

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
07G0759

IN THE MATTER OF)	
)	
Ericka F. Hart,)	REPRIMAND
Attorney At Law)	
)	

On July 17, 2008 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by L. J.

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.

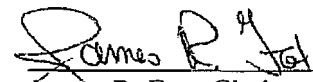
You closed your law office in September 2006. Open client files with legal work still remaining were stored and left incomplete until you searched and discovered them after contact by the North Carolina State Bar in July 2007. You had client funds in your attorney trust account during this time but you were not reconciling your trust account quarterly and you were unable to identify the funds in the account when initially asked to do so. These client funds included title

insurance premiums for title insurance policies for which you failed to complete final title opinions and failed to timely disburse the title insurance premiums between September 2006 and July 2007. The evidence establishes that you neglected multiple client matters for a significant period of time in violation of Rule 1.3 and failed to timely disburse funds in violation of Rule 1.15-2(m). The evidence also shows you failed to conduct the required quarterly reconciliations in violation of Rule 1.15-3(d). In mitigation, it appears you were experiencing personal problems that led you to close your law office during this time. Furthermore, you have been responsive and cooperative with the State Bar and have now done the necessary work of examining each client file to determine any work that had remained and to identify the funds in your trust account. Accordingly, the Grievance Committee decided to issue you this reprimand.

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 October 15, 1981 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 7th day of August, 2008



James R. Fox, Chair
Grievance Committee

JRF/lr