

STATE OF NORTH CAROLINA  
HAYWOOD COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
BEFORE THE SENIOR RESIDENT  
SUPERIOR COURT JUDGE OF THE  
30B JUDICIAL DISTRICT  
16 SP 41

IN RE: BRAD HARRISON FERGUSON,  
Attorney at Law

)  
) **CONSENT**  
)  
) **ORDER**  
)

FILED  
2016 MAR 31 PM 1:24  
HAYWOOD COUNTY, C.S.C.  
RY

THIS CAUSE coming before the Senior Resident Superior Court Judge of the 30B Judicial District upon consent of the North Carolina State Bar and Respondent, Brad Harrison Ferguson. The North Carolina State Bar is represented by A. Root Edmonson and Respondent is represented by J. Frank Lay. Pursuant to N.C. Gen. Stat. § 84-28(j) and this Court's inherent authority over attorneys, the Court makes the following:

FINDINGS OF FACT

1. Brad Harrison Ferguson ("Ferguson") was licensed to practice law on December 30, 2004.
2. Since being licensed, Ferguson has practiced law in Haywood County, NC.
3. On March 8, 2016, this Court issued an Order to Show Cause for Ferguson to show cause why he should not be transferred to disability inactive status or disciplined for conduct detailed in the Order. Ferguson was served with the Order to Show Cause on March 8<sup>th</sup>, 2016.
4. The Order to Show Cause is currently scheduled to be heard on March 24, 2016 in Haywood County Superior Court.
5. Ferguson, with the advice of Counsel, consents to his transfer to disability inactive status and shall not practice law in North Carolina until he provides proof to the Court of his compliance with the conditions imposed herein.

BASED UPON THE FOREGOING FINDINGS OF FACT, the undersigned makes the following:

## CONCLUSIONS OF LAW

1. The Court has jurisdiction of this cause pursuant to N.C. Gen. Stat. § 84-28(g) & (j) and pursuant to its inherent authority over attorneys.

2. Due to Ferguson's inability to attend court to handle his clients' matters, his continuing to practice law poses a threat of significant potential harm to his clients, to the public, to the profession, and to the administration of justice.

3. It is in the best interest of Ferguson's clients, the public, the profession and the administration of justice that Ferguson be transferred to disability inactive status until he provides proof to the Court of his compliance with the conditions imposed herein.

### THE COURT THEREFORE ORDERS THAT:

1. Brad Harrison Ferguson is hereby transferred to disability inactive status and shall not practice law in North Carolina until reinstated by the Court.

2. Ferguson may petition the Court for a hearing to determine whether he should be reinstated from disability inactive status once he has provided proof that he has completed the following:

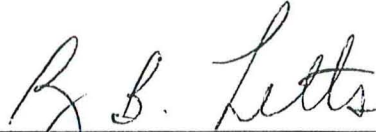
- a. Ferguson has obtained a substance abuse assessment and has completed all recommended treatment, including any recommendation for inpatient treatment;
- b. Ferguson has obtained a complete physical examination from a medical doctor, including all appropriate blood work, and has provided the Court a complete report from the physician as to the state of his health.
- c. Ferguson has obtained weekly urine or blood tests and has provided the Court with at least 4 weeks of drug screen reports that are free from the presence of any illicit controlled substances.
- d. Ferguson has obtained a mental health evaluation from an appropriate agency and provided the Court with a copy of the report.

3. To be reinstated, Ferguson must show by clear and convincing evidence that he does not suffer from a mental or physical condition (which may include but is not limited to mental illness and/or substance abuse) which significantly impairs his professional judgment, performance, or competency as an attorney.

4. The Office of Counsel of the North Carolina State Bar should be served with a copy of any filing and notified of any hearing relating to this matter.

5. This cause is retained for further orders of this Court.

This the 31<sup>ST</sup> day of March, 2016.

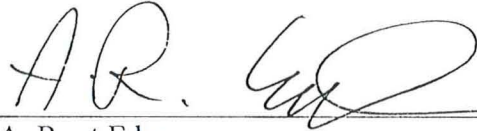
A handwritten signature in cursive script, reading "B. B. Letts". The signature is written in dark ink and is positioned above a horizontal line.

---

Bradley B. Letts  
Senior Resident Superior Court Judge  
30B Judicial District

IN RE: BRAD HARRISON FERGUSON  
Consent Order  
Haywood County  
16 SP 41

CONSENTED TO:



A. Root Edmonson  
Deputy Counsel  
North Carolina State Bar



Brad Harrison Ferguson  
Respondent

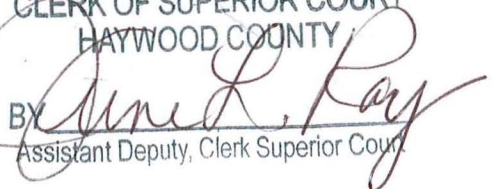


J. Frank Lay  
Counsel for Brad Harrison Ferguson

A TRUE COPY

CLERK OF SUPERIOR COURT  
HAYWOOD COUNTY

BY



Assistant Deputy, Clerk Superior Court