

NORTH CAROLINA
WAKE COUNTY

FILED
1980 APR -9

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
78 DHC 20

NORTH CAROLINA STATE BAR,

Plaintiff,

vs.

HARRY DUMONT, Attorney,

Defendant.

ORDER OF
INVOLUNTARY DISMISSAL

THIS CAUSE coming on to be heard and being heard at the trial of the captioned action commencing on March 3, 1980, in the offices of the North Carolina State Bar, 208 Fayetteville Street Mall, Raleigh, North Carolina, before the undersigned Hearing Committee of the Disciplinary Hearing Commission of the North Carolina State Bar, upon Defendant's Motion to Dismiss made at the close of Plaintiff's evidence pursuant to Rule 41(b) of the North Carolina Rules of Civil Procedure, and, it appearing to the undersigned Hearing Committee that said Motion should be granted, the Hearing Committee makes the following:

FINDINGS OF FACT

1.

The Plaintiff North Carolina State Bar is a body duly organized under the laws of North Carolina and is the proper party to bring this action.

2.

The Defendant Harry DuMont is a citizen and resident of Buncombe County, North Carolina, and was admitted to the North Carolina State Bar in 1947. At all times relevant to this action the Defendant was and is an attorney at law licensed to practice law in the State of North Carolina and was subject to the rules,

regulations and Canons of Ethics of the North Carolina State Bar and the laws of the State of North Carolina.

3.

In April of 1972 the Defendant represented the Plaintiff in a civil case entitled "Tommy I. Arakas vs. Cecil McMahan, et al.," 70 CVS 243, which was tried in the Superior Court of Buncombe County.

4.

The Plaintiff's evidence has failed to establish that, as alleged in the complaint the Defendant did request or solicit Mrs. Marie Brady to attempt to influence Eris S. Chambers, a juror in said case, to change her opinion as a juror with respect to said case in favor of the Defendant's client.

Based upon the foregoing Findings of Fact, the Hearing Committee makes the following:

CONCLUSIONS OF LAW

1.

The Plaintiff has failed to establish by the greater weight of the evidence that the Defendant engaged in the conduct alleged in Plaintiff's Complaint.

2.

The Defendant is entitled to judgment as a matter of law.

NOW, THEREFORE, IT IS ORDERED that the captioned action be, and hereby is, dismissed pursuant to Rule 41 (b) of the North Carolina Rules of Civil Procedure.

This 9th day of April, 1980.

E. James Moore

E. James Moore, Chairman
Hearing Committee of the
Disciplinary Hearing Commission
of the North Carolina State Bar

Jerry L. Jarvis

Jerry Jarvis

Fred Moffit Byerly

Fred Moffit Byerly