

NORTH CAROLINA  
WAKE COUNTY



18677

BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
97 DHC 18

THE NORTH CAROLINA STATE BAR, )  
Plaintiff )  
v. )  
BAIBA BOURBEAU, Attorney, )  
Defendant )

ORDER OF DISMISSAL

This matter is before this hearing committee of the Disciplinary Hearing Commission composed of James R. Fox, Chair, Franklin E. Martin and A. James Early, III upon motion by the plaintiff, the North Carolina State Bar, to dismiss its complaint alleging that the defendant, Baiba Bourbeau, is disabled pursuant to Rule 41(a)(2) of the Rules of Professional Conduct. Based upon the motion and its attachment, the hearing committee finds as follows:

1. A board certified psychiatrist, Dr. Stephen Buie, examined the defendant on August 20, 1997 and found no disorder present.

2. In a September 30, 1997 telephone conference call among Dr. Buie and counsel for both parties herein, Dr. Buie expressed his professional opinion that the defendant is not disabled. Dr. Buie further advised counsel that certain other additional evidence might cause him to change his opinion.

3. Counsel for the North Carolina State Bar conducted a subsequent investigation and determined that no additional evidence existed of the type that Dr. Buie had advised might cause him to alter his professional opinion.

BASED UPON the foregoing, the hearing committee concludes that the North Carolina State Bar can not meet its burden of proof of defendant's disability.

WHEREFORE, this proceeding is hereby DISMISSED.

Signed by the undersigned with the full knowledge and consent of the other members of the hearing committee this the 10<sup>th</sup> day of October, 1997.



James R. Fox, Chair  
Hearing Committee