

6593

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
79 DHC 8

THE NORTH CAROLINA STATE BAR,)
Plaintiff,)
-vs-)
THOMAS J. DIMMOCK, Attorney,)
Defendant.)

FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

THIS CAUSE came on for trial on Friday, October 12, 1979, in the office of The North Carolina State Bar, 208 Fayetteville Street Mall, Raleigh, North Carolina, before a Hearing Committee designated by the Chairman of The Disciplinary Hearing Commission composed of the following: Ralph C. Gingles, Chairman, Dudley Humphrey and Nona McDonald.

The Complainant, The North Carolina state Bar, was represented by Harold D. Coley, jr., Counsel; and the Defendant, Thomas J. Dimmock, was represented by Samuel H. Johnson, Attorney. The Hearing Committee after considering the Stipulations entered into between the parties, makes the following Findings of Fact:

1. The North Carolina State Bar is a body duly organized under the laws of North Carolina, and is the proper party to bring this proceeding under the authority granted in Chapter 84 of the General Statutes of North Carolina.

2. The Defendant, Thomas J. Dimmock, is a citizen and resident of Wake County, North Carolina, and was admitted to The North Carolina State Bar in 1975, and is, and was at all times relevant to this proceeding, an attorney at law licensed to practice in the State of North Carolina and is subject to the Rules, Regulations, Canons of Ethics and Code of Professional Responsibility of The North Carolina State Bar and the laws of the State of North Carolina.

3. A duly verified Complaint, setting forth the charges against the Defendant, was filed in the office of The North Carolina State Bar on August 6, 1979. Notice thereof was given to the Defendant, together with notice that this matter will be heard by a Hearing Committee of the Disciplinary Hearing Commission of The North Carolina State Bar, at a time and place to be determined by the Chairman of said Commission, by personal

service upon the Defendant a copy of the Complaint, Summons and Notice, on August 6, 1979.

4. On August 17, 1979, the Chairman of the Disciplinary Hearing Commission notified Counsel for The State Bar and Defendant of the composition of the Hearing Committee and of the time and place for the hearing.

5. An Answer to the Complaint was filed in the office of The North Carolina State Bar on August 27, 1979.

6. During or about the first week in January, 1978, the Defendant was advised by the father of a client of Defendant's that his son Curtis Edward Jenkins was a suspect in an alleged breaking, entering and larceny case involving a business establishment known as The Southern Planter of Creedmoor, Inc. and that his son was not in the State at that time; Defendant, having previously represented The Southern Planter of Creedmoor, Inc., and with the urging of both parties, undertook to prepare and did in fact prepare a document entitled "Agreement and Release" wherein it was agreed that upon payment of FIVE HUNDRED DOLLARS (\$500.00) by Harold Jenkins (father of the suspected perpetrator), The Southern Planter of Creedmoor, Inc. (the injured party) would not participate in any further investigation of the alleged criminal conduct of Curtis Edward Jenkins, and that The Southern Planter of Creedmoor, Inc. would request the investigating authorities to terminate all further investigation concerning the alleged criminal conduct of Curtis Edward Jenkins as related to the breaking, entering and larceny of goods and equipment from its establishment, a copy of said Agreement being incorporated herein by reference.

UPON THE FOREGOING FINDINGS OF FACT, THE HEARING COMMITTEE MAKES THE FOLLOWING CONCLUSIONS OF LAW:

The conduct of the Defendant as found above constitutes a violation of North Carolina General Statute 84-28(a)(b)(2), in that in preparing the "Agreement and Release", the Defendant engaged in professional conduct that was prejudicial to the administration of justice and conduct that adversely reflects upon his fitness to practice law, in violation of Disciplinary Rule 1-102(A)(5) and (6).

This the 17th day of Dec., 1979.


Ralph C. Gingles, Chairman
Disciplinary Hearing Committee

(Signatures continued.)

Dudley Humphrey

Dudley Humphrey

Noña McDonald

Noña McDonald

NORTH CAROLINA

WAKE COUNTY

FILED

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B.E. JAMES, SEC.
COURT CLERK

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THE NORTH CAROLINA STATE BAR,)
Plaintiff,)
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-vs-)
)
THOMAS J. DIMMOCK, Attorney)
Defendant.)

ORDER

THE HEARING COMMITTEE having found the facts and made conclusions of law in the above-entitled action,

IT IS NOW, THEREFORE, ORDERED:

1. That the Defendant, Thomas J. Dimmock, be disciplined under the provision of North Carolina General Statute 84-28(c) (4), to wit: Private Reprimand be prepared by the Chairman of the Disciplinary Hearing Commission and delivered to the Secretary of the North Carolina State Bar, 208 Fayetteville Street Mall, Raleigh, North Carolina, and thereafter served upon the defendant as provided by law. A copy of said Reprimand shall be filed with the Secretary of the North Carolina State Bar.

2. As a condition of this Private Reprimand, the Defendant has agreed that Mr. Sam Johnson, attorney, shall give careful attention and scrutiny to Defendant's practice over the next eighteen months, commencing October 15, 1979 and that Mr. Johnson shall investigate Defendant's office procedures, his manner of handling transactions for clients, his approach to worthless check cases and his ability to communicate to clients which ones that he is representing in an effort to avoid a situation similar to the one before this Committee.

3. The costs of this disciplinary action shall be paid by the Defendant.

This the 17th day of DEC, 1979

Ralph C. Gingles Jr.
Ralph C. Gingles, Chairman
Disciplinary Hearing Committee

Dudley Humphrey
Dudley Humphrey

Nona McDonald
Nona McDonald