DUI charge. You offered to assist J.F. in obtaining a limited driving privilege. Over the course of two months, you did not provide J.F. with any updates on the status of his driving privilege or how to prepare for the court date. You did not make an entry of appearance with the court. On J.F.'s court date you were half an hour late and J.F. was appointed a new attorney.

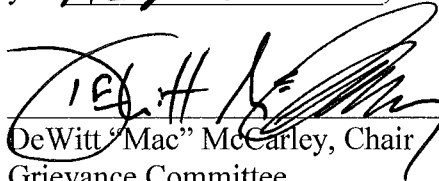
J.F. filed a fee dispute and, after proper service and a telephone follow-up by the fee dispute facilitator, you failed to respond. You stated that your failure to respond was because you were essentially out of the office from mid-October through Election Day for political campaign matters. However, you were served with the Fee Dispute September 25<sup>th</sup>, which was well before you state you were out of the office. The Grievance Committee did note that you provided a full refund to J.F. after the fee dispute had already been closed and transferred to the Grievance Department.

Your conduct violated Rules 1.4(a)(3) and (4) and 1.5(f)(2).

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 15<sup>th</sup> day of August, 2017.

  
DeWitt "Mac" McCarley, Chair  
Grievance Committee

DM/lb