

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
81 DHC 1

THE NORTH CAROLINA STATE BAR,
Plaintiff,

-vs-

RICHARD B. DOBBIN, Attorney,
Defendant.

FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

THIS CAUSE coming on to be heard and being heard before the under-
signed Committee of the Disciplinary Hearing Commission of the North
Carolina State Bar on June 12, 1981; and based upon the allegations in
the Complaint and the admissions contained in the Answer of the Defendant;
and based upon the stipulations of June 12, 1981 and in particular
Section (1) and Section (2), A through M, said stipulations entered in this
cause this day; and based upon the evidence presented at the time of this
hearing; the Hearing Committee recognizing and adhering to the standard
of proof applicable to this type case, namely by clear, cogent and con-
vincing evidence, makes the following:

FINDINGS OF FACT

1. All parties are properly before the Hearing Committee and the
Hearing Committee has jurisdiction over the Defendant and the subject
matter.
2. Defendant had represented the local Spruce Pine branch of North
Carolina National Bank (hereinafter referred to as NCNB) in various
capacities since the early 1970's.
3. In 1977, Defendant examined title and prepared loan closing
documents for NCNB to obtain a security interest in a certain parcel of
residential real estate, securing a loan to Mr. and Mrs. Dale C. Wiseman.
4. In 1978, after the Wiseman's defaulted on the loan, NCNB negotiate
for and received a warranty deed to the residential real estate from the
Wiseman's in lieu of foreclosure. These negotiations were conducted
without the participation of the Defendant. Defendant did, at the
request of NCNB, prepare a warranty deed for the Wiseman's to execute.
5. Late in that same year, NCNB discovered that, through no fault
of Defendant, said real estate was landlocked, with no right of ingress
or egress.

6. In 1978, Defendant agreed to undertake on behalf of NCNB the task of obtaining access to the property.

7. Defendant failed to initiate any legal action on behalf of NCNB to obtain access to the residential real estate.

8. On or about August 26, 1980, Defendant delivered to NCNB a document that purports to be an Order of the Superior Court, Mitchell County dismissing a petition of NCNB for a cartway across adjoining land.

9. Said document contained the words "s/Frank W. Snepp, Jr." on the signature line of the purported Order.

10. Said document further bears the Seal of the Clerk of Superior Court, Mitchell County and a certification of its authenticity and to having been filed on August 14, 1980 purportedly signed by Linda D. Boyd.

11. No such proceeding as described in said document was ever held before Superior Court Judge Frank W. Snepp, Jr.

12. No such document as described above was ever on file in the Office of the Clerk of Superior Court, Mitchell County.

13. Linda D. Boyd, Assistant Clerk of Superior Court, Mitchell County never signed any certification of said document.

14. Defendant prepared, or caused to be prepared, the document described above and affixed the purported signatures thereto knowing that no cartway proceeding had been instituted on behalf of NCNB.

15. The Defendant in preparing or causing to be prepared the fictitious order and presenting the same to a representative of his client, NCNB, engaged in professional conduct involving dishonesty, fraud, deceit and misrepresentation.

16. The Defendant by preparing the fictitious order or causing it to be prepared and presenting it to a representative of his client, NCNB, did so as an officer of the Court, and by such willful action the Defendant engaged in professional conduct which adversely reflects on his fitness to practice law.

17. The Defendant having been entrusted by his client, NCNB, to handle a legal matter for and on behalf of the client and having been so retained, the Defendant neglected to take proper action on behalf of his client, and in so doing neglected a legal matter entrusted to him.

18. After having been retained by his client, NCNB, the Defendant intentionally failed to seek the lawful objectives of his client through

reasonably available means permitted by law and the disciplinary rules.

19. After having been retained by his client, NCNB, the Defendant intentionally failed to carry out a contract of employment entered into with such client.

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

CONCLUSIONS OF LAW

The Defendant willfully violated North Carolina General Statute 84-28 (a) (b) (2) in that:

(A) The Defendant having been retained by his client, NCNB, prepared a fictitious Court Order and presented same to a representative of his client, and did so with the knowledge that no action had ever been instituted, that no hearing had ever been conducted before the Honorable Frank W. Snepp, Jr., and in violation of Disciplinary Rule 1-102(A) (4) of the Code of Professional Responsibility.

(B) As a duly licensed attorney and as an officer of the Court the Defendant engaged in conduct which adversely reflected on his fitness to practice law, and in so doing violated Disciplinary Rule 1-102(A) (6) of the Code of Professional Responsibility.

(C) The Defendant having had entrusted to him by his client, NCNB, a legal matter for and on behalf of the client neglected to handle that matter and in doing so violated Disciplinary Rule 6-101(A) (3) of the Code of Professional Responsibility.

(D) After having been retained by his client, NCNB, the Defendant willfully and intentionally failed to seek the lawful objective of his client through reasonable means and in so doing violated Disciplinary Rule 7-101(A) (1) of the Code of Professional Responsibility.

(E) After having been retained by his client, NCNB, the Defendant failed to carry out a contract of employment entered into with said client and did so in willful violation of Disciplinary Rule 7-101(A) (2) of the Code of Professional Responsibility.

This the 29 day of June, 1981.

Warren C. Stack
Warren C. Stack, Chairman
Disciplinary Hearing Committee

Angela Bryant
Angela Bryant

Mary Cecile Bridges
Mary Cecile Bridges

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WAKE COUNTY

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RICHARD DOBBIN, Attorney
Defendant.

ORDER

Based upon the Findings of Fact and Conclusions of Law entered in this case of even date herewith, all of which are incorporated herein by reference, and pursuant to Section 9 of Article IX, Discipline and Disbarment of Attorneys, the undersigned Hearing Committee of the Disciplinary Hearing Commission of the North Carolina State Bar hereby issues the following ORDER:

1. It is hereby ORDERED that the Defendant, Richard B. Dobbin be, and hereby is, suspended from the practice of law in the State of North Carolina for a period of one (1) year;
2. It is FURTHER ORDERED that the Defendant, Richard B. Dobbin may apply for reinstatement six (6) months from the date his license is suspended hereunder; and,
3. It is FURTHER ORDERED that the Defendant, richard B. Dobbin be, and hereby is, taxed with the costs of this proceeding.

This the 29 day of June, 1981.

Warren C. Stack

Warren C. Stack, Chairman
Disciplinary Hearing Committee
The North Carolina State Bar

Angela Bryant
Angela Bryant

Mary Cecile Bridges
Mary Cecile Bridges