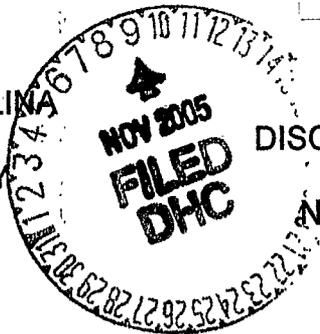


24238

NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
05 DHC 10

THE NORTH CAROLINA STATE BAR,)
Plaintiff)
v.)
JOHN G. FREEMAN, Attorney,)
Defendant)

CONSENT ORDER

This matter was considered by a Hearing Committee of the Disciplinary Hearing Commission composed of Karen Eady-Williams, Chair, Tommy W. Jarrett, and Lorraine Stephens. Margaret Cloutier represented Plaintiff. Ernest (Jay) Reeves, Jr. represented Defendant. Defendant has agreed to waive a formal hearing in the above referenced matter. The parties stipulate and agree to the findings of fact and conclusions of law recited in this consent order and to the conditions imposed. Defendant also stipulates that he waives his right to appeal this consent order or challenge in any way the sufficiency of the findings, conclusions of law or conditions ordered by consenting to the entry of this order. Defendant further waives any insufficiency in service of process and the complaint.

Based on the consent of the parties, the Hearing Committee hereby finds by clear, cogent and convincing evidence 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, John G. Freeman (hereinafter "Defendant or Freeman"), was admitted to the North Carolina State Bar on August 23, 1997 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 Asheville, Buncombe County, North Carolina.

4. Defendant suffers from bipolar disorder, a psychiatric illness that manifests itself in periodic episodes of mania or depression.

5. Before January 2004 Defendant was treated for bipolar disorder with the medication Tegretol. However, some time before January 19, 2004, Defendant abused cannabis and alcohol and began taking Tegretol irregularly.

6. On or about January 19, 2004, during a manic episode and while traveling through Polk County, Defendant stopped at a convenience store in Saluda, North Carolina. At the store, after purchasing a soft drink and superglue, Defendant had a verbal exchange with another customer, in response to which Defendant retrieved a shotgun from his vehicle and waved it threateningly in the air. After waving the gun, Defendant placed the shotgun on the ground, asked the clerk in the store to call the police, and waited for their arrival. Upon their arrival, the police found Defendant had inhaled the glue vapors.

7. As a result of the incident at the convenience store, Defendant was charged with Going Armed to the Terror of the People and Inhaling Toxic Vapors. On September 1, 2004 Defendant pled guilty to Public Disturbance and Inhaling Toxic Vapors, resulting in entry of a Prayer for Judgment Continued upon payment of court costs.

8. Following the incident, Defendant was treated at Durham Regional Hospital Psychiatric Unit, at Crossroads/Phoenix, a substance abuse treatment program in Hendersonville, North Carolina, and by Dr. Stephen B. Buie of The Pisgah Institute for Psychotherapy and Education, P.A.

9. In January 2005, after experiencing a substance-abuse relapse, Defendant sought treatment at Ridgeview Institute in Smyrna, Georgia, where he participated in an impaired professionals program.

10. Defendant's bi-polar condition is currently controlled with medication and sobriety, and his future stability is dependent upon his continued sobriety and proper use of prescribed medication.

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's foregoing actions constitute grounds for discipline pursuant to N.C.G.S. §84-28(b)(2) in that he violated one or more of the Revised Rules of Professional Conduct in effect at the time of the actions by committing a criminal act that reflects adversely on his fitness as a lawyer in violation of Rule 8.4(b).

Based upon the foregoing Findings of Fact and Conclusions of Law, the Hearing Committee also enters the following

FINDINGS REGARDING DISCIPLINE

1. The Committee finds no aggravating factors.

2. Defendant's misconduct is mitigated by the following factors:

(a) Defendant was experiencing mental impairment at the time of the violation; and

(b) Defendant made full and free disclosure to the hearing committee and has had a cooperative attitude in this DHC action.

3. The mitigating factors outweigh the aggravating factors.

4. Defendant's conduct in engaging in substance abuse and failing to take his prescribed medication led to a situation that proved physically dangerous to the general public. However, the Hearing Committee finds and concludes that under the circumstances of this case the public will be adequately protected in the future by a suspension of defendant's license, stayed after a period of time upon the meeting of appropriate conditions. Lesser alternatives such as reprimand or censure would be insufficient to protect the public in the near future as Defendant's stability depends on his continued treatment and monitoring.

Based upon the foregoing Findings of Fact, Conclusions of Law, and Findings Regarding Discipline, and upon consent of the parties, the Hearing Committee enters the following

ORDER OF DISCIPLINE

1. Defendant's license to practice law in the State of North Carolina is hereby suspended for three (3) years effective thirty (30) days after service of this Order of Discipline on Defendant.

2. Defendant shall submit his license and membership card to the Secretary of the North Carolina State Bar no later than thirty (30) days following service of this Order on Defendant.

3. Defendant shall comply with the wind down provisions contained in 27 N.C.A.C. 1B, §.0124, the North Carolina State Bar Discipline and Disability Rules. Defendant shall file an affidavit with the Secretary of the North Carolina State Bar within ten days of the effective date of this Order of Discipline certifying he has complied with the wind down rule.

4. Within 15 days of the effective date of this Order, Defendant will provide the State Bar with a street address and mailing address at which clients seeking return of their files and records in Defendant's possession or control may obtain such files and records and at which the State Bar may serve any notices or other matters upon him.

