

NORTH CAROLINA
WAKE COUNTY

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BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
91 BCR 1

In the Matter of:
Petition for Reinstatement of:

ARTIS PLUMMER, JR.

RECOMMENDATION
OF
HEARING COMMITTEE

This matter coming on to be heard and being heard on September 13, 1991 by a hearing committee composed of Maureen D. Murray, Chairman, Paul L. Jones, and Emily W. Turner; with Artis Plummer, Jr. appearing and being represented by Fred J. Williams, and with A. Root Edmonson representing the North Carolina State Bar; and based upon the evidence presented and the arguments of counsel, the hearing committee finds and concludes as follows:

1. Artis Plummer, Jr. was admitted to the practice of law in North Carolina in August, 1978.
2. On August 29, 1985, Plummer was disbarred by order of Judge Anthony M. Brannon entered in Durham County Superior Court upon Plummer's conviction of embezzlement.
3. Plummer repaid the principal amount that he embezzled by March or April, 1985. He paid restitution through the courts for the interest owed to his clients.
4. At the time of the conduct for which Plummer was disbarred, Plummer was a cocaine addict. He engaged in the use of cocaine on almost a daily basis. His embezzlement of clients' funds occurred over a two to three month period of time. He used the money to support his cocaine habit.
5. Plummer has not used cocaine or any other controlled substance since May 27, 1985.
6. Plummer has been a pastor at Hardee Grove Baptist Church in Oxford, NC since January, 1984. His faith helped him to overcome his addiction.
7. Plummer has shared his experiences of cocaine use and the resulting criminal conduct in his ministry. He has shared his story with his church members and has spoken to groups at other churches in his community and in Durham, NC, the community where he practiced law. Plummer has also worked with and counseled some prisoners and other people on an individual basis.

8. Plummer has not otherwise been involved in his community to demonstrate personal reformation to the community.

9. Plummer presented evidence of rehabilitation, but did not show that he had sufficiently reformed, given the gravity and nature of the misconduct which resulted in his disbarment.

10. Given the gravity and nature of his offense, Plummer has not sufficiently demonstrated reformation to his community such that allowing him to resume the practice of law in this state would be detrimental to the standing and integrity of the bar, to the administration of justice, and to the public's interest.

11. Plummer is now a business manager for Triad Anesthesia Associates, PA in High Point, NC. He travels to Oxford on weekends to perform his ministerial duties.

12. Plummer has not participated in any drug rehabilitation program.

13. Plummer has had his citizenship restored.

14. Plummer had ceased the active practice of law prior to his disbarment order and had wound down his practice according to the requirements of Section 24 of the Rules and Regulations of the North Carolina State Bar.

15. Plummer has complied with the order entered by Judge Brannon in Durham County Superior Court.

16. There is no evidence that Plummer engaged in the unauthorized practice of law during the period of his disbarment.

17. There was no evidence that Plummer engaged in any conduct during the period of disbarment constituting grounds for discipline under NC Gen. Stat. Sec. 84-28(b).

18. Plummer testified that he had a knowledge and understanding of the Rules of Professional Conduct.

19. As a condition of probation in his criminal judgment, Plummer was prohibited from engaging in any activity in or for a law office for five years. As a result, Plummer has not had an opportunity to keep abreast of the changes in the law since his disbarment other than reading advance sheets and other legal periodicals. He has taken no CLE during the period of his disbarment.

BASED UPON the foregoing findings, the hearing committee concludes as follows:

a. Artis Plummer, Jr. has not proven by clear, cogent and convincing evidence that he possesses the moral qualifications required for admission to the practice of law in North Carolina.

b. Plummer has not proven by clear, cogent and convincing evidence that resuming the practice of law in North Carolina will be neither detrimental to the standing and integrity of the bar, nor the administration of justice, nor subversive of the public's interest.

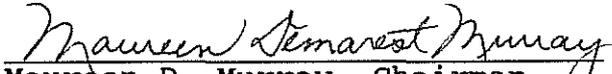
c. Plummer has not proven by the greater weight of the evidence that he has the competency and learning in the law required to practice law in North Carolina.

d. Plummer did satisfy his burden of proof of the other elements of Section 25(A)(3)(a), including subparagraphs (3) through (9).

e. For purposes of Section 25(A)(7), this recommendation shall be a final order unless Plummer seeks to bring this recommendation before the Council of the North Carolina State Bar for their consideration.

WHEREFORE, the hearing committee recommends that the license to practice law of Artis Plummer, Jr. not be reinstated.

Signed by the undersigned Chairman with the full knowledge and consent of the other members of the hearing committee this the 25th day of March, 1992, nunc pro tunc to September 13, 1991.


Maureen D. Murray, Chairman
Hearing Committee