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NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
97G1449(II), 97G1541(II)

IN RE:)	CONSENT ORDER
)	TRANSFERRING MEMBER
)	TO DISABILITY
DONALD R. SOULE, Attorney)	INACTIVE STATUS

This matter is before the undersigned Chairperson of the North Carolina State Bar's Grievance Committee pursuant to 27 NCAC 1B §.0118(g). Douglas J. Brocker represents the North Carolina State Bar and Stephen T. Smith represents Donald R. Soule, ("Soule"). Based upon confidential reports and analysis of Soule's neurologist, S. Mitchell Freedman, MD, Soule's psychiatrist, Gene G. Abel, MD, and a neuropsychological evaluation of Soule done by David M. Shwartz, PhD, clinical neuropsychologist, confidential memorandums of deputy counsel's subsequent interviews with Soule's above-mentioned medical providers, and with the consent of Soule and deputy counsel of the North Carolina State Bar, the undersigned makes the following:

FINDINGS OF FACT

1. The North Carolina State Bar is a body duly organized under the laws of North Carolina and is the proper party to consent to this order 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. Soule was admitted to the North Carolina State Bar on February 2, 1986 and is 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. Until November 20, 1997, Soule actively engaged in the practice of law in the State of North Carolina and maintained a law office in the city of Raleigh, Wake County, North Carolina.
4. On November 20, 1997, upon motion of the North Carolina State Bar, Senior Resident Superior Court Judge for Wake County, Robert L. Farmer, entered a temporary restraining order enjoining Soule from practicing law.

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5. The temporary restraining order was extended and eventually a consent order of preliminary injunction was entered on January 23, 1998 enjoining Soule from practicing law. The consent order of preliminary injunction remains in effect.

6. Soule currently suffers from an indolent but progressive degenerative motor neurological disease that appears to be a variant of amyotrophic lateral sclerosis ("ALS" also known as "Lou Gehrig's Disease").

7. Soule also suffers from an impulse control disorder. Soule's impulse control disorder is caused by an organic frontal lobe brain dysfunction of unknown origin. Although the precise source of Soule's organic frontal lobe brain dysfunction is unknown at this time, there are indications that it may be linked to his progressive degenerative motor neurological disease.

8. Soule's impulse control disorder, organic frontal lobe brain dysfunction, and progressive degenerative motor neurological disease significantly impair his professional judgment, performance and competence as an attorney.

9. Soule's above-mentioned conditions make it unlikely that he ever will be able to return to the practice of law.

10. Soule consents to being transferred to disability inactive status.

11. Soule has sufficient capacity to understand the consequences of consenting to this order.

BASED UPON the foregoing Findings of Fact, the undersigned makes the following:

CONCLUSIONS OF LAW

1. Pursuant to 27 NCAC 1B §.0118(g), the proper parties have consented to Soule being transferred to disability inactive status.

2. Soule is disabled within the meaning of 27 NCAC 1B §.0103(18).

3. Pursuant to 27 NCAC 1B §.0118(c)(3), all pending disciplinary proceedings against Soule are stayed as long as Soule remains on disability inactive status, but the State Bar retains the right to pursue the stayed disciplinary proceedings if Soule is reinstated to active status.

THEREFORE, it is hereby ORDERED:

ORDER

1. Soule is transferred to disability inactive status.
2. Soule shall refrain from practicing law in North Carolina until he is no longer disabled and has been returned to active status as a member of the North Carolina State Bar pursuant to the procedures set out in 27 NCAC 1B §.0125(c).

This the 5th day of JUNE, 1998.


T. Paul Messick, Jr. Chair
Grievance Committee
North Carolina State Bar

CONSENTED TO:


Donald R. Soule
Member, North Carolina State Bar


Stephen T. Smith
Attorney for Member


Douglas J. Brooker
Deputy Counsel
North Carolina State Bar