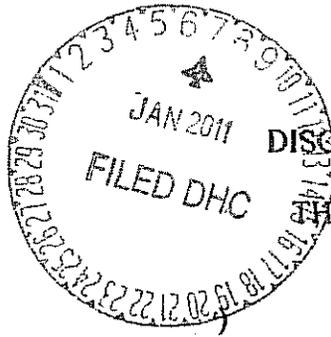


NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF
THE NORTH CAROLINA STATE BAR
09 DHC 27

The North Carolina State Bar,
Plaintiff,
v.
Ronald L. Pressley, Attorney,
Defendant.

**Order Dissolving Stay of Suspension
and
Activating Suspension of Law License**

This matter came on for hearing on November 19, 2010 before a hearing panel of the Disciplinary Hearing Commission composed of Sharon B. Alexander, Chair, and panel members Donna R. Rascoe and Charles L. Garrett. The matters for hearing are the Motion to Show Cause filed by Plaintiff and the Order to Appear and Show Cause issued by the hearing panel on October 21, 2010. This hearing is conducted pursuant to North Carolina Administrative Code, Title 27, Chapter 1, Subchapter B, §§ .0109 and .0114(x). Katherine E. Jean, Counsel, appeared on behalf of Plaintiff, the North Carolina State Bar. Ronald L. Pressley did not appear either pro se or through counsel. Based on the official record and the evidence presented at the hearing, the hearing panel makes the following:

FINDINGS OF FACT

1. The Disciplinary Hearing Commission entered an Order of Discipline in this case on May 19, 2010 imposing a three-year suspension of Defendant's license. The Order of Discipline stayed the suspension for three years conditioned upon Defendant's compliance with the conditions stated therein. The conditions of the stay as listed in the Order of Discipline include but are not limited to:
 - a. The Order of Discipline requires Defendant to undergo treatment by a qualified psychiatrist or other mental health professional acceptable to the Office of Counsel for depression and any other mental health problems that may be diagnosed by such mental health professional. The Order of Discipline requires Defendant to instruct his mental health professional, in writing, to provide a copy of his or her written evaluation of Defendant to the Office of Counsel within 15 days of completion of the evaluation. The Order of Discipline provides that failure to fulfill all of the requirements set forth in this subparagraph within the deadlines set forth therein will constitute grounds to lift the stay and activate the suspension of Defendant's license.

- b. The Order of Discipline requires Defendant, at Defendant's expense, to direct his psychiatrist or mental health professional to directly provide quarterly written reports to the Office of Counsel describing Defendant's current treatment regimen, compliance, and prognosis or treatment plan for the next quarter, within fifteen (15) days of the end of each calendar quarter (i.e., by January 15, April 15, July 15, and October 15). The Order of Discipline requires Defendant to execute written waivers and releases authorizing the Office of Counsel to confer with Defendant's psychiatrist or other medical care professional.
 - d. The Order of Discipline requires Defendant, within two months of the effective date of the Order, to contract with a licensed North Carolina lawyer to serve as Defendant's practice monitor. The Order of Discipline requires Defendant to meet with the practice monitor at least once a month throughout any period during which the suspension of his law license is stayed. The Order of Discipline requires Defendant, within fifteen (15) days after the end of each calendar quarter, to deliver to the Office of Counsel written reports signed by the practice monitor confirming that the required meetings are occurring.
 - h. The Order of Discipline requires Defendant to pay all Membership dues, fees and costs, including all Client Security Fund assessments and other charges or surcharges the State Bar is authorized to collect from him, and to comply with all Continuing Legal Education (CLE) requirements on a timely basis.
 - i. The Order of Discipline requires Defendant to pay the costs assessed against him in the Order within thirty (30) days of service upon him of the statement of costs from the Office of Secretary.
2. Defendant accepted service of and acknowledged receipt of the Order of Discipline.
 3. The effective date of the Order of Discipline was June 20, 2010.
 4. The Order to Appear and Show Cause and Notice of Hearing were served on Defendant by United States Mail at Defendant's address of record. Neither the Order to Appear and Show Cause nor the Notice of Hearing was returned by the United States Postal Service as refused or undeliverable.
 5. Since the Order of Discipline was entered, no psychiatrist or mental health professional has submitted any documentation indicating that he or she has conducted an evaluation of Defendant.
 6. Since the Order of Discipline was entered, no psychiatrist or mental health professional has provided a quarterly or other report to the Office of Counsel describing Defendant's current treatment regimen, compliance, and prognosis or treatment plan.
 7. Defendant has not provided the Office of Counsel with the name of a proposed practice monitor.

