

14372

NORTH CAROLINA
WAKE COUNTY



BEFORE THE
GRIEVANCE COMMITTEE CHAIR
OF THE
NORTH CAROLINA STATE BAR
02G1278, 02G1304, 03G0240, 03G0936,
03G0927, 03G0968, and 04G0050

IN RE:)	CONSENT ORDER TRANSFERRING
)	MEMBER TO
J. RANDALL FOWLER)	DISABILITY 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). Deputy Counsel David R. Johnson represented the North Carolina State Bar (the "State Bar"). J. Randall Fowler ("Fowler") represented himself. Based upon the information Fowler provided and with his consent and the consent of deputy counsel, the undersigned makes the following:

FINDINGS OF FACT

1. The 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 (Chapter 1 of Title 27 of the North Carolina Administrative Code ("NCAC")).
2. Fowler was admitted to the North Carolina State Bar on 11 September 1987, 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 Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.
3. During all or part of the relevant periods referred to herein, Fowler was engaged in the practice of law in the State of North Carolina and maintained a law office in Greensboro, Guilford County, North Carolina.
4. Fowler presently suffers from physical disorders that significantly impair his ability to professionally perform or fulfill his responsibilities and

obligations as an attorney. Those physical disorders include multiple medical complications related to type 1 diabetes which have necessitated several periods involving treatment on an in-patient basis in hospitals and extended convalescences since April 2003. At this time, it is uncertain whether Fowler will continue to require hospitalization and extended convalescences in the short-term future.

5. One of Fowler's treating physicians, Dr. Richard W. Tisovec, has informed the State Bar at Fowler's request that it is his opinion that Fowler is currently disabled and is not capable of practicing law due to his condition.

6. Fowler freely and voluntarily consents to being transferred to disability inactive status. Fowler understands and acknowledges that he has had an opportunity to consult with legal counsel before consenting to a transfer to disability inactive status.

7. There are seven grievances pending against Fowler at this time, identified as file numbers 02G1278, 02G1304, 03G0240, 03G0936, 03G0927, 03G0968, and 04G0050, all of which involve allegations of neglect of client cases, failure to meaningfully communicate with his clients, failure to properly receive and disburse client funds, and failure to properly maintain and reconcile trust account records in violation of Revised Rules of Professional Conduct 1.1, 1.3, 1.4, 1.15-2, and 1.15-3.

8. Fowler is aware of these pending grievances and the allegations. Because of Fowler's condition, he is currently unable to adequately respond and defend these matters. However, Fowler is able and willing to cooperate with the Bar and others, including any trustees, counsel for others, or insurers, in helping to resolve the underlying legal problems raised by his conduct in these grievances. Fowler consents to the appointment of a trustee pursuant to 27 NCAC 1B § .0122(a).

9. Fowler freely and voluntarily consents to the public disclosure of the matters recited in this Order and the filing of this Order on the public record with the North Carolina State Bar and the courts of this state.

Based upon the foregoing Findings of Fact, the undersigned makes the following:

CONCLUSIONS OF LAW

1. There is clear, cogent and convincing evidence that Fowler is disabled within the meaning of 27 NCAC 1B § .0103(19);
2. Fowler should be transferred to disability inactive status with the State Bar;
3. Fowler has voluntarily consented to being transferred to disability inactive status, pursuant to 27 NCAC 1B § .0118 (g);
4. The pending grievances against Fowler should be stayed during the period of disability, pursuant to 27 NCAC 1B § .0118 (d)(1); and
5. A trustee should be appointed to inventory Fowler's files and take action to protect his interests and the interests of his clients, pursuant to 27 NCAC 1B § .0122.

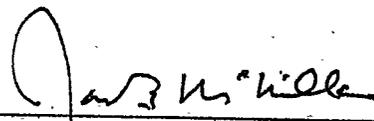
THEREFORE, it is hereby

ORDERED:

1. J. Randall Fowler is transferred to disability inactive status;
2. Fowler will not practice 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);
3. The pending grievances against Fowler should be stayed during the period of disability, pursuant to 27 NCAC 1B § .0118(d)(1), but will be considered by the Grievance Committee of the North Carolina State Bar as the circumstances warrant upon Fowler's return to active status as a member of the North Carolina State Bar; and

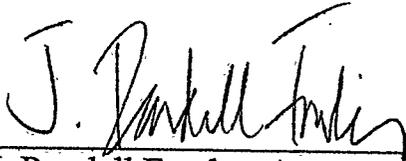
4. Fowler will fully cooperate with the North Carolina State Bar and any trustee appointed pursuant to 27 NCAC 1B § .0122(a) to protect the interests of his former clients.

This is the 27th day on May, 2004.



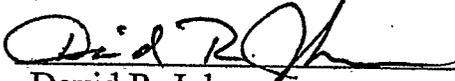
John B. McMillan, Chair
Grievance Committee
North Carolina State Bar

By signing below, J. Randall Fowler stipulates to the Findings of Fact and affirms his consent and agreement to the entry of the foregoing Consent Order of Transfer to Disability Inactive Status:



J. Randall Fowler, Attorney at Law

Consent of the counsel for the North Carolina State Bar to the transfer of J. Randall Fowler to Disability Inactive Status, as required by 27 NCAC 1B § .0118(g), is affirmed by the signature of Deputy Counsel below:



David R. Johnson
Deputy Counsel