

including full compliance with any prescriptions for psychiatric medication and with psychotherapy for not less than a six month period next preceding his reinstatement petition;

- c. He was no longer impaired and was competent to practice law;
- d. Permitting him to resume the practice of law within the state would not be detrimental to the integrity and standing of the bar, to the administration of justice, or to the public's interest;
- e. He had not engaged in the unauthorized practice of law during his period of inactive status; and
- f. He had not engaged in conduct during the period of his inactive status that would constitute grounds for discipline.

4. On March 26, 2009, Mr. Harless filed his petition for reinstatement.

5. There was no evidence presented that Mr. Harless had engaged in the unauthorized practice of law or that he had engaged in conduct during the period of his inactive status that would constitute grounds for discipline.

6. Mr. Harless did not pay the costs of the 2005 Disciplinary Hearing Commission proceeding.

7. Mr. Harless has received some medical treatment for his bipolar disorder – namely a medication regimen of Lithium and Risperdal – for a period of more than six months prior to his reinstatement petition.

8. Mr. Harless has not been under the ongoing care of a treating psychiatrist, has not received regular psychotherapy, and has not been in full compliance with the requirement that he take his prescribed psychiatric medications.

9. As a result of not taking the proper doses of his prescribed psychiatric medications, on September 19, 2009 Mr. Harless was involuntarily committed to Rockingham Memorial Hospital for two weeks with a diagnosis of bipolar disorder type I, manic, with psychosis.

10. The Rockingham Memorial Hospital discharge summary described how Mr. Harless came to be present at the hospital as:

This patient is a 44-year-old Caucasian male from Charleston, West Virginia who is brought to the emergency department by the police after receiving an alert from the Staunton Police Department. The patient had

been seen at a local bank acting suspiciously. It was reported that patient had been waving dollar bills in the air while walking in circles in the lobby of the bank. The patient was picked up at a local Exxon station having his car washed. He reports that he was enroute to a very important mission in Arlington to deliver important papers. The patient reports that he was attempting to note that there would be a war soon and all individuals with bipolar disorder needed to stop taking their medications as they have special powers that will assist in the war. He also reported that he was on his way to prevent treason as there was an attack upon the Constitution of the United States. He describes that the judges, justices and lawyers of West Virginia are breaking the rules of the Constitution.

11. Mr. Harless acknowledged that, at the time of his September 2009 hospitalization, he was no longer taking his medications as prescribed. He was taking some medications, but not the full amount.

12. Mr. Harless has been attempting to deal with his bipolar disorder since approximately 2001 and has made some progress with his treatment. He hopes his condition will improve, believes his mood is currently stable, but acknowledges that it could change in the future.

BASED UPON the foregoing Findings of Fact, the panel makes the following:

Conclusions of Law

1. The panel has personal jurisdiction over the petitioner and subject matter jurisdiction over Harless' petition for reinstatement pursuant to the terms of the Order Transferring Defendant to Disability Inactive Status and 27 NCAC 1B, §§ .0109(11) and .0125(c).

2. Mr. Harless continues to suffer from a physical or mental condition that significantly impairs his professional judgment, performance or competence as a lawyer within the meaning of 27 N.C.A.C. 1B, § .0103(19) of the State Bar's discipline and disability rules.

3. Mr. Harless has failed to demonstrate to the panel by clear, cogent and convincing evidence that permitting him to resume the practice of law within the State of North Carolina would not be detrimental to the integrity and standing of the Bar, to the administration of justice or to the public interest.

4. Mr. Harless has failed to demonstrate that he has fulfilled the requirements for reinstatement as set forth in the August 26, 2005 order.

THEREFORE, BASED UPON the foregoing Findings of Fact and Conclusions of Law,
the panel enters the following:

ORDER DENYING REINSTATEMENT TO ACTIVE STATUS

Harless' Petition for Reinstatement to the active practice of law in North Carolina is
hereby DENIED.

Signed by the Chair of the panel with the full knowledge and consent of the
other members of the panel this the 18th day of August, 2010.



Donna R. Rascoe, Chair