

NORTH CAROLINA  
COUNTY OF WAKE

APR 91 8:15

6595  
BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
91G 0229(III)

IN RE:

L. SAMUEL DOCKERY, III  
ATTORNEY AT LAW

ORDER OF  
RECIPROCAL DISCIPLINE

Pursuant to the authority vested in me as Chairman of the Grievance Committee of the North Carolina State Bar by Article IX, Sections 5(A)(12) and 16(B)(4) of the Rules and Regulations of the North Carolina State Bar; and based upon the record in this matter, the undersigned finds as follows:

1. By order dated May 30, 1990, the United States Court of Appeals for the Fourth Circuit issued a notice to show cause to L. Samuel Dockery, III to show good cause why he should not be disciplined under the Rules of Disciplinary Enforcement of that court for violations of the Rules of Professional Conduct and Responsibility for alleged misstatements made in appellant's brief and reply brief which Dockery signed as counsel of record and which appeared to be false or were made with apparent reckless disregard of whether the same were true in the case of United States v. Pittino on appeal from the United States District Court for the Middle District of North Carolina.
2. The disciplinary proceeding initiated by the May 30, 1990 order resulted in an Order of Suspension being filed on March 7, 1991 at the direction of the Standing Panel on Attorney Discipline including Judges Phillips, Chapman and Wilkinson. The Order of Suspension found that there were at least four instances of statements in appellant's brief or reply brief which were clearly false, were made with the possible intent of misleading the court or were made with reckless disregard for the truth of the matter. The order further found that L. Samuel Dockery, III was professionally responsible for the misstatements. That order publicly reprimanded L. Samuel Dockery, III and suspended him from practice before the United States District Court of Appeals for the Fourth Circuit for a period of three months.
3. On March 18, 1991, a Notice of Intent to Impose Reciprocal Discipline was mailed to L. Samuel Dockery, III by certified mail, return receipt requested advising that Dockery's conduct as found

00694

in the order violated Rules 1.2(C) and 7.2(A)(4) of the Rules of Professional Conduct and that the discipline that would be substantially similar to the discipline imposed by the United States Court of Appeals for the Fourth Circuit pursuant to Article IX, Sections 16(B) and 23(A) of the Rules and Regulations of the North Carolina State Bar would be a suspension of license throughout North Carolina for three months and a Public Reprimand. The notice advised that any claim that the discipline is unwarranted must be received within thirty (30) days or the discipline would be imposed.

4. The Notice of Intend to Impose Reciprocal Discipline was served upon L. Samuel Dockery, III by certified mail on March 21, 1991 as evidenced by Dockery's signature on the return receipt.
5. No claim that the discipline is unwarranted has been received.

BASED UPON the foregoing findings, the undersigned Chairman of the Grievance Committee makes the following conclusions of law:

1. The North Carolina State Bar has jurisdiction over the subject matter and the person of L. Samuel Dockery, III.
2. The procedure for imposition of reciprocal discipline pursuant to Article IX, Section 16(B) of the Rules and Regulations of the North Carolina State Bar have been complied with.
3. The findings in the Order of Suspension filed March 7, 1991 in the United States Court of Appeals for the Fourth Circuit that there were at least four instances of statements in appellant's brief or reply brief which are clearly false, were made with the possible intent of misleading the Court or were made with reckless disregard for the truth of the matter constitutes conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 1.2(C) and knowingly making a false statement of law or fact in violation of Rule 7.2(A)(4) of the Rules of Professional Conduct.
4. The three month suspension imposed by the three judges of the Standing Panel on Attorney Discipline of the United States Court of Appeals for the Fourth Circuit should be imposed on L. Samuel Dockery's right to practice law in the State of North Carolina. A Public Reprimand should also be issued.

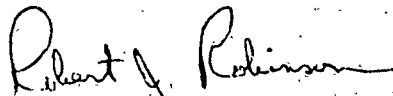
THEREFORE, IT IS HEREBY ORDERED THAT:

1. The license to practice law in the State of North Carolina of L. Samuel Dockery, III is hereby

suspended for three months.

2. L. Samuel Dockery, III is hereby Publicly Reprimanded for his misconduct.
3. The suspension is effective thirty days from service of this Order of Reciprocal Discipline upon L. Samuel Dockery, III.
4. L. Samuel Dockery, III must wind down his practice of law pursuant to Article IX, Section 24 of the Rules and Regulations of the North Carolina State Bar during the thirty day period after receipt of this order.
5. L. Samuel Dockery, III shall surrender his license certificate and membership card to the Secretary of the North Carolina State Bar by the effective date of the suspension.
6. L. Samuel Dockery, III is taxed with the costs of this proceeding as assessed by the Secretary.

This the 24<sup>th</sup> day of April, 1991.

  
Robert J. Robinson, Chairman  
Grievance Committee