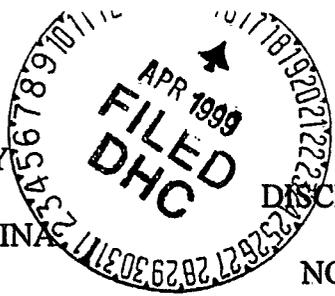


3959



WAKE COUNTY
NORTH CAROLINA

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

THE NORTH CAROLINA STATE BAR)	
PLAINTIFF)	
)	CONSENT ORDER
v.)	TRANSFERRING DEFENDANT
)	TO DISABILITY INACTIVE STATUS
WILLIAM M. SHEFFIELD, ATTORNEY)	
DEFENDANT)	

THIS MATTER came before a hearing committee of the Disciplinary Hearing Commission on April 2, 1999 pursuant to the motion of the Defendant, William M. Sheffield, for an order transferring the Defendant to disability inactive status. The hearing committee was composed of Richard T. Gammon, Chair; Franklin E. Martin and Anthony E. Foriest. The Defendant was represented by Donna Ambler Davis and Carolin Bakewell represented the N.C. State Bar.

Based upon the pleadings filed herein, the argument of counsel and the consent of the parties, the hearing committee makes the following:

FINDINGS OF FACT

1. The Defendant, William M. Sheffield (hereafter, Sheffield), was licensed to practice law in North Carolina in 1972.
2. On or about May 26, 1998, the N.C. State Bar filed a formal complaint, alleging that Sheffield had violated the Rules of Professional Conduct in various respects.
3. Sheffield was personally served with the State Bar's summons and complaint on June 15, 1998 by the Orange County Sheriff's Dept.
4. Pursuant to Sheffield's motion, Sheffield was allowed until and through Aug. 6, 1998 in which to file an answer or other responsive pleading.
5. Sheffield failed to file an answer or other responsive pleading with the Disciplinary Hearing Commission on or before Aug. 6, 1998.

6. On or about Aug. 7, 1998, the Secretary of the N.C. State Bar entered the default of the Defendant.

7. On or about Sept. 4, 1998, Sheffield, through counsel, filed a motion to set aside the default.

8. On Oct. 26, 1998, the Chair of the Hearing Committee granted Sheffield's motion to set aside the default and granted the State Bar's motion to file an amended complaint.

9. On Oct. 27, 1998, Sheffield filed a timely answer to the amended complaint.

10. On Nov. 18, 1998, Sheffield, through counsel, filed a motion to be transferred to disability inactive status and to stay resolution of the pending disciplinary matter until the conclusion of the disability proceeding.

11. Following the filing of Sheffield's motion for transfer to disability inactive status, the parties have engaged in discovery concerning Sheffield's mental and physical condition.

12. Dr. Bruce Hughes, MD, if called, would testify, in pertinent part, as follows:

- a) He is a psychiatrist licensed by the State of North Carolina, who practices in Chapel Hill, N.C.
- b) He first saw Sheffield as a patient on June 13, 1997 and has seen him on eight occasions since then. There have been several periods in which Sheffield has not returned for regular treatment or appointments with Dr. Hughes.
- c) In Dr. Hughes' opinion, Sheffield is suffering from a major depressive disorder, which is probably of a long-standing nature.
- d) Dr. Hughes has treated Sheffield for depression by several prescription medications, including Zoloft initially and, more recently, with an anti-depressant called Wellbutrin.
- e) Sheffield's ability to engage in the practice of law is impaired by his depression.
- f) Prior to resuming the practice of law, Sheffield should engage in psychotherapy on a weekly basis or at such other intervals recommended by his therapist and should continue to see a psychiatrist at least monthly or at such other intervals recommended by the psychiatrist.

- g) Dr. Hughes would recommend that Sheffield not engage in the practice of law for a period of six months to a year, prior to seeking transfer to active status with the State Bar.

