

STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
12G1097

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

JAMES H. DICKEY, Attorney,

Defendant

ORDER OF
RECIPROCAL DISCIPLINE

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

1. Respondent, James H. Dickey, was admitted to the North Carolina State Bar on 11 September 1987 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 and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

2. By order dated 21 November 2011, the Supreme Court of South Carolina suspended James H. Dickey from the practice of law in South Carolina for a period of two years. As a basis for its suspension order, the Court determined by clear and convincing evidence that Dickey had engaged in professional misconduct warranting suspension. The Court concluded that Dickey:

- (a) Failed to diligently prosecute his client's case;
- (b) Failed to keep his client reasonably informed about the status of a matter;
- (c) Failed to participate in good faith in the fee dispute resolution process;
- (d) Falsified evidence provided to an opposing party;
- (e) Engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation; and
- (f) Engaged in conduct that is prejudicial to the administration of justice.

3. On 10 August 2013, the North Carolina State Bar served Dickey with a Notice of Reciprocal Discipline. The Notice advised Dickey that the State Bar was considering imposing identical discipline based upon the South Carolina Supreme Court's order of suspension.

4. On 12 September 2013, Dickey responded to the State Bar's Notice of Reciprocal Discipline and objected to the imposition of reciprocal discipline.

5. The Grievance Committee concludes that none of the elements set forth in 27 N.C. Admin. Code 1B § .0116(b)(3) exist in this case, and therefore that there are no grounds to conclude that the imposition of identical discipline in North Carolina would be unwarranted. The Grievance Committee further concludes that the identical two-year period of suspension on Dickey's license to practice law in North Carolina should be effective thirty days after service of the Order of Reciprocal Discipline and that his reinstatement to the practice of law in North Carolina should be predicated upon his reinstatement to the practice of law in South Carolina.

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

1. The North Carolina State Bar has jurisdiction over the subject matter of the proceeding and over the person of the Respondent, James H. Dickey.

2. The Grievance Committee has complied with the procedure for imposition of reciprocal discipline set forth in 27 N.C. Admin. Code 1B § .0116(b) of the N.C. State Bar Discipline and Disability Rules.

3. Pursuant to 27 N.C. Admin. Code 1B § .0116(b)(5), the Supreme Court of South Carolina's 21 November 2011 Order of Suspension against Dickey establishes that Dickey engaged in conduct constituting violations of the following North Carolina State Bar Rules of Professional Conduct: Rule 1.3, Rule 1.4(a)(3), Rule 1.5(f), Rule 3.4(b), and Rules 8.4(c) & (d). These Rule violations justify the imposition of reciprocal discipline in this State.

4. The suspension imposed by the Supreme Court of South Carolina is the equivalent of a suspension as described and set out in N.C. Gen. Stat. § 84-28(c)(2). Dickey's right to practice law in the State of North Carolina shall be suspended for two years effective thirty days after service of the Order of Reciprocal Discipline. Furthermore, Dickey should be allowed to petition for reinstatement of his North Carolina law license only after his license to practice law in South Carolina is reinstated.

THEREFORE IT IS HEREBY ORDERED THAT:

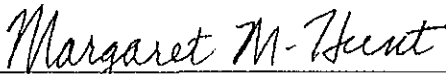
1. The license of Respondent, James H. Dickey, is hereby SUSPENDED from the practice of law for two (2) years effective thirty days from the date this Order of Reciprocal Discipline is served on him.

2. Dickey shall submit his license and membership card to the Secretary of the North Carolina State Bar no later than 30 days following the date he is served with this Order. Dickey shall comply with the wind down provisions contained in Rule .0124 of the North Carolina State Bar Discipline and Disability Rules, located at 27 N.C. Admin. Code 1B § .0124.

3. Dickey shall pay the costs and administrative fees of this proceeding as assessed by the Secretary within 30 days of service of the statement of costs and administrative fees upon him.

4. Dickey may not petition for reinstatement to the practice of law in North Carolina until his license to practice law in South Carolina is reinstated. Additionally, in petitioning for reinstatement of his North Carolina law license after being reinstated to the practice of law in South Carolina, Dickey must submit proof of his reinstatement to the practice of law in South Carolina and must comply with 27 N.C. Admin. Code 1B § .0125.

This the 4th day of November, 2013.



Margaret M. Hunt, Chair
Grievance Committee