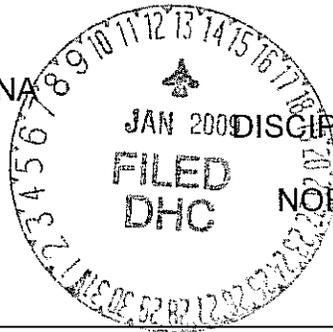


NORTH CAROLINA  
WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
07 DHC 25

THE NORTH CAROLINA STATE BAR, )  
Plaintiff )

v. )

WILLIAM L. DURHAM, Attorney, )  
Defendant )

CONSENT ORDER  
TRANSFERRING DEFENDANT  
TO DISABILITY INACTIVE  
STATUS

This matter was considered by a Hearing Committee of the Disciplinary Hearing Commission composed of F. Lane Williamson, Chair, C. Colon Willoughby, Jr., and Rebecca Brownlee. Margaret Cloutier represented plaintiff. Defendant was represented by James W. Zisa. Defendant has agreed to waive a formal hearing in the above referenced matter. The parties stipulate and agree to the findings of fact and conclusions of law recited in this consent order and to the conditions imposed. Defendant also stipulates that he waives his right to appeal this consent order or challenge in any way the sufficiency of the findings, conclusions of law or conditions ordered by consenting to the entry of this order. Defendant further waives any insufficiency in service of process and the complaint.

Based on the consent of the parties, the Hearing Committee hereby finds by clear, cogent and convincing evidence the following

#### FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar (hereinafter "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. Defendant, William L. Durham (hereinafter "Defendant" or "Durham"), was admitted to the North Carolina State Bar on August 12, 1972 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 Revised Rules of

Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

3. During the times relevant herein, Defendant actively engaged in the practice of law in the State of North Carolina and maintained a law office in Winston-Salem, Forsyth County, North Carolina.

4. The Plaintiff, the North Carolina State Bar, filed a disciplinary complaint against the Defendant, William L. Durham, on October 19, 2007. Summons was also issued on October 19, 2007. Defendant was served with a copy of the Complaint and Summons on October 26, 2007 and filed a responsive pleading on November 13, 2007.

5. On November 6, 2007, the Chair of the Disciplinary Hearing Commission appointed the three members of the Hearing Committee to hear and determine the Plaintiff's disciplinary complaint. The Hearing Committee consists of F. Lane Williamson, Chair, C. Colon Willoughby, Jr., and Rebecca Brownlee.

6. On December 1, 2008, Defendant, through counsel, filed a Notice of Disability raising a question about whether the Defendant had a disability that impaired his ability to practice law. A hearing in this matter is currently scheduled for January 9, 2009.

7. An evaluation by psychiatrist John Parkinson, M.D. reveals that Defendant suffers from moderately severe depression and high level of anxiety. His psychological impairments are significantly affecting his physical well-being and cognitive performance.

Based on the foregoing Findings of Fact, the Committee enters the following

#### CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Committee, and the Committee has jurisdiction over defendant and the subject matter of this proceeding.

2. Defendant is disabled within the meaning of 27 N.C.A.C. 1B §.0103(19), and Defendant should be transferred to disability inactive status pursuant to 27 N.C.A.C. 1B §.0118.

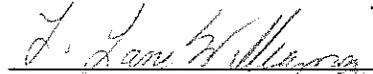
#### ORDER

1. Defendant is hereby transferred to disability inactive status.

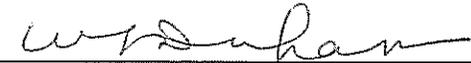
2. Defendant shall refrain from practicing law in North Carolina until reinstated to active status pursuant to 27 N.C.A.C. 1B §.0125(c).

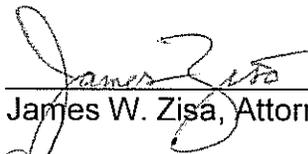
3. Defendant shall be taxed with the costs of this action.

Signed by the undersigned Chair with the full knowledge and consent of the other members of the Hearing Committee, this 9<sup>th</sup> day of January, 2009.

  
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F. LANE WILLIAMSON, CHAIR  
HEARING COMMITTEE

Consented to:

  
\_\_\_\_\_  
William L. Durham, Defendant

  
\_\_\_\_\_  
James W. Zisa, Attorney for Defendant

  
\_\_\_\_\_  
MARGARET CLOUTIER, Attorney for Plaintiff