

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
17G0643, 17G0809, 18G0226

IN THE MATTER OF)	
)	CENSURE
ROBIN F. VERHOEVEN,)	
ATTORNEY AT LAW)	

On July 26, 2018, the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by R. S., S. F., and M. S. The grievances were assigned to a Subcommittee, which thoroughly reviewed the results of the State Bar staff's investigation of these matters.

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.

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 retained in April 2015 to represent R. S. to negotiate a Separation Agreement with her husband. Thereafter, you communicated with R. S. on only a few occasions regarding gathering of documents, and communicated with the husband's attorney only twice. You failed to respond to communications from R. S. and her husband's attorney. You failed to negotiate terms of a Separation Agreement, the purpose for which you were retained. R. S. terminated the representation on July 7, 2015. You failed to act with reasonable diligence and promptness in your representation of R. S. in violation of Rule 1.3 and failed to communicate with R. S. in violation of Rule 1.4(a). Your Response to the Letter of Notice of the grievance filed by R. S. was late, unsigned and contained misrepresentations of what had occurred in violation of Rule 8.1(a) and 8.4(c). You failed to respond to requests for information from the State Bar and to an email from your Bar Councilor regarding this matter in violation of Rule 8.1(b).

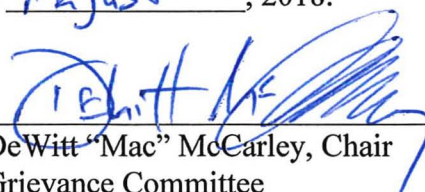
You were retained in November 2016 to represent S. F. to seek an increase in child support payments. Upon completion of payment by S. F. of your fee in February 2017, you prepared and S.F. verified a Motion to Modify Child Support that you agreed to file, serve and have calendared for March, 2017. Thereafter, you failed properly to serve the Motion, have it calendared or appear on behalf of S.F. at monthly calendar calls until July 25, 2017, at which time the Motion was set for hearing on September 12, 2017. Meanwhile, you failed to communicate with S. F. The attorney for S. F.'s former spouse asked you at the July 25, 2017 calendar call about mediation, which you then did not discuss with S.F. S. F. requested to have a phone meeting with you, to which you did not respond. On August 4, 2017, S. F. terminated the representation and sought a refund of unearned fees. You provided to S. F. an accounting of your time spent on her matter that contained misrepresentations. You did not inform S.F. of the September 12, 2017 hearing date for the Motion until August 8, 2017. By that time, S.F. had resolved her matter without your assistance, after which you removed the Motion from the September 12, 2017 calendar. You failed to act with reasonable diligence and promptness in your representation of S. F. in violation of Rule 1.3, failed to communicate with S. F. in violation of Rule 1.4(a) and made material misrepresentations to S.F. in violation of Rule 8.4(c). Your Response to the Letter of Notice of the grievance filed by S. F. was late, unsigned and contained misrepresentations of what had occurred in violation of Rule 8.1(a) and 8.4(c). You failed to respond to requests for information from the State Bar and to an email from your Bar Councilor regarding this matter in violation of Rule 8.1(b).

You were retained to represent M. S. in March 2017 in connection with certain matters related to her divorce. Initially, you participated in proceedings on behalf of M. S. However, between your appearances at October 2, 2017 and February 1, 2018 hearings, you failed to act on behalf of M. S. or communicate with her. You met with M. S. on February 12, 2018, and thereafter failed to act on her behalf or communicate with her until your appearance at her alimony hearing on April 18, 2018. Since April 18, 2018, you have neither acted on behalf of nor communicated with M. S. You failed to act with reasonable diligence and promptness in your representation of M. S. in violation of Rule 1.3 and failed to communicate with M. S. in violation of Rule 1.4(a). You failed to respond to the Letter of Notice of the grievance filed by M. S., requests for information from the State Bar and an email from your Bar Councilor regarding this matter in violation of Rule 8.1(b).

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 22nd day of August, 2018.


DeWitt "Mac" McCarley, Chair
Grievance Committee
The North Carolina State Bar