

FILED

MAR 15 2001

AT 11:47 O'CLOCK A.M.

BY *[Signature]* CLERK OF SUPERIOR COURT

A TRUE COPY

2128

SUPERIOR COURT
N. CAROLINA

UNION COUNTY

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

[Signature]
CLERK OF SUPERIOR COURT

NORTH CAROLINA

00CVS1603

IN RE: LICENSE OF)	
ROBERT L. HOLLAND,)	ORDER SUSPENDING
ATTORNEY AT LAW)	LICENSE TO PRACTICE LAW
)	

This cause came on for hearing on March 15, 2001, before the Honorable Marvin K. Gray presiding by special commission in Union County Superior Court over a proceeding for the discipline of a member of the North Carolina State Bar. Based on the evidence and arguments presented, the court makes the following:

FINDINGS OF FACT

1. Respondent, Robert Lawrence Holland (hereafter, "Holland"), was admitted to the North Carolina State Bar on October 26, 1964, and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the rules, regulations, and Revised Rules of Professional Conduct of the North Carolina State Bar, and to the laws of the State of North Carolina.
2. During the time relevant to this order, Holland actively engaged in the practice of law in the State of North Carolina and maintained a law office in the City of Monroe, Union County, North Carolina.
3. Holland was involved in a motor vehicle accident on October 9, 1999, which resulted in the death of Clyde Phillip Honeycutt, Jr.
4. Holland was indicted by a Union County grand jury on November 29, 1999, for involuntary manslaughter in violation of North Carolina General Statute Section 14-18. The State alleged that Holland was unlawfully driving while intoxicated when the accident occurred.
5. The undersigned presided over the proceedings in Holland's criminal case, file number 99 CRS 17021, including the trial from January 8 - 24, 2001.
6. On January 24, 2001, the jury found Holland guilty of involuntary manslaughter, a class F felony.

7. The undersigned entered a Judgment and Commitment against Holland on January 24, 2001, sentencing him to 18 to 22 months imprisonment. The undersigned also recommended that Holland be assigned to a DART program for substance abuse evaluation and treatment.

8. Upon motion of the North Carolina State Bar, on February 15, 2001, the undersigned issued an order directing Holland to appear on March 15, 2001 and show cause whether disciplinary action should be taken against him based on his involuntary manslaughter conviction.

9. Holland was served with the order to show cause on February 22, 2001.

10. Holland was present and represented himself in court on March 15, 2001.

11. Douglas J. Brocker, attorney for the North Carolina State Bar, also was present in court on March 15, 2001.

BASED UPON THE FOREGOING FINDINGS OF FACT, THE COURT ENTERS THE FOLLOWING:

CONCLUSIONS OF LAW

1. Holland is properly before the court and was properly noticed to appear in court to present any and all evidence deemed necessary for consideration by the court respecting whether professional discipline should be imposed based on his involuntary manslaughter conviction.

2. Pursuant to Chapter 84 of the North Carolina General Statutes and the inherent powers of this court, the court jurisdiction over this cause and has authority to impose disciplinary sanctions upon Holland.

3. Holland's conviction of involuntary manslaughter is a felonious criminal act showing professional unfitness in violation of N.C. Gen. Stat. § 84-28(b)(1).

4. Holland's conduct resulting in his conviction of involuntary manslaughter also reflects adversely on his honesty, trustworthiness, or fitness as a lawyer in violation of Rule 8.4(b) of the Revised Rules of Professional Conduct.

5. Holland has committed misconduct warranting imposition of discipline pursuant to North Carolina General Statutes Section 84-28(b)(1) and (2).

IN DETERMINING THE APPROPRIATE DISCIPLINE TO BE IMPOSED, THE COURT MAKES THE FOLLOWING:

ADDITIONAL FINDINGS OF FACT

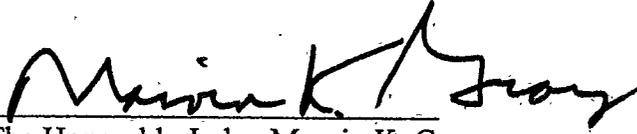
1. During the criminal proceedings, upon motion of the State, the Court ordered an evaluation of Holland by a forensic psychiatrist at Dorothea Dix Hospital.
2. Based upon that evaluation, the motion of the State, and the court's own observations of Holland, on September 1, 2000, the undersigned found Holland, by reason of mental illness, mentally incapable of proceeding to trial, and involuntarily committed him to Broughton Hospital.
3. Contemporaneous with the order involuntarily committing Holland, the undersigned entered an order, on September 1, 2000, appointing a trustee of Holland's law practice. The order required the trustee to expend considerable time to wind down Holland's law practice and trust account.
4. After Holland subsequently was released by Broughton Hospital, the undersigned held a supplemental hearing on October 2, 2000, and found Holland competent to stand trial.
5. Holland's trial and conviction of involuntary manslaughter received substantial publicity in Union and Mecklenburg Counties and at least some publicity in other counties, such as Wake.
6. Newspaper articles about Holland's trial and conviction regularly referred to him as an attorney.
7. Holland's felonious conduct and conviction, and the resulting publicity, has been detrimental to the integrity and standing of the bar.
8. The Court considered and incorporates herein by reference the mitigating factors set out in its felony judgment in 99 CRS 17021.

BASED UPON THE FOREGOING FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ADDITIONAL FINDINGS OF FACT, THE COURT ENTERS THE FOLLOWING:

ORDER OF DISCIPLINE

1. Respondent, Robert Lawrence Holland, is hereby suspended from the practice of law for a period of three years, effective immediately upon entry of this order.
2. Holland shall submit his license and membership card to the Secretary of the North Carolina State Bar immediately upon entry of this order.
3. Before his law license can be reinstated, Holland must file a verified petition with the Secretary of the North Carolina State Bar in accordance with the procedural requirements set forth in 27 N.C. Admin. Code Chapter 1, Subchapter B § .0125(b)(1)-(8) of the North Carolina State Bar's Discipline and Disability Rules ("Discipline Rules"), and establish by clear, cogent, and convincing evidence all of the following conditions:
 - a. Holland satisfied all the requirements of Discipline Rule .0125(b)(3);
 - b. Holland entered into and completed a Friends Recovery Contract and a PALS Rehabilitation Contract with the North Carolina State Bar Lawyers Assistance Program ("LAP"). The Recovery and Rehabilitation Contracts shall include, but not be limited to, at Holland's expense, random drug or alcohol screening and psychiatric evaluation and recommended treatment. Holland shall attach to his reinstatement petition documentation demonstrating that he has completed a Recovery Contract with LAP. Holland also must execute and attach to his petition for reinstatement a release permitting LAP and any treating medical personnel to discuss with the State Bar Office of Counsel his participation in and completion of the Recovery and Rehabilitation Contracts and any corresponding evaluation and treatment.
 - c. Holland complied with all of the conditions of the Judgment and Commitment entered in 99 CRS 17021.
 - d. Holland paid all fees and costs associated with the trustee appointed to wind down his law practice and disburse funds from his trust account, as assessed by the Court or the Secretary of the State Bar.

This the 15th day of March, 2001.


The Honorable Judge Marvin K. Gray
Superior Court Judge