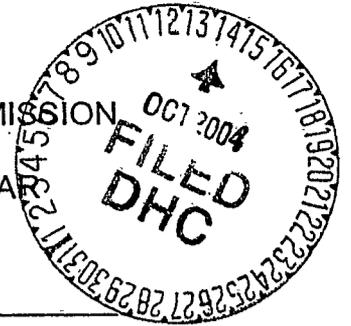


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NORTH CAROLINA
WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
04 DHC 33



THE NORTH CAROLINA STATE BAR,)
Plaintiff.)
v.)
BONNIE LEE C. O'NEAL, Attorney,)
Defendant)

ORDER TRANSFERRING
DEFENDANT TO DISABILITY
INACTIVE STATUS

This matter was heard by a Hearing Committee of the Disciplinary Hearing Commission composed of Carlyn G. Poole, Chair, T. Richard Kane, and Lorraine Stephens. Margaret Cloutier represented plaintiff. Defendant did not appear at the hearing and was not represented by counsel.

Based on the consent of the parties, the Hearing Committee hereby 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 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, Bonnie Lee C. O'Neal was admitted to the North Carolina State Bar on March 21, 1998 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 the laws of the State of North Carolina.

3. During the times relevant herein, Defendant actively engaged in the practice of law in the State of North Carolina and maintained a law office in the City of Greensboro, Guilford County, North Carolina.

4. The complaint in this action was filed by the North Carolina State Bar on June 20, 2004. Defendant was properly served with process and thereafter

failed to file an answer or other responsive pleadings. Defendant's default was entered by the Secretary of the North Carolina State Bar on September 8, 2004.

5. On September 18, 2003 Defendant sent a letter addressed to the North Carolina State Bar informing the State Bar of multiple personal problems and medical conditions contributing to the neglect of Defendant's professional responsibilities.

6. Included with Defendant's September letter was a copy of a letter dated September 10, 2003 from Ann M. Kulik, M.D. The letter from Dr. Kulik indicated that Dr. Kulik has been treating Defendant for a serious and debilitating medical condition since February 2000. Dr. Kulik outlined Defendant's medical condition and history and offered the opinion that Defendant suffers from severe depression.

7. Also included with O'Neal's September letter was a copy of a letter dated September 2, 2003 from Rupinder Kaur, M.D., of Kaur Psychiatric Associates, P.A. In the September 2, 2003 letter Dr. Kaur expressed her opinion that Defendant suffers from bipolar disorder and, as of that date, was unable to function in the capacity of an attorney.

8. Dr. Kaur testified at the hearing that she has continued to treat Defendant on a monthly basis since August 2003. Dr. Kaur's medical diagnosis of Defendant has changed since her September 2, 2003 letter in that Defendant suffers from major depressive condition, rather than bipolar disorder. Dr. Kaur testified that Defendant has made little progress since August 2003 and that Defendant is not currently able to function in the capacity of an attorney. Dr. Kaur described Defendant's current condition as "really, really incapacitated."

9. In August and September 2003 Harold C. Mahler of the 18th Judicial District Bar Fee Dispute Resolution Committee attempted to contact Defendant relative to his investigation of several fee disputes filed against Defendant. He was unable to reach her, finding that her voice mailbox was full and her fax did not respond. The Postal Service informed Mr. Mahler that the postman had not seen Defendant for weeks and had stopped delivering mail to Defendant's office. Mr. Mahler visited Defendant's office in early September 2003 and found the door open and file boxes scattered about the office. Clients had left notes at the office complaining that they had not heard from Defendant and seeking information about pending cases.

10. On September 17, 2003 Guilford County Resident Superior Court Judge W. Douglas Albright issued an order appointing a trustee to protect the interests of Defendant's then-existing clients based on Defendant's abandonment of her law practice.

11. Defendant suffers from major depression that significantly impairs her professional judgment, performance, or competency to act as an attorney.

12. On the morning of the hearing, Dr. Kaur faxed to the State Bar a form entitled Consent for Release of Confidential Information signed by Defendant. On the form Defendant wrote a notation indicating that she joined in the State Bar's request to transfer Defendant to disability inactive status.

Based on the foregoing Findings of Fact, the Committee enters the following

CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Committee, and the Committee has jurisdiction over defendant and the subject matter of this proceeding.
2. Defendant is disabled within the meaning of 27 N.C.A.C. 1B §.0103(19), and Defendant should be transferred to disability inactive status pursuant to 27 N.C.A.C. 1B §.0118.

ORDER

1. Defendant is hereby transferred to disability inactive status.
2. Bonnie Lee C. O'Neal shall refrain from practicing law in North Carolina until reinstated to active status pursuant to 27 N.C.A.C. 1B §.0125(c).
3. Defendant shall not be taxed with the costs of this action.
4. All pending actions against Defendant, including the second and third claims for relief contained in the State Bar's complaint in this action as well as any pending grievances, are hereby stayed until such time as Defendant returns to active status.

Signed by the undersigned Chair with the full knowledge and consent of the other members of the Hearing Committee, this 14 day of October, 2004.



CARLYNG G. POOLE, CHAIR
HEARING COMMITTEE