

North Carolina
Wake County

1980 APR -9 11 10 45

Before The
Disciplinary Hearing Commission
Of The
North Carolina State Bar
78 DHC 18

North Carolina State Bar,)
)
Plaintiff,)
)
vs.)
)
Harry Dumont, Attorney,)
)
Defendant.)

ORDER OF 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 ; and said Hearing Committee having heard evidence and argument and contentions of counsel for Plaintiff and for Defendant , and it appearing to said Hearing Committee that 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 and Amendment to Complaint or that the Defendant violated G. S. #84-28 (2) (f) or the Canons of Ethics in effect in 1973, and if further appearing that judgement should therefore be rendered in favor of the Defendant , 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 proceeding.

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 or about August of 1972 the Defendant represented the defendant in a civil case entitled "Judy Alethia Norwood, by next friend, William E. Norwood vs, James M. Ferguson, et al.," 70 Cvs 82, which was tried in the Superior Court of Buncombe County.

4.

At no time during his representation in said civil case did the Defendant request Carol M. Edge to solicit Robert West, or any other person, to communicate with Jannie Patton Jenkins, a juror in said case for the purpose of learning of the deliberations and conversations of the jury concerning said case.

5.

The plaintiff has failed to show by competent evidence that the Defendant engaged in conduct violative of G. S.# 84-28 (2) (f) or of Canons 15, 22, 23, or 32 of the Canons of Ethics promulgated by the Council of the North Carolina State Bar , in effect in 1972, as alleged in Plaintiff's Amendment to Complaint.

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 and Amendment to Complaint.

2.

The Plaintiff has failed to establish by the greater weight or the evidence that the Defendant violated G. S. #84-28(2)(f) or Canons 15, 22, 23, or 32 of the Canons of Ethics of the North Carolina State Bar , in effect in 1972, as alleged in Plaintiff's Amendment to Complaint.

3.

Based upon the facts and the law , the Plaintiff has shown no right to relief in the captioned action.

4.

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 with prejudice and that judgment be, and hereby is, entered herein in favor of the Defendant.

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 R. Jarvis

Jerry Jarvis

Fred Moffit Byerly

Fred Moffit Byerly