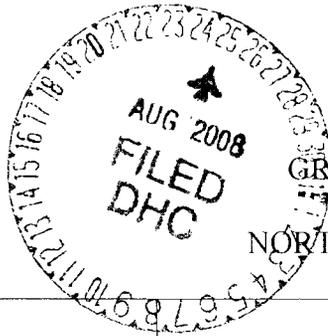


STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
08G0367

THE NORTH CAROLINA STATE BAR,
Petitioner

v.

BARRY G. ROBERTS, Attorney,
Respondent

ORDER OF
RECIPROCAL DISCIPLINE

Pursuant to the authority vested in me as Chairperson of the Grievance Committee of the North Carolina State Bar by 27 N.C. Admin. Code Chapter 1, Subchapter B, Rules .0105(a)(12) and .0116(b)(4) of the North Carolina State Bar Discipline & Disability Rules, and based upon the record in this matter, the undersigned finds as follows:

1. By order dated October 24, 2005 the Supreme Court of Georgia issued an order accepting the voluntary surrender of the law license of Barry G. Roberts (hereinafter "Roberts") submitted pursuant to Rule 4-227, Petitions for Voluntary Discipline, *Ga. R. & Rgs. St. Bar Rule DR 4-227*.
2. Roberts submitted his Petition for Voluntary Surrender of License on or about September 23, 2005. In his Petition, Roberts admitted he had pled guilty to a single count of violation of 18 U.S.C. § 1001 for making a false statement to an IRS agent, and admitted this constituted a felony. Roberts further admitted he violated Rule 8.4(a)(2) of the Georgia Rules of Professional Conduct, that the maximum penalty for such a violation is disbarment, and that his voluntary surrender of his license was tantamount to disbarment.
3. As defined in Rule 4-110, Definitions, *Ga. R. & Rgs. St. Bar Rule DR 4-110*, a "Petition for Voluntary Surrender of License" is "A Petition for Voluntary Discipline in which the respondent voluntarily surrenders his license to practice law in this State. A voluntary surrender of license is tantamount to disbarment."
4. Actions pursuant to Rule 4-227, Petitions for Voluntary Discipline, *Ga. R. & Rgs. St. Bar Rule DR 4-227*, are discipline and subparagraph (a) of Rule 4-227 requires that "A petition for voluntary discipline shall contain admissions of fact and admissions of conduct in violation of Part IV, Chapter I of these rules sufficient to authorize the imposition of discipline."

5. On July 13, 2008, Roberts was served with the North Carolina State Bar's Notice of Reciprocal Discipline Proceeding by the Fulton County, Georgia, Sheriff's Office.
6. Roberts failed to show cause that imposition of the identical discipline would be unwarranted within 30 days of service upon him of the Notice of Reciprocal Discipline.

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

1. The North Carolina State Bar has jurisdiction over the subject matter of this proceeding and over the person of Barry G. Roberts.
2. The procedure for imposition of reciprocal discipline pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, Rule .0116 of the North Carolina State Bar Discipline & Disability Rules has been complied with.
3. The order of the Supreme Court of Georgia found that Roberts pled guilty to violating 18 U.S.C. § 1001 by making a false statement to an IRS agent and admitted he pled guilty to an offense which is a felony and which constitutes a violation of Rule 8.4(a)(2) of the Georgia Rules of Professional Conduct. The Supreme Court of Georgia found that the maximum penalty for such a violation is disbarment. The Supreme Court of Georgia accepted Roberts' Petition for Voluntary Surrender of License and noted this is tantamount to disbarment.
4. The conduct admitted by Roberts and found by the Supreme Court of Georgia constitutes conduct in violation of Rule 8.4(b) and (c) of the North Carolina State Bar Revised Rules of Professional Conduct and justifies the imposition of reciprocal discipline in this state.
5. The equivalent discipline imposed by the Supreme Court of Georgia should be imposed on Robert's right to practice law in the State of North Carolina. The equivalent discipline in North Carolina to that imposed by the Supreme Court of Georgia is disbarment.

THEREFORE IT IS HEREBY ORDERED THAT:

1. Barry G. Roberts is hereby DISBARRED from the practice of law in North Carolina.
2. Roberts shall forthwith surrender his license certificate and membership card to the Secretary of the North Carolina State Bar.
3. Roberts is hereby taxed with the costs of this proceeding as assessed by the Secretary.

4. Respondent shall comply with the wind down provisions of 27 N.C. Admin. Code Chapter 1, Subchapter B, Rule .0124 of the North Carolina State Bar Discipline & Disability Rules.

This the 25th day of August 2008.

A handwritten signature in cursive script that reads "James R. Fox". The signature is written in black ink and is positioned above a horizontal line.

James R. Fox, Chair
Grievance Committee