

STATE OF NORTH CAROLINA
COUNTY OF WAKE

FILED

1984 JUL 16 AM 9 08

W. JAMES S. CUL
THE N. C. STATE BAR

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
84 DHC 2, 84 DHC 3

THE NORTH CAROLINA STATE BAR,
Petitioner,

-vs-

ROBERT W. NEWSOM, III
Respondent

CONSENT ORDER

This cause coming before the undersigned Hearing Committee pursuant to §18 of Article IX of the Rules and Regulations of the North Carolina State Bar regarding Discipline and Disbarment of Attorneys on the pleadings and stipulations of record in 84 DHC 3 relative to the Respondent's mental and emotional competence to practice law, and it appearing that both parties have agreed to waive hearing in 84 DHC 3, and have consented to disposition of 84 DHC 3 upon said pleadings and stipulations, the Hearing Committee does hereby make the following Findings of Fact:

1. The Petitioner, the North Carolina 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. The Respondent, Robert W. Newsom, III, was admitted to the North Carolina State Bar on October 14, 1975, and is an Attorney at Law licensed to practice in North Carolina, subject to the rules, regulations, Canons of Ethics, and Code of Professional Responsibility of the North Carolina State Bar and the law of the State of North Carolina.
3. The Respondent is a 34 year old married man with three children who resides in Greensboro, North Carolina. He is presently employed by Guilford County as a substance abuse councilor at the Crawford Center, having not practiced law in several months.
4. The Respondent is an alcoholic and has a history of drug abuse.
5. The Respondent's drinking and drug abuse have resulted in a significant degree of brain injury which has been clinically described as organic impairment or organic brain syndrome. This brain injury has seriously impaired the Respondent's intellectual capacity, has destroyed much of his short-term memory, and has at times resulted in extreme forgetfulness, profound confusion, and erratic behavior.

6. The Respondent's brain injury probably is permanent. While, there is a possibility that the Respondent's condition may improve due to the development of "alternate circuitry" in his brain over time and continued sobriety, it is presently impossible to forecast whether he will ever fully recover.

7. The Respondent also suffers from a personality disorder. On November 11, 1983, he was diagnosed by Psychologist Thomas B. Toy, Ph.D as having a "schizoid-like personality with obsessive-compulsive features" in combination with an "anxiety reaction with depressive features."

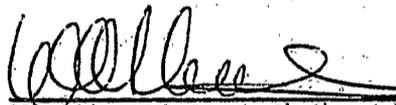
8. The Respondent began receiving treatment for his physical and psychological problems in September, 1983. He is currently under the care of a psychiatrist, Dr. Theodore R. Clark, M.D. of Southern Pines. Dr. Clark is of the opinion that the Respondent is not presently competent to deal with the intellectual and emotional challenges of law practice and the Respondent concurs in that opinion.

9. The Respondent is not presently competent to deal with the intellectual and emotional challenges of law practice.

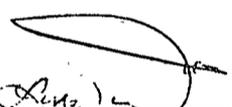
Based upon the foregoing Findings of Fact, the Hearing Committee makes the following Conclusion of Law: The Respondent is presently disabled and not competent to practice law in North Carolina.

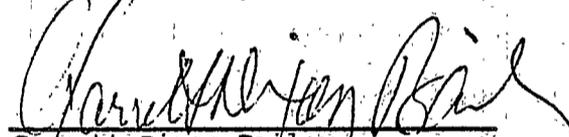
Wherefore, it is by consent ordered that the Respondent be transferred to inactive status on the ground of disability for an indefinite period and until the further order of the Council of the North Carolina State Bar.

This the 16th day of July, 1984.

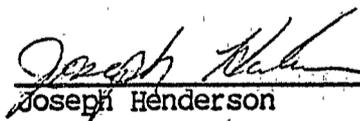

W. Osborne Lee, Chairman

We consent


L. Thomas Lunsford, II
Counsel for the Petitioner


Garrett Dixon Bailey


Edward L. Murrelle
Counsel for the Respondent


Joseph Henderson


Robert W. Newsom, III
Respondent