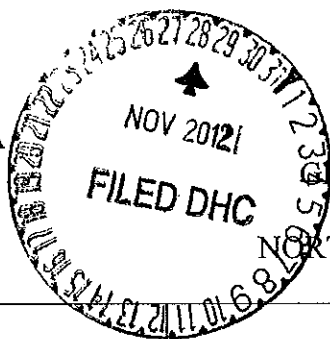


STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
12G1016

THE NORTH CAROLINA STATE BAR,
Petitioner

v.

JAMES I. DURODOLA, Attorney,
Respondent

ORDER OF
RECIPROCAL DISCIPLINE

Pursuant to the authority vested in me as Chairperson of the Grievance Committee of the North Carolina State Bar by 27 N.C. Admin. Code Chapter 1, Subchapter B, Rules .0105(a)(12) and .0116(b)(4) of the North Carolina State Bar Discipline and Disability Rules, and based upon the record in this matter, the undersigned makes the following

FINDINGS OF FACT:

1. On 1 October 2012 the Massachusetts Supreme Judicial Court issued an order of discipline against James I. Durodola regarding Durodola's violation of Massachusetts Rules of Professional Conduct 3.4(c) and 8.4(c), (d), and (h). The Supreme Judicial Court suspended Durodola's license to practice law in the Commonwealth of Massachusetts for two months. A copy of the Massachusetts order of discipline, including a summary of the factual basis for the discipline, is attached hereto and incorporated by reference.

2. In an effort to expedite the imposition of reciprocal discipline in North Carolina, Durodola executed a Waiver of Notice and Challenge Procedure for Reciprocal Discipline and Waiver of Wind-Down Period, thereby waiving the procedures set out in 27 N.C.A.C. 1B § .0116(b)(1) and 27 N.C.A.C. 1B § .0124(c). A copy of this waiver is attached hereto. A wind-down period is unnecessary because Durodola is not currently actively engaged in the practice of law in North Carolina.

Based upon the foregoing findings, the undersigned makes the following

CONCLUSIONS OF LAW:

1. The North Carolina State Bar has jurisdiction over the subject matter of this proceeding and over the person of James I. Durodola.

2. Respondent, James I. Durodola, has waived the procedure for imposition of reciprocal discipline pursuant to Rule .0116 of the North Carolina State Bar Discipline & Disability Rules and requested that reciprocal discipline be imposed, effective immediately.

3. Durodola's misconduct as found by the Massachusetts Supreme Judicial Court constitutes a violation of Rules 3.4(c) and 8.4(c), and (d) of the North Carolina State Bar Rules of Professional Conduct and justifies the imposition of reciprocal discipline in this state.

4. The equivalent discipline imposed by the Massachusetts Supreme Judicial Court should be imposed on Durodola's right to practice law in the State of North Carolina.

THEREFORE IT IS HEREBY ORDERED THAT:

1. James I. Durodola is hereby suspended from the practice law in North Carolina for two months. The period of suspension shall begin upon entry of this order.

2. Durodola shall submit his license and membership card to the Secretary of the North Carolina State Bar no later than 10 days following service of this order upon Defendant.

3. After two months of active suspension Durodola may apply to be reinstated to the practice of law by filing a petition with the Secretary of the North Carolina State Bar demonstrating compliance with the general provisions for reinstatement set forth in 27 N.C. Admin. Code Chapter 1, Subchapter B § .0125(b) and demonstrating the following by clear, cogent, and convincing evidence:

- a. That he properly wound down his law practice and complied with the terms of 27 N.C. Admin. Code Chapter 1, Subchapter B § .0124 of the State Bar Discipline & Disability Rules;
 - b. That he paid the costs of this proceeding within 30 days of service of the statement of costs upon him;
 - c. That he has kept the North Carolina State Bar Membership Department advised of his current business and home address;
 - d. That he has responded to all communications from the North Carolina State Bar received after the effective date of this order within 30 days of receipt or by the deadline stated in the communication, whichever is sooner; and
 - e. That he has not violated the Rules of Professional Conduct or the laws of the United States or any state.
4. Durodola is taxed with the costs of this proceeding as assessed by the Secretary.

This the 28th day of November, 2012.


