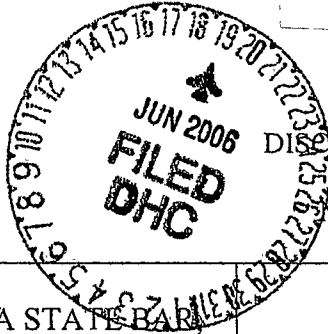


23892

NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
06 DHC 23

THE NORTH CAROLINA STATE BAR

Plaintiff,

v.

ARCH K. SCHOCH V, Attorney,

Defendant.

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND CONSENT ORDER
OF DISCIPLINE

This matter was considered by a Hearing Committee of the Disciplinary Hearing Commission composed of Tommy W. Jarrett, Chair, and members John M. May and Rebecca Brownlee. Katherine E. Jean represented plaintiff, the North Carolina State Bar. H. Davis North III represented defendant, Arch K. Schoch V. Both parties stipulate and agree to the findings of fact and conclusions of law recited in this consent order and to the discipline imposed. Defendant freely and voluntarily waives any and all right to appeal the entry of this consent order of discipline. Based upon the stipulations of fact and the consent of the parties, this Hearing Committee hereby finds the following by clear, cogent, and convincing evidence:

FINDINGS OF FACT

1. Plaintiff, the North Carolina 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, Arch K. Schoch V ("Schoch"), was admitted to the North Carolina State Bar in 1997 and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the laws of the State of North Carolina, the Rules and Regulations of the North Carolina State Bar and the Revised Rules of Professional Conduct.

3. During the relevant periods referred to herein, Schoch was engaged in the practice of law in the State of North Carolina and maintained a law office in High Point, Guilford County, North Carolina.

4. Schoch was properly served with process, a hearing in this matter was set, and the matter came before the hearing committee with due notice to all parties.

5. On June 21, 2005, Schoch unlawfully and willfully possessed and used crack cocaine in his home and in his law office in High Point.

6. On June 21, 2005, Schoch provided crack cocaine to a current client of his law practice, in his home and in his law office.

7. Crack cocaine is a controlled substance.

8. It is a violation of N.C.G.S. 90-95 and a felony to possess crack cocaine.

9. It is a violation of N.C.G.S. 90-95 and a felony to provide crack cocaine to a third party.

10. Schoch's conduct violated N.C.G.S. 90-95.

CONCLUSIONS OF LAW

1. All the parties are properly before the hearing committee and the committee has jurisdiction over defendant, Arch K. Schoch V, and over the subject matter.

2. Schoch's conduct, as set out in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. §§ 84-28(b)(2) and (3) as follows:

- a. By possessing and using crack cocaine, a controlled substance, in his law office and in his home and by providing crack cocaine, a controlled substance, to a current client in his home and in his law office, in violation of N.C.G.S. 90-95, Schoch committed serious criminal acts which reflect adversely on his honesty, trustworthiness, or fitness in other respects in violation of Rule 8.4(b) of the Revised Rules of Professional Conduct.

Based upon the stipulations of fact and the consent of the parties, the Hearing Committee hereby makes, by clear, cogent, and convincing evidence, the following additional

FINDINGS OF FACT REGARDING DISCIPLINE

1. Schoch's misconduct is aggravated by the following factors:

- a. Schoch's commission of criminal offenses in his law office and provision of a controlled substance to a current client of his law practice brought the legal profession into disrepute;

- b. Schoch committed multiple offenses;
 - c. Schoch has substantial experience in the practice of law;
2. Schoch's misconduct is mitigated by the following factors:
- a. Schoch has no prior discipline;
 - b. Schoch is remorseful;
 - c. Schoch did not provide the crack cocaine to his client for the purpose of obtaining a profit and did not in fact obtain a profit;
 - d. Schoch voluntarily entered a substance abuse treatment facility where he remained for 90 days;
 - e. Schoch is under the care of a substance abuse counselor who has reported to the State Bar that Schoch has been in continuous compliance with all requirements and recommendations for substance abuse treatment from July, 2005, to the present;
 - f. Schoch complied with the State Bar's requirement that he refrain from engaging in the practice of law during the pendency of Grievance File No. 05G0772;
 - g. Schoch has cooperated with the State Bar's grievance and disciplinary procedures.
3. The mitigating factors outweigh the aggravating factors.
4. Schoch has significantly harmed the reputation and standing of the legal profession and has caused substantial potential harm to his clients and to the public.
5. This Hearing Committee has considered lesser alternatives and finds that a public censure or reprimand would not be sufficient discipline because of the gravity of the harm and potential harm caused by the conduct of Schoch.
6. This Hearing Committee finds that Schoch's conduct caused significant potential harm to clients and significant actual harm to the profession and that a discipline more severe than public censure or reprimand is necessary to protect the public and the standing of the legal profession.

7. Entry of an order imposing lesser discipline than active suspension would fail to acknowledge the seriousness of the offenses committed by Schoch, would be inconsistent with orders of discipline entered by this body in similar cases and would send the wrong message to attorneys regarding the conduct expected of members of the Bar in this State.

8. For those reasons, this Hearing Committee believes and so finds that an Order calling for a discipline short of a suspension of Schoch's law license would not be appropriate.