13. Dr. Nicholas E. Stratas, MD, if called, would testify, in pertinent part, as follows:

- a) He is a psychiatrist licensed by the State of North Carolina, who practices in Raleigh, N.C.
- b) He saw Sheffield as a patient on May 21, 1997 at the request of the N.C. State Bar pursuant to a consent order of discipline previously entered by the Disciplinary Hearing Commission.
- c) Although Dr. Stratas did perform some tests, he was not able to complete his evaluation as Sheffield did not return to Dr. Stratas for a second visit.
- d) Dr. Stratas' preliminary diagnosis, however, is that, as of May 1997, Sheffield had a dysthymic disorder.
- e) As of May 1997, Sheffield also displayed several personality configurations, including self-defeating, borderline and depressive personality traits. These may be the results of personality disorders or may be the result of depression.
- f) As of May 1997, Sheffield's ability to engage in the practice of law was significantly impaired by his condition, in his opinion.
- g) Prior to resuming the active practice of law, Sheffield should continue to see a psychiatrist and engage in psychotherapy.

Based upon the foregoing Findings of Fact, the hearing committee hereby enters the following

CONCLUSIONS OF LAW

1. All parties are properly before the hearing committee and the committee has jurisdiction over the defendant and the subject matter of this proceeding.
2. The parties consent to the entry of this order and the conditions of reinstatement set out below.
3. The defendant, William M. Sheffield, is disabled within the meaning of 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0103(b) of the N.C. State Bar Discipline & Disability Rules and is not competent to practice law in North Carolina.

Based upon the foregoing Findings of Fact and Conclusions of Law, the hearing committee hereby enters the following:

ORDER TRANSFERRING ATTORNEY TO DISABILITY INACTIVE STATUS

1. The Defendant, William M. Sheffield, is hereby transferred to disability inactive status for five years. The Defendant may seek an order transferring him to active status pursuant to § .0125(c) of the State Bar Discipline & Disability Rules at any time after one year, upon demonstrating, by clear, cogent and convincing evidence that:

a) he has participated in psychotherapy with a therapist approved by the N.C. State Bar at least once a week (or at such other intervals recommended by the therapist) for a period of not less than one year next preceding the petition for transfer to active status;

b) he has received treatment from a psychiatrist approved by the N.C. State Bar at least once a month (or at such other intervals as recommended by the psychiatrist) for a period of not less than one year next preceding the petition for transfer to active status;

c) he has, within 15 days of the motion for reinstatement, provided the N.C. State Bar with a signed, written release permitting the State Bar's counsel to obtain copies of Defendant's medical records from all physicians, psychiatrists and therapists from whom Defendant has received counseling or treatment since the date of this order and to contact such physicians and counselors to inquire respecting Sheffield's compliance with the terms of this order. Defendant shall not revoke such release without consent of the State Bar.

d) he has complied with all treatment plans, directions and recommendations of his psychiatrist and psychotherapist, has responded promptly and candidly with requests for information from his therapist and physician and has appeared for all scheduled appointments.

(e) he has paid the costs of this disability proceeding.

(f) he has complied with all provisions of § .0125(c) of the Discipline & Disability Rules.

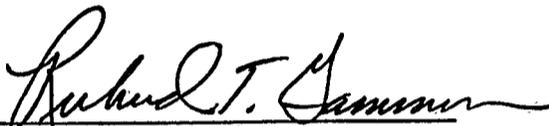
2. If any portion of the five-year period is stayed, the stay of the remaining period of the five years shall be conditioned upon Defendant's compliance with all provisions of ¶1(d) and (e).

3. If Defendant does not seek a stay of any portion of the five years or, if he seeks a stay which is later lifted for any reason, Defendant shall not be re-transferred to active status until he presents clear, cogent and convincing evidence that he is no longer disabled within the meaning of 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0103(b) of the N.C. State Bar Discipline & Disability Rules.

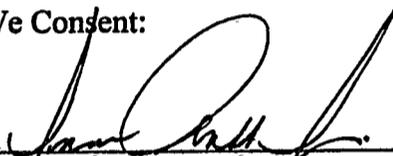
4. All disciplinary matters pending against the Defendant before the Disciplinary Hearing Commission are hereby ABATED until such time, if ever, that Defendant is transferred to active status.

This the 14th day of April, 1999.

Signed by the hearing committee chair with the consent of all committee members.


Richard T. Gammon, Chair

We Consent:


Donna Ambler Davis
Defendant's Attorney


Carolin Bakewell
Plaintiff's Attorney