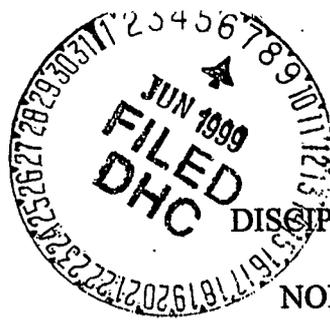


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NORTH CAROLINA
WAKE COUNTY

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

THE NORTH CAROLINA STATE BAR)	
Plaintiff)	
)	FINDINGS OF FACT AND
v.)	CONCLUSIONS OF LAW AND
)	ORDER
ROBERT W. ADAMS, Attorney)	
Defendant)	

This cause was heard on May 7, 1999 before a hearing committee of the Disciplinary Hearing Commission composed of Michael L. Bonfoey, chairman; Joseph G. Maddrey, and B. Stephen Huntley. Fern Gunn Simeon represented the North Carolina State Bar (hereafter, State Bar). Robert W. Adams, the defendant, (hereafter, defendant) represented himself. Based upon the pleadings herein, the stipulations entered into by the parties and the evidence admitted at trial, the hearing committee makes the following:

FINDINGS OF FACT

1. The North Carolina State Bar, the plaintiff, 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, the Rules and Regulations of the North Carolina State Bar promulgated thereunder.
2. The defendant, Robert W. Adams, was admitted to the North Carolina State Bar in 1972 and is, and was at all times referred to herein, an attorney at law licensed to practice law in North Carolina, subject to the rules, regulations and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.
3. The defendant was disciplined by the Disciplinary Hearing Commission (hereafter, DHC) on November 6, 1997 for neglect of a client's case, failure to communicate with a client, failure to respond to the State Bar regarding a grievance investigation, and failure to pay promptly costs imposed by the Grievance Committee.
4. The defendant's law license was suspended for two years, but the suspension was stayed for two years upon several terms and conditions.

5. On January 28, 1999, the State Bar filed a motion for order to appear and show cause why an order should not be entered, suspending the defendant's law license for his failure to comply with the terms of the stayed suspension as imposed by the DHC in its order entered on November 20, 1997.

6. One of the conditions of the defendant's stayed suspension was that he make an appointment with a board certified psychiatrist who is a member of the N.C. Chapter of Addictions Medicine and is acceptable to the State Bar for evaluation of his mental health. He was to make the appointment with the psychiatrist within 30 days of the disciplinary hearing. The order of discipline further provided that five days after making the appointment with the psychiatrist, the defendant was to provide the name, address, and telephone number of the psychiatrist to the State Bar.

7. The defendant did not give the State Bar, within 35 days of the disciplinary hearing, the name, address, and telephone number of the psychiatrist that he planned to see.

8. Another condition of the defendant's stayed suspension was that he should not violate any state or federal laws.

9. The defendant was arrested on January 12, 1998 in Catawba County for driving while impaired (hereafter, DWI). The defendant blew a .15 on the breathalyzer.

10. On May 27, 1998, the defendant was convicted of DWI in Catawba County District Court. He appealed the district court's decision to Superior Court, but remanded the case to district court on August 6, 1998. A judgment of conviction was entered on August 6, 1998. The defendant was placed on unsupervised probation for 48 months, ordered to obtain a substance abuse assessment and all recommended education or treatment and complete 24 hours of community service within 30 days from the date of the order.

11. Another condition of the defendant's stayed suspension was that he should not violate any Rules of Professional Conduct.

12. The defendant's conviction of DWI violates Rule 8.4(b) and (d) of the Revised Rules of Professional Conduct.

13. The defendant stipulated and agreed that his conduct as set forth above was in violation of several conditions of the DHC's order which stayed the suspension of his license.

Based upon the foregoing Findings of Fact, the hearing committee makes the following:

CONCLUSIONS OF LAW

1. All parties are properly before the hearing committee and the committee has jurisdiction over the person of the defendant, Robert W. Adams, and the subject matter.
2. The State Bar has the burden of proof to show, by the greater weight of the evidence, that the defendant has violated one or more conditions of the disciplinary order.
3. The State Bar has proven, by the greater weight of the evidence, that the defendant has violated several conditions of his stayed suspension: 1) the defendant did not provide the State Bar with the name, address, and telephone number of the psychiatrist he planned to see within 35 days of the hearing on November 6, 1997; 2) the defendant violated a state law by driving while impaired on January 12, 1998; and 3) the defendant violated Revised Rules 8.4(b) and (d) when he was convicted of DWI on May 27, 1998.

Based upon the testimony of the defendant and evidence presented at trial, the hearing committee hereby makes the following:

ADDITIONAL FINDINGS OF FACT

1. Pursuant to the DHC's order of November 20, 1997, the defendant saw Dr. Charles Trado, a board certified psychiatrist who can make both psychiatric and substance abuse evaluations, on March 5, 10, and 24, 1998, July 30, 1998, and May 6, 1999.
2. Dr. Trado submitted his reports concerning the defendant in two letters dated July 30, 1998 and May 6, 1999.
3. In his letter dated July 30, 1998, Dr. Trado stated that he told the defendant that he (Dr. Trado) thought the defendant had a drinking problem, that the defendant had to stop drinking and that he (Dr. Trado) recommended Alcoholics Anonymous for the defendant.
4. The defendant told Dr. Trado and testified to the hearing committee that he would feel uncomfortable going to Alcoholics Anonymous in his community and that he could stop drinking on his own.
5. The defendant further testified that he had not consumed any alcoholic beverages since March 16, 1998.
6. The hearing committee notes that the defendant's arrest for DWI came two months after his disciplinary hearing in which he was ordered to get both psychiatric and substance evaluations.

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

ORDER

1. The two-year stayed suspension of the defendant's law license is continued and extended to December 31, 2000 upon the following terms and conditions:

a. The defendant shall not drink any alcoholic substances during the period of the stayed suspension.

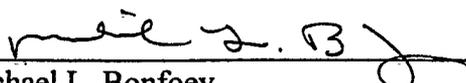
b. During the period of the stayed suspension, the defendant shall cooperate with the North Carolina State Bar's Positive Action for Lawyers Program (hereafter PALS) to address issues of substance abuse and/or chemical addiction. Such cooperation may at PALS discretion include evaluation, treatment, monitoring and/or other therapeutic intervention which shall be paid by the defendant. During the period of the stayed suspension, the defendant shall pay for and submit to random alcohol and drug screens at the direction of the director of PALS. Such testing may be provided through a drug/alcohol screening agency. A positive screen, failure to provide a drug screen, failure to call to see if a screen is required and/or failure to provide a screen within a set time period will all be considered in violation of this stay. It will be the responsibility of PALS to report to the State Bar compliance and/or non-compliance with the provision of this order. PALS' report shall be limited to information regarding compliance or non-compliance and other information received by PALS shall remain confidential.

c. The defendant shall not violate any state or federal laws during the continued and extended period of his stayed suspension.

d. The defendant shall not violate any provisions of the Rules of Professional Conduct during the continued and extended period of his stayed suspension.

e. The defendant shall pay all costs incurred and taxed against him in this show cause proceeding within 30 days of the date that this order is signed by the hearing committee chairman.

Signed by the chairman with the consent of the other hearing committee members, the 1 day of JUNE, 1999.


Michael L. Bonfoey,
Hearing Committee Chairman