8. No practice monitor has submitted any report indicating that he or she has had any meeting with Defendant.
9. Defendant has not paid 2010 Membership dues, Client Security Fund assessments, and other fees or obligations owed to the North Carolina State Bar for the year 2010 as required by 27 NCAC 1A .0203.
10. Defendant has not completed the mandatory hours of Continuing Legal Education required by 27 NCAC 1D .1518 for 2008 and 2009, has not submitted the 2009 annual report required by 27 NCAC 1D .1522, and has not paid mandatory fees owed by him to the Board of Continuing Legal Education.
11. Defendant has not paid the costs assessed against him in the Order of Discipline.

Based upon these findings of fact, the hearing panel hereby enters the following:

CONCLUSIONS OF LAW

1. The Disciplinary Hearing Commission retained jurisdiction of this matter pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0114(x) of the North Carolina State Bar Discipline and Disability Rules throughout the period of the stayed suspension and this matter is properly before this hearing panel.
2. Plaintiff established by the greater weight of the evidence that Defendant has failed to comply with multiple conditions of the stay of the suspension of his law license identified in Findings of Fact 5 through 11.
3. The hearing panel imposed the conditions in the Order of Discipline because the hearing panel concluded that, if it were to permit Defendant to continue practicing law, the conditions were necessary to protect the public and to protect the reputation and standing of the legal profession.
4. The hearing panel concludes that Defendant's failure and refusal to appear in response to its Order to Appear and Show Cause and Defendant's failure to comply with the conditions set forth in Findings of Fact 5 through 11 indicate that Defendant is unwilling or unable to comply with his professional obligations.
5. The depression from which Defendant suffers is a serious condition that has impacted Defendant, among other ways, by interfering with his willingness or ability to communicate appropriately with his clients, to provide legal services promptly and competently and to respond timely to communications from the State Bar and from the Disciplinary Hearing Commission.

6. The hearing panel could only permit Defendant to represent clients and otherwise to engage in the practice of law if it received appropriate proof that Defendant is receiving regular treatment for his depression and is following all treatment recommendations, including taking all prescribed medications. Because Defendant has not made the necessary arrangements for the Office of Counsel to receive a copy of a psychiatrist's or other mental health care professional's evaluation of Defendant and to receive quarterly reports of Defendant's treatment and progress, the hearing panel has no basis to conclude that Defendant is willing and able to communicate appropriately with his clients, to provide legal services promptly and competently and to respond timely to communications from the State Bar and from the Disciplinary Hearing Commission.
7. The hearing panel concludes that the protection of the public and the standing and reputation of the profession cannot be assured without Defendant's compliance with each of the conditions contained in the Order of Discipline.
8. The hearing panel concludes that the public would be placed at risk if Defendant were permitted to continue to practice law without providing proof of his timely compliance with all of the conditions contained in the Order of Discipline.
9. Defendant's failure to comply timely with the conditions set forth in Findings of Fact 5 through 11 justifies dissolution of the stay of the suspension and activation of the three year suspension of Defendant's license.

THEREFORE, it is hereby

ORDERED

1. The stay of the three year suspension imposed in the Order of Discipline is hereby dissolved and the law license of Defendant, Ronald L. Pressley, is suspended for three years. This suspension is effective thirty days after service of this Order upon Defendant.
2. Defendant shall submit his license and membership card to the Secretary of the North Carolina State Bar no later than 30 days after service of this Order of Discipline upon him.
3. Defendant shall comply with the wind down provisions contained in 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0124 of the North Carolina State Bar Discipline & Disability Rules, including but not limited to distributing entrusted funds and client files to all clients and initiating any appropriate escheat procedures. Within 30 days of the effective date of this order, Defendant shall file with the Secretary of the North Carolina State Bar an affidavit certifying that he has complied with the wind down rule.

Signed by the undersigned Chair of the hearing panel with the consent of the other members of the hearing panel. Donna R. Rascoe consented prior to December 31, 2010.

This the 6th day of January, 2011.

A handwritten signature in black ink, appearing to read 'S. B. Alexander', written over a horizontal line.

Sharon B. Alexander, Chair
Disciplinary Hearing Panel