



6. Also at the hearing on September 24, 2002, the found that Morgan's practice of subpoenaing employees of the Forensic Test Unit to appear in multiple counties on the same date severely and adversely impacted the employees' ability to comply with the demands of such court appearances and was intentionally calculated to inflict chaos and inconvenience upon the employees of the Forensic Test Unit.

7. Also at the hearing on September 24, 2002, in the presence and hearing of Morgan, the undersigned ordered Morgan to cease and desist from issuing subpoenas requiring any Forensic Testing Unit employee to be present in more than one county in the State of North Carolina on the same day.

8. On September 25, 2002, the undersigned entered a written order that had been announced to Morgan in open court the previous day, and a copy was sent to Morgan on that date.

9. On or after September 25, 2002, Morgan subpoenaed Forensic Test Unit employees to be present in more than one county in the State of North Carolina on the same day on at least eight court dates, in willful violation of this Court's order of September 24, 2002.

10. Morgan was properly served with an order to appear and show cause why he should not be disciplined for his violation of the September 24, 2002 order, and a disciplinary hearing was conducted in Cabarrus County Superior Court on December 16, 2002.

11. On December 31, 2002, the undersigned entered an order referring Morgan to the Lawyers' Assistance Program (hereinafter, LAP), ordering Morgan to fully cooperate with LAP, including entering into a contract with LAP under such terms and conditions as they may impose for the period that LAP may find appropriate, and retaining jurisdiction of the disciplinary matter.

12. Morgan entered into a contract with LAP.

BASED UPON the foregoing Findings of Fact, the undersigned makes the following:

#### CONCLUSIONS OF LAW

1. The undersigned has personal and subject matter jurisdiction of this disciplinary matter pursuant to this Court's inherent power to discipline officers of this Court, and has concurrent jurisdiction with the North Carolina State Bar for this purpose pursuant to NCGS §84-36.

2. Morgan's conduct as found in the findings of fact above constitutes conduct prejudicial to the administration of justice in violation of Rule 8.4(d) of the Revised Rules of Professional Conduct.

3. Morgan's conduct has caused harm to employees of the Forensic Test Unit and their ability to perform the functions of their office for the citizens of the State of North Carolina such that Morgan's conduct warrants imposition of a Reprimand.

4. Morgan should continue to comply with the requirements of paragraphs 2, 3, and 4 of the order entered by the undersigned in this matter on December 31, 2002.

THEREFORE, it is hereby ORDERED, ADJUDGED AND DECREED:

1. Charles Linwood Morgan, Jr. is reprimanded for his misconduct. A Reprimand, of even date herewith, will accompany this order.

2. Morgan shall continue to comply with the requirements of paragraphs 2, 3, and 4 of the order entered by the undersigned in this matter on December 31, 2002.

This is the 25<sup>th</sup> August, day of ~~July~~, 2003.

*W. Erwin Spainhour*  
W. Erwin Spainhour  
Superior Court Judge Presiding