5. After the completion of one (1) year of active suspension of his license, Defendant may apply for a stay of the balance of the suspension upon filing a motion with the Disciplinary Hearing Commission at least thirty (30) days before any proposed effective date of the stay and demonstrating the following by clear, cogent and convincing evidence:

a. That since the entry of this order Defendant has continued to receive appropriate medical treatment for his bi-polar disorder, has remained compliant with his medication regime, has maintained sobriety and that, based on the medical evaluation and assessment of a board certified psychiatrist obtained within the two months preceding the motion, Defendant has no current physical or psychological impairment that would affect his ability to practice law, comply with the Rules of Professional Conduct, or cause harm to the public if he is allowed to resume the practice of law. Defendant will be responsible for the cost of such evaluation and will provide a copy of the evaluation to the Office of Counsel of the North Carolina State Bar at the time of his motion, along with signed releases authorizing the Office of Counsel to confer with Defendant's treating and/or evaluating psychiatrists;

b. That Defendant has kept the North Carolina State Bar Membership Department advised of his current business and home addresses;

c. That Defendant has responded to all communications from the North Carolina State Bar within 30 days of receipt or by the deadline stated in the communication, whichever is sooner, and has participated in good faith in the State Bar's fee dispute resolution process for any petition received after the effective date of this Order;

d. That Defendant has not violated the Revised Rules of Professional Conduct or the laws of the United States or any state or local government during his suspension;

e. That Defendant has properly wound down his law practice and complied with the requirements of 27 N.C.A.C. 1B, §.0124, the North Carolina State Bar Discipline and Disability Rules;

f. That Defendant has complied with the requirements of 27 N.C.A.C. 1B, §.0125(b), the North Carolina State Bar Discipline and Disability Rules; and

g. That Defendant has paid the costs of this proceeding within sixty (60) days of the service of the statement of costs upon him by the Secretary of the North Carolina State Bar.

6. If Defendant successfully seeks a stay of the suspension of his law license, such stay will continue in force only as long as he complies with the conditions of paragraphs 5(b), (c) and (d) on an ongoing basis and the provisions of subparagraph (a) through (c) below. If Defendant fails to so comply, the stay of the suspension may be lifted as provided in §.0114(x) of the North Carolina State Bar Discipline and Disability Rules.

a. During the period of the stay, Defendant will continue to consult with a board certified psychiatrist licensed to practice in North Carolina or in the state in which Defendant currently resides and approved by the Office of Counsel of the North Carolina State Bar, and will follow any treatment recommended by the psychiatrist. All costs of treatment will be the responsibility of Defendant.

b. Defendant will ensure that such treating psychiatrist agrees to report to the State Bar as set forth in paragraph (c) below. Defendant will sign a release to allow the psychiatrist to report to, consult with, and/or provide records to the North Carolina State Bar regarding his/her treatment of Defendant. Defendant will not revoke the release during the period of stay. All costs of such reports and/or consultation will be the responsibility of Defendant.

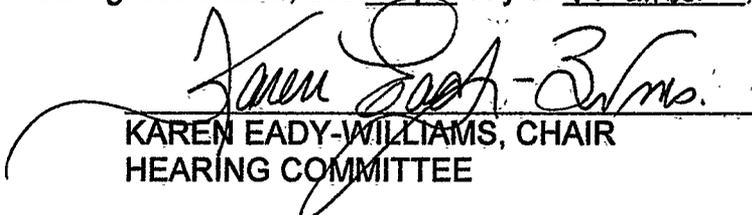
c. On each January 15, April 15, July 15 and October 15 during the period of the stay, the psychiatrist will, based on a psychiatric evaluation

or other appropriate assessment, advise the North Carolina State Bar whether 1) Defendant is complying with his prescribed course of treatment, 2) the treatment plan is controlling Defendant's bi-polar and other psychiatric conditions as may be diagnosed, and 3) Defendant is maintaining his sobriety. In the event the psychiatrist has reason to believe the conditions set forth above are not being met during the interim periods between reports, the psychiatrist will immediately notify the State Bar.

7. If Defendant does not seek a stay of the active portion of the suspension or if some part of the suspension is stayed and thereafter the stay is revoked, Defendant must comply with the conditions set out in paragraphs 5(a) through (g) above before seeking reinstatement of his license to practice law.

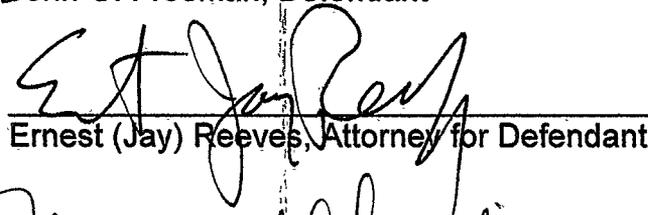
8. Defendant will pay the costs as assessed by the Secretary of the State Bar within sixty (60) days of service of the notice of costs upon the Defendant.

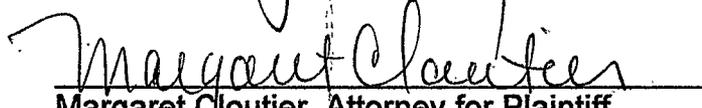
Signed by the undersigned Chair with the full knowledge and consent of the other members of the Hearing Committee, this 4th day of November, 2005.


KAREN EADY-WILLIAMS, CHAIR
HEARING COMMITTEE

Consented to:


John G. Freeman, Defendant


Ernest (Jay) Reeves, Attorney for Defendant


Margaret Cloutier, Attorney for Plaintiff