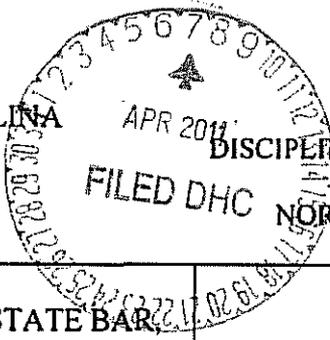


STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE  
 DISCIPLINARY HEARING COMMISSION  
 OF THE  
 NORTH CAROLINA STATE BAR  
 10 DHC 39

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

ALBERT M. NEAL, Jr. Attorney,

Defendant

ORDER TRANSFERRING  
 DEFENDANT TO  
 DISABILITY INACTIVE STATUS  
 AND FOR  
 MEDICAL EVALUATION

This matter came before the Chair of the Hearing Panel in the above captioned proceeding based upon the pleadings. The Chair makes the following:

**Findings of Fact**

1. Plaintiff, the North Carolina State Bar, filed a disciplinary complaint against Defendant, Albert M. Neal, Jr., on October 26, 2010. Defendant was served with the complaint and an alias and pluries summons on December 3, 2010.
2. On December 16, 2011, the Chair of the Disciplinary Hearing Commission appointed three members to a Hearing Panel to hear and determine the above titled matter. The Hearing Panel consists of Fred M. Morelock, Chair, Ronald R. Davis, and Patti Head.
3. On March 31, 2011, Defendant, through counsel, filed a Notice of Disability raising a question about whether Defendant has a disability that impairs his ability to practice law.
4. On April 1, 2011, Plaintiff filed a Motion for Order of Medical Evaluation.

Based upon the foregoing Findings of Fact, the Chair makes the following:

**Conclusions of Law**

1. Defendant has raised a contention that he is disabled within the meaning of 27 N.C.A.C. 1B § .0103(19) during the course of a disciplinary proceeding.

2. In accordance with 27 N.C.A.C. 1B § .0118(c), the disciplinary proceeding should be stayed pending a determination by the Hearing Panel whether Defendant is disabled within the meaning of 27 N.C.A.C. 1B § .0103(19).

3. In accordance with 27 N.C.A.C. 1B § .0118(c), Defendant should be immediately transferred to disability inactive status pending the conclusion of a hearing by the Hearing Panel on Defendant's disability.

4. In accordance with 27 N.C.A.C. 1B § .0118(b)(3), good cause exists to require Defendant to submit for a medical evaluation of his condition and for Defendant to produce all medical records related to his alleged disability to Plaintiff as soon as possible.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Chair enters the following:

### **Order**

1. Defendant is hereby immediately transferred to disability inactive status pending a determination whether Defendant is disabled within the meaning of 27 N.C.A.C. 1B § .0103(19).

2. The disciplinary proceeding is hereby stayed pending a determination whether Defendant is disabled within the meaning of 27 N.C.A.C. 1B § .0103(19).

3. The Hearing Panel will conduct a hearing on Defendant's disability in accordance with the requirements of 27 N.C.A.C. 1B § .0118(c). The hearing date will be set by separate order.

4. Defendant shall submit to a complete physical examination by a medical doctor licensed and in good standing in North Carolina with regard to his alleged disability no later than May 1, 2011. Defendant and Counsel for the North Carolina State Bar shall agree upon the physician to be consulted no later than April 15, 2011. The expense of this examination shall be borne by Defendant.

5. If recommended by the medical doctor conducting the above required physical examination that Defendant be evaluated by a psychiatrist or psychologist, Defendant shall submit to such examination by a psychiatrist or psychologist licensed and in good standing in North Carolina no later than May 30, 2011. Defendant and Counsel for the North Carolina State Bar shall agree upon the psychiatrist or psychologist to be consulted no later than May 15, 2011. The expense of this examination shall be borne by Defendant.

6. Defendant shall provide copies of all documents, records, reports and materials relating to the above-mentioned examinations and all medical reports, documents, records and materials of Defendant's treating medical care providers related

to his alleged disability at his expense to the Counsel of the N.C. State Bar no later than June 10, 2011.

This the 7<sup>th</sup> day of April, 2011.

A handwritten signature in black ink, appearing to read 'Fred M. Morelock', written over a horizontal line.

Fred M. Morelock, Chair  
Disciplinary Hearing Panel