

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
15G1216

IN THE MATTER OF

GEORGE ROBERT BLAKEY,
ATTORNEY AT LAW

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ORDER OF
RECIPROCAL DISCIPLINE

Pursuant to the authority vested in me as Chair of the Grievance Committee of the North Carolina State Bar by 27 N.C. Admin. Code 1B §§ .0105(a)(12) and .0120(b) of the North Carolina State Bar Discipline and Disability Rules, and based upon the record in this matter, the undersigned finds as follows:

1. Respondent, George Robert Blakey, was admitted to the North Carolina State Bar ("State Bar") on August 5, 1960 and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the rules, regulations and Rules of Professional Conduct of the State Bar and the laws of the State of North Carolina.

2. On October 30, 2015, the District of Columbia Office of Bar Counsel ("DCOBC") issued Respondent a public Informal Admonition in *In re G. Robert Blakey*, Docket No. 2012-D375. The DCOBC found that Respondent's conduct violated D.C. Rule of Professional Conduct 8.4(a) in that Respondent knowingly assisted his client in violating Rules 1.6(a) and (g), which prohibit his client from knowingly revealing confidences and secrets or using a confidence or secret to the disadvantage of a former client/employer.

3. On December 26, 2017, the State Bar served Respondent with a Notice of Reciprocal Discipline Proceeding, and directed Respondent to show cause, if any, why imposition of identical discipline by the State Bar would be unwarranted under 27 N.C. Admin. Code 1B, Rule .0120(b) of the North Carolina State Bar Discipline & Disability Rules.

4. In a letter dated February 9, 2018, and received by the State Bar on February 19, 2018, Respondent argued that reciprocal discipline was not authorized against him because the rules in North Carolina and D.C. "are not parallel on the particular point of client confidentiality." According to Respondent, D.C. does not permit a counsel to reveal client secrets to prevent a crime, whereas North Carolina's Rule 1.6(b)(2) specifically authorizes a lawyer to reveal client secrets to prevent a crime.

5. On or about April 6, 2018, staff counsel sought clarification of Respondent's February 9, 2018 response. Respondent appeared to take the position in his letter that reciprocal discipline was not authorized by the State Bar because "the ethical standards in North Carolina and the District to [sic] Columbia are not parallel on the particular point of client confidentiality." However, as indicated in the Notice of Reciprocal Discipline which was served upon Respondent,

the State Bar's rules for reciprocal discipline required Respondent to establish one or more of the following: (1) that the procedure employed in the other jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; (2) that there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that the Grievance Committee could not, consistent with its duty, accept as final the conclusion on that subject; or (3) that the imposition of the same discipline would result in grave injustice. Staff counsel requested that Respondent clarify if he was asserting any one or more of these objections to the imposition of reciprocal discipline, to specify which one or ones he was invoking, and to explain why he believe such objection or objections were applicable.

6. On April 22, 2018, Respondent replied that he invoked both (B) and (C) of 27 N.C. Admin. Code 1B, Rule .0120(b)(3), claiming that the DCOBC never disposed of his defenses and that he had accepted the Informal Admonition sanction "without acknowledging that [he] knew that the D.C. standards, in fact, prohibited [his] conduct."

7. Given Respondent's objections to the State Bar's Notice of Reciprocal Discipline Proceeding, on July 26, 2018 the Grievance Committee of the State Bar met and considered the above-referenced grievance filed against Respondent concerning the issuance of reciprocal discipline for the Informal Admonition Respondent received from the DCOBC in October 2015. The grievance was assigned to a Subcommittee, which thoroughly reviewed the results of the State Bar staff's investigation of this matter.

8. Pursuant to Sections .0113(a) and .0120(b)(3), (4) of the Discipline and Disability Rules of the State Bar, the Grievance Subcommittee conducted a preliminary hearing. After considering the information available to it, including your responses to the Notice of Reciprocal Discipline and staff counsel's follow up inquiries, the Grievance Subcommittee found probable cause for the issuance of reciprocal discipline in Respondent's matter. 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 entirety of the Grievance Committee affirmed the Grievance Subcommittee's findings.

BASED UPON THE FOREGOING FINDINGS, the Chair of the Grievance Committee of the State Bar makes the following CONCLUSIONS OF LAW:

1. The State Bar has jurisdiction over the subject matter of the proceeding and over the person of the Respondent, George Robert Blakey.

2. The State Bar has complied with the procedure for imposition of reciprocal discipline set forth in 27 N.C. Admin. Code 1B §§ .0105(a)(12) and .0120(b) of the North Carolina State Bar Discipline and Disability Rules.

3. The conduct found by the DCOBC constitutes conduct in violation of Rules 8.4(a), 1.6(a), and 1.6(g) of the North Carolina Rules of Professional Conduct.

4. Pursuant to 27 N.C. Admin. Code 1B, Rule .0120(b)(3), Respondent failed to show that there was such an infirmity of proof before the DCOBC establishing the misconduct as to give rise to the clear conviction that the Grievance Committee could not, consistent with its duty, accept

as final the conclusions by the DCOBC, or that the imposition of the same discipline as imposed by the DCOBC would result in grave injustice.

5. The North Carolina equivalent of the Informal Admonition imposed by the DCOBC, a Reprimand, should be imposed on Respondent by the State Bar.

THEREFORE, IT IS HEREBY ORDERED THAT:

1. Respondent, George Robert Blakey, is hereby REPRIMANDED in North Carolina for the above-referenced professional misconduct.

2. In accordance with the policy adopted July 23, 2010 by the Council of the 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 Respondent.

Done and ordered, this the 22nd day of August, 2018.



DeWitt "Mac" McCarley, Chair
Grievance Committee

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