

NORTH CAROLINA

WAKE COUNTY

6595

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
89G 0629(III)

IN RE:

L. SAMUEL DOCKERY, III,
Attorney

ORDER OF RECIPROCAL
DISCIPLINE

This matter coming on to be heard and being heard by the Grievance Committee of the North Carolina State Bar on April 11, 1991 pursuant to Section 16(B) of Article IX of the Rules and Regulations of the North Carolina State Bar after certification of Record and Order of Hearing dated December 17, 1990 and served on L. Samuel Dockery, III by mail on that date. From the record in this matter and argument heard, the Grievance Committee finds the following:

1. By Order dated September 5, 1989 in the United States District Court for the Middle District of North Carolina signed by Richard C. Erwin, Chief Judge and judges Frank W. Bullock, Jr. and N. Carlton Tilley, Jr., L. Samuel Dockery, III was ordered suspended from practice before the United States District Court for the Middle District of North Carolina for three months and one day for failing to complete and return a Declaration of Admissions to Practice form within 20 days as ordered by a June 8, 1989 Order signed by Chief Judge Richard E. Erwin which was received by L. Samuel Dockery, III on August 15, 1989.
2. A Notice was directed to L. Samuel Dockery, III by the former Chairman of the State Bar's Grievance Committee, Robert A. Wicker, that concluded that the facts found in the September 5, 1989 Order from the United States District Court for the Middle District of North Carolina constituted conduct that was prejudicial to the administration of justice in violation of Rule 1.2(D) of the Rules of Professional Conduct and advised Dockery pursuant to Sections 16(B) and (C) that he may accept reciprocal discipline substantially similar to that imposed by the federal court within 10 days or within 30 days make any claim why imposition of the same discipline by the North Carolina State Bar would be unwarranted because the facts found (by the federal court) did not involve conduct which violates the North Carolina Rules of Professional Conduct. Dockery received that notice by certified mail on September 21, 1989.
3. L. Samuel Dockery, III responded to the above

00690

mentioned Notice by letter dated October 16, 1989 received in the offices of the North Carolina State Bar on October 24, 1989. L. Samuel Dockery, III objected to the imposition of a three months and one day suspension of his license to practice law in North Carolina because "we returned said documents to the Court."

4. L. Samuel Dockery, III was subsequently advised via telephone by Counsel to the North Carolina State Bar, A. Root Edmonson, that he and the North Carolina State Bar were both bound by the facts found by the federal court pursuant to Section 16(B)(5). L. Samuel Dockery, III requested an opportunity to bring his evidence before the federal court in an effort to have the court change its findings or to make some other response to the Grievance Committee.
5. No further response was received from L. Samuel Dockery, III by the North Carolina State Bar prior to October, 1990 and he took no action in the federal court to get the court to reconsider its findings contained in the September 5, 1989 Order.
6. By Notice of Intent to Impose Reciprocal Discipline dated October 31, 1990 signed by the undersigned Chairman of the Grievance Committee, which constituted a reissuance of the prior Notice received by L. Samuel Dockery, III on September 21, 1989 and contained a recitation of the procedural history of this matter, notice was given to L. Samuel Dockery, III that this Order of Reciprocal Discipline would be entered 30 days after receipt of the notice unless some appropriate response pursuant to Section 16(B)(4) was received by the North Carolina State Bar prior thereto. L. Samuel Dockery, III received the Notice of Intent to Impose Reciprocal Discipline by certified mail on November 8, 1990.
7. A Request for Hearing pursuant to Section 16(B)(4) was served by L. Samuel Dockery, III by mailing a copy to the Chairman of the Grievance Committee.
8. The record was mailed to each member of the Grievance Committee by B. E. James, Secretary of the North Carolina State Bar on December 17, 1990.
9. The hearing was commenced before the Grievance Committee with L. Samuel Dockery, III present and being heard on January 17, 1991. Upon Dockery's request for time to produce documents for the committee, the matter was continued to the April meeting of the Grievance Committee.
10. Dockery was advised when to appear before the committee in April and did appear at the meeting held April 11, 1991. Dockery advised the committee that no motion had been filed in the United States

United States District Court for the Middle District of North Carolina to have the findings of fact contained in the September 5, 1989 order amended or overturned.

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 Section 16(B) of Article IX of the Rules and Regulations of the North Carolina State Bar have been complied with.
3. The findings in the Order of September 5, 1989 of the United States District Court for the Middle District of North Carolina that L. Samuel Dockery, III failed to complete and return a Declaration of Admissions to Practice form as ordered by the Chief Judge of that court on June 8, 1989 and served upon L. Samuel Dockery, III on August 15, 1989 constitutes conduct prejudicial to the administration of justice in violation of Rule 1.2(D) of the Rules of Professional Conduct.
4. The three month and one day suspension imposed by the three judges of the United States District Court for the Middle District of North Carolina should be imposed on L. Samuel Dockery, III's right to practice law in North Carolina.

UPON MOTION MADE AND SECONDED, AND BY VOTE OF THE GRIEVANCE COMMITTEE, 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 and one day.
2. The suspension is effective thirty days from service of this Order of Reciprocal Discipline upon L. Samuel Dockery, III.
3. L. Samuel Dockery, III must wind down his practice of law pursuant to Section 24 of Article IX of the Rules and Regulations of the North Carolina State Bar during the thirty day period after receipt of this order.
4. 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.
5. The costs of this proceed are taxed against L. Samuel Dockery, III as addressed by the Secretary.

This the 12th day of April, 1991.

Robert J. Robinson
Robert J. Robinson, Chairman
Grievance Committee

[709]

00033