

STATE OF NORTH CAROLINA  
COUNTY OF MARTIN

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NUMBER 18-M-48

2018 SEP 10 A 9 58

IN RE: DAVID E. GURGANUS,  
ATTORNEY AT LAW,  
*Respondent.*

)  
) ~~ORDER~~ CONTINUING TEMPORARY  
) ~~SUSPENSION~~ OF LAW LICENSE  
)  
)

**THIS MATTER**, coming on before the undersigned upon return of a show cause Order dated and filed August 30, 2018, temporarily suspending the law license of the Respondent and setting the matter for hearing this day, and the Court, after hearing from court personnel, the State Bar representatives, and treatment givers for the Respondent, hereby makes the following:

**FINDINGS OF FACT**

1. The Respondent is a duly licensed attorney in North Carolina, practicing in Martin and other counties in Eastern North Carolina.
2. That the Respondent is currently under a disability which makes him unavailable for the practice of law and to assist his clients with legal matters.
3. That the Respondent is attempting to locate inpatient treatment for such disability, and upon acceptance in such inpatient treatment, the Respondent will continue to be unavailable to his clients.
4. That the Respondent has participated in and complied with treatment since Thursday, August 30, 2018, at Beaufort County Vidant Hospital. That he has informed his treatment providers and fellow member of the bar, Tom Brandon that he desires to remain in treatment.

Based upon the foregoing findings of fact, the Court hereby makes the following:

**CONCLUSIONS OF LAW**

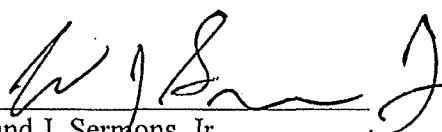
1. That the Respondent remains unavailable to his clients to assist them with legal matters.
2. That the Respondent's unavailability will continue for an undetermined length of time while he is receiving treatment.

3. That the Court determines that it is in the best interest of justice to continue the temporary suspension of Respondent's law license while he is receiving treatment.

**NOW, THEREFORE**, it is hereby **ORDERED**:

1. That the law license of Respondent shall remain suspended indefinitely until further orders of the Court.
2. That the Respondent or his attorney shall provide the undersigned with updates on his treatment and specifically shall notify the undersigned if the Respondent no longer remains at an inpatient treatment facility.
3. That this order does not affect the ability of the North Carolina State Bar to perform its statutory obligations as to the Respondent.

This the 5<sup>th</sup> day of September, 2018.

  
\_\_\_\_\_  
Wayland J. Sermans, Jr.  
Senior Resident Superior Court Judge  
Second Judicial District

NORTH CAROLINA  
MARTIN COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

FILE NO: 18-M-48  
2018 AUG 30 5 1: 15

MARTIN COUNTY, G.S.C.

IN RE: DAVID E. GURGANUS, )  
ATTORNEY AT LAW, )  
RESPONDENT )  
)

BY: RD

ORDER TEMPORARILY  
SUSPENDING LAW LICENSE  
AND SHOW CAUSE ORDER

**NOW COMES** the undersigned upon its own Motion, pursuant to the inherent power of the Senior Resident Superior Court Judge to discipline attorneys, and the Court, after gathering facts, hereby makes the following:

**FINDINGS OF FACT**

1. That Respondent is a duly licensed attorney in North Carolina, practicing in Martin and other counties in eastern NC.
2. That on August 23, 2018, Respondent came to the Martin County Sheriff's office and requested to be "put in Jail" because of certain activities involving the handling of client's traffic matters and interaction with assistant district attorneys. That as a result, Respondent was charged with an obstructing justice felony offense, arrested and placed in the local jail.
3. That on that date, Respondent presented the Sheriff with "the keys to my office".
4. That Respondent bonded out of jail on Friday, August 24<sup>th</sup>, 2018, and was given a first appearance by Clerk of Court Tonya Leggett.
5. That on August 29, 2018, Respondent, by Consent, agreed to not accept any entrusted funds from any client, upon request by the NC State Bar.
6. That Respondent has exhibited signs of alcohol and drug use in and around the courthouse in Martin County in recent months. That Respondent has an appointment with a substance abuse counselor for Friday, August 31, 2018.
7. That Respondents ability to competently represent clients in legal matters is in question.

**NOW THEREFORE**, based upon the foregoing Findings of Fact, the Court now makes the following:

**CONCLUSIONS OF LAW**

1. That in an abundance of caution, the Respondent should be temporarily suspended from the practice of law and have the opportunity to show cause why the Order should not be continued until Respondent is no longer under any disability.

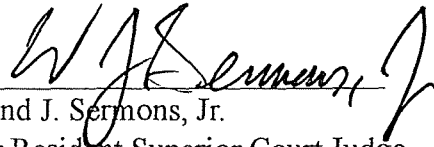
**NOW, THEREFORE, IT IS HEREBY ORDERED:**

1. That the law license of Respondent is hereby **IMMEDIATELY SUSPENDED**.

2. That Respondent shall appear and show cause why said order should not be continued until Respondent is no longer under any disability.

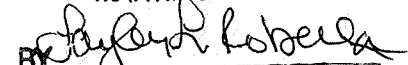
3. **THAT THE SHOW CAUSE HEARING SHALL BE HELD ON TUESDAY, SEPTEMBER 4<sup>TH</sup>, 2018, IN THE SUPERIOR COURT ROOM OF MARTIN COUNTY at 10:00 a.m.**

This the 30<sup>th</sup> day of August, 2018



Wayland J. Sermons, Jr.  
Senior Resident Superior Court Judge  
Second Judicial District

**A TRUE COPY**  
**CLERK OF SUPERIOR COURT**  
**MARTIN COUNTY**

BY   
Assistant Deputy Clerk Superior Court