

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
87 DHC 9

THE NORTH CAROLINA STATE BAR,)
Plaintiff)
vs.)
L. SAMUEL DOCKERY, III,)
Defendant)

CONSENT ORDER OF
DISCIPLINE

JUN 88 11:24

This matter coming before the hearing committee of the Disciplinary Hearing Commission composed of John G. Shaw, Chairman, Maureen Murray, and John Beach pursuant to Section 14(8) of Article IX of the Rules and Regulations of the North Carolina State Bar; and it appearing that both parties have agreed to waive a formal hearing in this matter; and it further appearing that both parties stipulate and agree to the following Findings of Fact and Conclusions of Law recited in this Consent Order of Discipline and to the discipline imposed, the hearing committee therefore enters the following:

FINDINGS OF FACT

1. The Plaintiff, 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 it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar promulgated thereunder.

2. The Defendant, L. Samuel Dockery, III, was admitted to the North Carolina State Bar on September 25, 1975 and is, and was at all times referred to herein, an Attorney at Law licensed to practice in North Carolina, subject to the rules, regulations, Code of Professional Responsibility, and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

3. During all of the periods referred to herein, the Defendant was actively engaged in the practice of law in the State of North Carolina and maintained a law office in the City of High Point, Guilford County, North Carolina.

13. The North Carolina State Bar voluntarily dismisses all of the claims contained in the Second Claim for Relief.

BASED upon the foregoing FINDINGS OF FACT, the hearing committee makes the following:

CONCLUSIONS OF LAW

Defendant's conduct, as set forth above, constitutes grounds for discipline pursuant to N. C. Gen. Stat. §84-28(b)(2) in that Defendant violated the Rules of Professional Conduct as follows:

- (a) By allowing the statute of limitations to run on Ms. Harris's claim arising from the October 22, 1985 accident without having filed suit on her behalf or settling the matter with representatives of Allstate Insurance Company, Defendant failed to act with reasonable diligence and promptness in representing a client in violation of Rule 6(B)(3) [conduct which occurred prior to October 7, 1985 which contributed to this violation constituted neglect of a legal matter entrusted to him in violation of DR6-101(A)(3)]; failed to seek the lawful objectives of his client through reasonably available means in violation of Rule 7.1(A)(1) [contributing conduct prior to October 7, 1985 constituted a violation of DR7-101(A)(1)]; failed to carry out a contract of employment entered into with a client for professional services in violation of Rule 7.1(A)(2) [contributing conduct prior to October 7, 1985 constituted a violation of DR7-101(A)(2)]; and prejudiced or damaged his client during the course of the professional relationship in violation of Rule 7.1(A)(3).
- (b) By failing to pay Ms. Harris's doctors, hospital, and other medical bills which he undertook to pay, Defendant failed to act with reasonable diligence and promptness in representing the client in violation of Rule 6(B)(3) and failed to seek the lawful objectives of his client through reasonably available means in violation of Rule 7.1(A)(1).

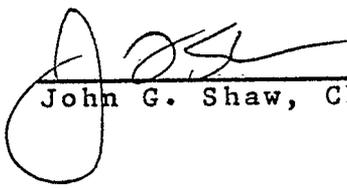
BASED upon the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, the hearing committee, with the consent of the parties, enters the following:

ORDER OF DISCIPLINE

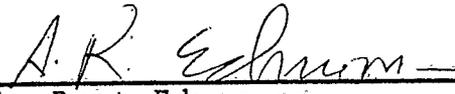
- 1) The appropriate discipline to be imposed for the conduct of the Defendant contained in this Consent Order of Discipline is a Public Censure.

- 2) The Chairman of the hearing committee shall sign such Public Censure and file it with the Secretary of the North Carolina State Bar pursuant to §23(A)(2) of Article IX of the Rules and Regulations of the North Carolina State Bar.
- 3) Defendant is taxed with the costs of this action as assessed by the Secretary of the North Carolina State Bar.

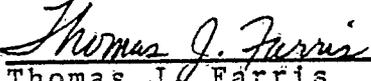
Consented to by the parties and signed by the Chairman of the hearing Committee on behalf of the hearing committee with the knowledge and consent of all members of the hearing committee.



John G. Shaw, Chairman



A. Root Edmonson
Counsel for Plaintiff



Thomas J. Farris
Attorney for Defendant



L. Samuel Dockery, III
Defendant

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
87 DHC 9

IN THE MATTER OF,)

)
)
)
) PUBLIC CENSURE
)

L. SAMUEL DOCKERY, III,
ATTORNEY AT LAW)

17 11 88 NT 2

This Public Censure is issued to you pursuant to Section 23 of Article IX of the Rules and Regulations of the North Carolina State Bar as ordered by a hearing committee of the Disciplinary Hearing Commission in a Consent Order of Discipline filed of even date herewith.

You represented Linda L. Harris in a claim for personal injuries arising from an accident which occurred on October 22, 1982. You failed to settle Ms. Harris's claim or file a lawsuit on her behalf prior to the statute of limitations barring such a lawsuit.

On December 7, 1985 you called Linda Harris into your office and explained to her that you had failed to file the lawsuit in time and that you were liable to her for the value of her claim. You showed Ms. Harris several methods by which the value of her claim could be determined. Based upon those calculations, you made an offer of settlement to Ms. Harris. You told her to consider the offer for two weeks and to discuss it with anyone she saw fit, including another attorney. The offer you made to her was fair.

Ms. Harris returned to your office on December 21, 1985 and accepted your offer. You reduced the gross amount of Ms. Harris's settlement amount by the amount of the total of her medical bills. In doing so, you undertook to pay those bills. You failed to pay those bills until contacted by the North Carolina State Bar on April 14, 1987. You did, however, pay them on that date.

In the Rules of Professional Conduct, an attorney is advised of his obligations in handling his client's legal matters. Rule 6(B)(3) states that a lawyer shall act with reasonable diligence and promptness in representing the client. Rule 7.1(A)(1) states

that a lawyer shall not intentionally fail to seek the lawful objectives of his client through reasonably available means. In failing to file a lawsuit on Ms. Harris's behalf before the statute of limitations barred a lawsuit, you violated these two rules. You also prejudiced or damaged your client during the course of professional relationship in violation of Rule 7.1(A)(3).

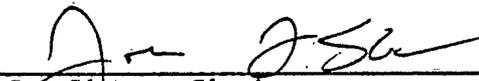
You compounded your neglect of Ms. Harris's personal injury claim by your failure to pay her medical bills after paying her the net amount of the value of her claim. Your failure to promptly pay these bills constituted additional violations of Rules 6(B)(3) and 7.1(A)(1).

Neglecting clients' legal matters is one of the most prevalent complaints made against attorneys. Therefore, your neglect here reflects adversely not only upon you, but upon your fellow attorneys as well. Your conduct further damages the reputation of the bar in the eyes of the public.

The North Carolina State Bar is confident that this Public Censure will be heeded by you, that it will be remembered by you, and that it will be a benefit to you. Hopefully, you will never again allow yourself to depart from strict adherence to the highest standards of the legal profession.

Pursuant to Section 23 of the Rules of Disciplinary Procedure, it is ordered that a certified copy of this Public Censure be forwarded to the Clerk of Superior Court of Guilford County for entry upon the judgment docket and to the Supreme Court of North Carolina for entry in its matter.

This the 9 day of June, 1988.



John C. Shaw, Chairman
Hearing Committee
Disciplinary Hearing Commission