Margaret M. Hunt, Chair
Grievance Committee

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
NO: BD-2012-093

IN RE: James I. Durodola II

ORDER OF TERM SUSPENSION

This matter came before the Court, Botsford, J., on an Information and Record of Proceedings pursuant to S.J.C. Rule 4:01, § 8(3) with the Recommendation and Vote of the Board of Bar Overseers and the stipulation of the parties filed by the Board on September 21, 2012. Upon consideration thereof, it is ORDERED that:

1. James I. Durodola, II is hereby suspended from the practice of law in the Commonwealth of Massachusetts for a period of two (2) months. In accordance with S.J.C. Rule 4:01, § 17(3), the suspension shall be effective thirty (30) days after the date of the entry of this Order. The lawyer, after the entry of this Order, shall not accept any new retainer or engage as a lawyer for another in any new case or legal matter of any nature. During the period between the entry date of this Order and its effective date, however, the lawyer may wind up and

complete, on behalf of any client, all matters which were pending on the entry date.

It is FURTHER ORDERED that:

2. Within fourteen (14) days of the date of entry of this Order, the lawyer shall:

a) file a notice of withdrawal as of the effective date of the suspension with every court, agency, or tribunal before which a matter is pending, together with a copy of the notices sent pursuant to paragraphs 2(c) and 2(d) of this Order, the client's or clients' place of residence, and the case caption and docket number of the client's or clients' proceedings;

b) resign as of the effective date of the suspension all appointments as guardian, executor, administrator, trustee, attorney-in-fact, or other fiduciary, attaching to the resignation a copy of the notices sent to the wards, heirs, or beneficiaries pursuant to paragraphs 2(c) and 2(d) of this Order, the place of residence of the wards, heirs, or beneficiaries, and the case caption and docket number of the proceedings, if any;

c) provide notice to all clients and to all wards, heirs, and beneficiaries that the lawyer has been suspended; that he is disqualified from acting as a lawyer after the effective date of the suspension; and that, if

not represented by co-counsel, the client, ward, heir, or beneficiary should act promptly to substitute another lawyer or fiduciary or to seek legal advice elsewhere, calling attention to any urgency arising from the circumstances of the case;

d) provide notice to counsel for all parties (or, in the absence of counsel, the parties) in pending matters that the lawyer has been suspended and, as a consequence, is disqualified from acting as a lawyer after the effective date of the suspension;

e) make available to all clients being represented in pending matters any papers or other property to which they are entitled, calling attention to any urgency for obtaining the papers or other property;

f) refund any part of any fees paid in advance that have not been earned; and

g) close every IOLTA, client, trust or other fiduciary account and properly disburse or otherwise transfer all client and fiduciary funds in his possession, custody or control.

All notices required by this paragraph shall be served by certified mail, return receipt requested, in a form approved by the Board.

3. Within twenty-one (21) days after the date of entry of

this Order, the lawyer shall file with the Office of the Bar Counsel an affidavit certifying that the lawyer has fully complied with the provisions of this Order and with bar disciplinary rules. Appended to the affidavit of compliance shall be:

a) a copy of each form of notice, the names and addresses of the clients, wards, heirs, beneficiaries, attorneys, courts and agencies to which notices were sent, and all return receipts or returned mail received up to the date of the affidavit. Supplemental affidavits shall be filed covering subsequent return receipts and returned mail. Such names and addresses of clients shall remain confidential unless otherwise requested in writing by the lawyer or ordered by the court;

b) a schedule showing the location, title and account number of every bank account designated as an IOLTA, client, trust or other fiduciary account and of every account in which the lawyer holds or held as of the entry date of this Order any client, trust or fiduciary funds;

c) a schedule describing the lawyer's disposition of all client and fiduciary funds in the lawyer's possession, custody or control as of the entry date of this Order or thereafter;

d) such proof of the proper distribution of such

funds and the closing of such accounts as has been requested by the bar counsel, including copies of checks and other instruments;

e) a list of all other state, federal and administrative jurisdictions to which the lawyer is admitted to practice; and

f) the residence or other street address where communications to the lawyer may thereafter be directed.

The lawyer shall retain copies of all notices sent and shall maintain complete records of the steps taken to comply with the notice requirements of S.J.C. Rule 4:01, § 17.

