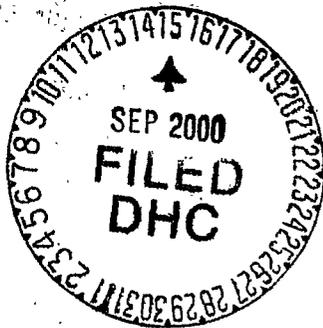


NORTH CAROLINA
WAKE COUNTY



2617

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
00 DHC 2

THE NORTH CAROLINA STATE BAR,)
)
) Plaintiff,)
)
) v.)
)
 ARTHUR L. LANE, Attorney,)
)
) Defendant.)

CONSENT ORDER OF DISABILITY

THIS MATTER came before a Hearing Committee of the Disciplinary Hearing Commission composed of James R. Fox, Chair; Elizabeth Bunting and Lorraine Stephens, pursuant to 27 N.C. Admin. Code 1 Subchapter B § .0114. Ronnie M. Mitchell and Coy E. Brewer, Jr. represented Defendant, Arthur L. Lane. Douglas J. Brocker represented Plaintiff. Both parties stipulate and agree to the findings of fact and conclusions of law recited in this Consent Order transferring Defendant to disability inactive status. Based on the consent of the parties, the Hearing Committee enters the following:

FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar (hereinafter "State Bar"), is a body duly organized under the laws of the State 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. Defendant, Arthur L. Lane (hereafter "Lane"), was admitted to the North Carolina State Bar on August 19, 1952 and is, and was at all times herein referred to herein, an Attorney at

Law licensed to practice 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. During the times relevant to this Complaint, Lane actively engaged in the practice of law in the State of North Carolina and maintained a law office in the City of Fayetteville, Cumberland County, North Carolina.

4. The Plaintiff's Complaint in this matter asserted that Lane engaged in disciplinary violations.

5. In response, Lane asserted that he was disabled within the meaning of 27 N.C. Admin. Code 1 Subchapter B § .0103 (18).

6. Lane was transferred to disability inactive status on June 2, 2000, pending the conclusion of a final disability hearing, pursuant to North Carolina General Statute 84-28 (g) and 27 N.C. Admin. Code 1 Subchapter B §§ .0103 (18) and .0118 (c) (1).

7. Four of Lane's treating physicians have opined that he suffers from physical conditions that make him unable to continue to engage in the practice of law.

8. These physicians provided reports indicating that Lane has two primary physical conditions that make him unable to continue to practice law, specifically complications and side effects of advanced prostate cancer and severe degenerative joint disease.

9. At the request of the State Bar and pursuant to an Order of this Hearing Committee, Dr. James Bellard evaluated Lane.

10. Dr. Bellard concluded that Lane suffers from a mild cognitive disorder likely to be slowly progressive and not amenable to treatment, which together with physical conditions, disable him to the extent that he should not practice law.

11. Lane waived his right to a formal hearing.

12. Lane was properly served with process.

Based upon its review of the record as a whole and the reports of the above-named physicians, which also have been carefully reviewed by the Panel, the Panel adopts and approves those reports and incorporates them herein as a part of its foregoing findings of fact.

CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Committee and the Committee has jurisdiction over Lane and the subject matter of this proceeding.

2. Lane suffers from physical and mental conditions that significantly impair his professional judgment, performance, or competence within the meaning of 27 N.C. Admin. Code 1 Subchapter B § .0103 (18).

3. Lane should be transferred to disability inactive status pursuant to North Carolina General Statute 84-28 (g) and 27 N.C. Admin. Code 1 Subchapter B § .0118 (c) (1).

Based upon the foregoing findings of fact and conclusions of law and the findings of fact regarding discipline and based upon the consent of the parties, the Hearing Committee enters the following:

ORDER TRANSFERRING TO DISABILITY INACTIVE STATUS

(1) Defendant, Arthur L. Lane, is hereby transferred to disability inactive status, pursuant to North Carolina General Statute 84-28 (g) and 27 N.C. Admin. Code 1 Subchapter B § .0118 (c) (1).

(2) This Order shall be effective immediately upon entry.

(3) Arthur L. Lane shall remain on disability inactive status unless reinstated by the Disciplinary Hearing Commission, pursuant to 27 N.C. Admin. Code 1 Subchapter B § .0125 (c).

(4) Lane shall cooperate with and assist counsel who may be designated to wind up his former practice and, it being anticipated that these matters should be concluded by December 31, 2000. Lane's participation in this regard is limited to consulting. All final decisions on matters related to the handling of such business and client matters shall be the responsibility of the attorney or attorneys appointed to wind down Lane's practice.

(5) The undersigned Disciplinary Hearing Commission Panel understands that under the rules and regulations of the State Bar, its transfer of Mr. Lane to disability inactive status terminates its current role in this matter. The Panel notes the availability of 27 N.C. Admin. Code 1 Subchapter B § .0122, which provides a means for the Secretary of the State Bar to request the Senior Resident Judge of the Superior Court in the District of the member's most recent address on file with the North Carolina State Bar to appoint an attorney or attorneys to inventory the files of the member and to take action to protect the interest of the member of his or her clients. The Panel notes in this regard that it has been informed by counsel for the Defendant that "it is anticipated that Alan Rogers, an attorney in good standing in the District in which Arthur L. Lane previously practiced, may act to protect the interests of Lane and his clients."

[SIGNATURE PAGE FOLLOWS]

This the 14th ^{September JRF} day of August, 2000.

James R. Fox
James R. Fox, Chairman
The Disciplinary Hearing Commission

CONSENTED BY:

Ronnie Mitchell
Ronnie Mitchell, Attorney for Defendant

Douglas J. Brecker
Douglas J. Brecker, Attorney for Plaintiff

Coy E. Brewer, Jr.
Coy E. Brewer, Jr., Attorney for Defendant

Arthur L. Lane
Arthur L. Lane, Defendant