4. Within twenty-one (21) days after the entry date of this Order, the lawyer shall file with the Clerk of the Supreme Judicial Court for Suffolk County:

a) a copy of the affidavit of compliance required by paragraph 3 of this Order;

b) a list of all other state, federal and administrative jurisdictions to which the lawyer is admitted to practice; and

c) the residence or other street address where
communications to the lawyer may thereafter be directed.

By the Court, (Botsford, J.) MB

Maura S. Doyle, Clerk

Entered: October 1, 2012

A True Copy

Attest

Date

Assistant Clerk

IN RE: JAMES I. DURODOLA II

NO. BD-2012-093

SUMMARY¹

The respondent was duly admitted to practice in the Commonwealth of Massachusetts on January 22, 2002.

From about 2002 to 2012, the respondent accepted appointments from the Committee for Public Counsel Services (CPCS) to represent indigent criminal defendants on appeal. The respondent knew that he was not permitted by CPCS to accept assigned counsel appointments unless he had in effect professional liability insurance with minimum coverage amounts of \$100,000/\$300,000 or \$250,000/\$250,000, and a maximum deductible of \$10,000.

The respondent was required by S.J.C. Rule 4:02, § 2A, to certify on his annual registration statement filed with the Board of Bar Overseers whether or not he was covered by professional liability insurance, and to notify the Board in writing within thirty days if the insurance coverage lapsed or was terminated for any reason without immediate renewal or replacement with substitute coverage. The respondent knew that CPCS confirmed that assigned counsel had malpractice coverage based on the certifications on the registration statements filed with the Board.

Between July 21, 2010, and August 5, 2011, the respondent was not covered by professional liability insurance. Throughout the period of July 21, 2010, through August 5, 2011, the respondent accepted appointments from CPCS to represent indigent defendants in knowing violation of his obligation to have in effect professional liability insurance.

On October 22, 2010, the respondent filed with the Board of Bar Overseers his Attorney Annual Registration Statement, on which he knowingly falsely certified that he was covered by professional liability insurance.

¹ Compiled by the Board of Bar Overseers based on the record filed with the Supreme Judicial Court.

On August 5, 2011, following a random audit by CPCS of a bill submitted by the respondent for an assigned client matter, the respondent obtained a professional liability insurance policy.

The respondent's conduct in failing to notify the Board of Bar Overseers that his insurance had lapsed within thirty days of the date the insurance lapsed violated Mass. R. Prof. C. 3.4(c) and 8.4(c), (d), and (h).

The respondent's conduct in knowingly falsely certifying to the Board of Bar Overseers that he was covered by professional liability insurance violated Mass. R. Prof. C. 3.4(c) and 8.4(c) and (h).

The respondent's conduct in accepting appointments from CPCS knowing that he did not have in effect professional liability insurance violated Mass. R. Prof. C. 8.4(c), (d), and (h).

The matter came before the Board of Bar Overseers on a stipulation of facts and joint recommendation for a two-month suspension. On September 10, 2012, the Board of Bar Overseers voted unanimously to accept the stipulation and to recommend the agreed-upon disposition to the Supreme Judicial Court. The Court so ordered on October 1, 2012.

STATE OF NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
12G1016

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

JAMES I. DURODOLA, Attorney,

Respondent

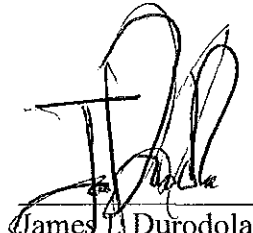
WAIVER OF
NOTICE & CHALLENGE
PROCEDURE FOR
RECIPROCAL DISCIPLINE
&
WAIVER OF WIND-DOWN
PERIOD

Respondent hereby acknowledges that his license to practice law in Massachusetts was suspended for a period of two months by order of the Massachusetts Supreme Judicial Court dated 1 October 2012.

Respondent waives the Notice and Challenge procedure set out in 27 N.C.A.C. 1B § .0116(b)(1) and requests that the Chair of the Grievance Committee of the North Carolina State Bar impose identical reciprocal discipline pursuant to Rule .0116(b)(3).

Respondent also waives the 30 day wind-down period provided in 27 N.C.A.C. 1B § .0124(c) and requests that the reciprocal order of discipline be effective immediately upon its entry.

The 10 day of November, 2012.


James I. Durodola
Respondent

RECEIVED
NC STATE BAR
2012 NOV 16 PM 1:40