Based upon the foregoing factors and with the consent of the parties, the hearing committee hereby enters the following

ORDER OF DISCIPLINE

1. The license of defendant, Arch K. Schoch V is hereby suspended for three (3) years beginning 30 days from service of this Order upon Schoch.

2. Schoch shall submit his license and membership card to the Secretary of the North Carolina State Bar no later than 30 days following service of this order upon Schoch.

3. Schoch shall comply with the wind down provisions contained in 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0124(b) of the North Carolina State Bar Discipline & Disability Rules. Schoch shall file an affidavit with the Secretary of the North Carolina State Bar within 10 days of the effective date of this order, certifying he has complied with the wind down rule.

4. Within 15 days of the effective date of this order, Schoch shall provide the State Bar with an address at which clients seeking return of files can obtain such files and shall promptly return all files to his clients upon request.

5. Schoch shall receive credit toward service of his three year suspension for all time from July, 2005 until the date of his application for reinstatement during which he complied with the State Bar's requirement that he not engage in the practice of law.

6. At the end of the three (3) year suspension, Schoch will be eligible for reinstatement only upon a showing by clear, cogent and convincing evidence that he has complied with all of the following conditions:

a. That he properly wound down his law practice and complied with the terms of 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0124 of the State Bar Discipline & Disability Rules.

b. That he paid the costs of this proceeding within thirty (30) days of service of the statement of costs upon him by the Clerk of the Disciplinary Hearing Commission.

c. That he has submitted clear, cogent and convincing evidence that he is not at the time of his application for reinstatement suffering from any active addiction, mental or physical condition or substance abuse condition which at the time of his petition for reinstatement significantly impairs his professional judgment, performance or competence.

d. That he has not violated any provision of the North Carolina State Bar Discipline & Disability Rules or of the Revised Rules of Professional Conduct during the period of suspension.

e. That he has not violated the laws of the United States or of any state during the period of suspension.

f. That during the period of suspension he has complied with all treatments prescribed by his psychiatrist or other mental health professional for his substance addiction and any other mental health problems diagnosed by such medical care providers, that he has at his own cost participated in or had his treatment supervised by an abstinence-based program of his choice that was approved by the Office of Counsel of the North Carolina State Bar, and that he complied with all terms of the program.

g. That within thirty (30) days of any application for reinstatement, Schoch has provided the Office of Counsel with releases authorizing the State Bar Counsel or her designated representative to receive from his treatment program and from his medical care providers all information which the State Bar Counsel deems necessary to determine if Schoch has complied with and is then complying with all requirements imposed by the program and/or the medical providers.

h. That he has abstained from all illicit drug use or consumption and has not taken any prescription drugs or controlled substances other than as authorized by his treating physician for the entire period of suspension. This requirement will apply regardless of whether enforcement of this provision would extend the period of suspension of Schoch's law license beyond the three (3) year period set out herein.

i. That he has not engaged in the practice of law during the period of suspension.

j. That he has kept his address of record with the North Carolina State Bar current, promptly accepted all certified mail from the North Carolina State Bar, and responded to all letters of notice and requests for information from the North Carolina State Bar by the deadlines stated in the communication.

k. That he paid all Membership dues and Client Security Fund assessments and complied with all Continuing Legal Education (CLE) requirements on a timely basis as if still in practice during the suspension.

l. That he has participated in the North Carolina State Bar's fee dispute resolution process for any petition received after the effective date of this order, participated in good faith and refunded all fees that were determined to be subject to refund by the mediation process.

m. That, within ninety (90) days of the effective date of this Order, he has provided the State Bar with the names, addresses and telephone numbers of all persons or entities for whose benefit he holds any funds in any trust account.

n. That he has provided to the Office of the Secretary of the North Carolina State Bar a copy of any judgment entered against him arising out of or relating to the criminal acts referenced in this Order, within fourteen (14) days of entry of such judgment.

o. That he has provided to the Office of the Secretary of the North Carolina State Bar a copy of any judgment entered against him by any court at any time during the period of his active suspension, within fourteen (14) days of entry of such judgment.

p. That he has complied with all requirements of any probationary sentence imposed upon him by any court.

q. That he has reported to the Office of the Secretary of the North Carolina State Bar the name, address and telephone number of his probation officer.

r. That he has reported to the Office of the Secretary of the North Carolina State Bar any finding by any court or probation officer that he has violated the terms of any probationary sentence to which he is subject at any time during the period of his suspension, regardless of whether punishment is imposed for said violation, within fourteen (14) days after such finding is made.

s. That he has submitted to random drug testing and urinalysis on each occasion when he has been requested by the Office of Counsel of the North Carolina State Bar to do so, within twelve hours after a telephone request by the Office of Counsel. The test shall be performed at a testing facility approved by the Office of Counsel. A Notice of Request for a drug test shall be filed with the Disciplinary Hearing Commission in this matter giving the date and time of the request and the location where the test is to be performed. When filed, a copy of the Notice of Request shall be sent to Schoch by certified mail. Schoch shall file with the Disciplinary Hearing Commission a Notice of Compliance, along with a certified copy of the drug test results, within ten (10) days of service upon Schoch of the Notice of Request. Schoch shall bear the cost of compliance with this provision. The Office of Counsel will only make its own requests that Schoch submit to random drug testing and urinalysis if the Office of Counsel has not received, within any 4 week period, any written reports reflecting that Schoch is undergoing random drug testing and urinalysis through another program satisfactory to the Office of Counsel.

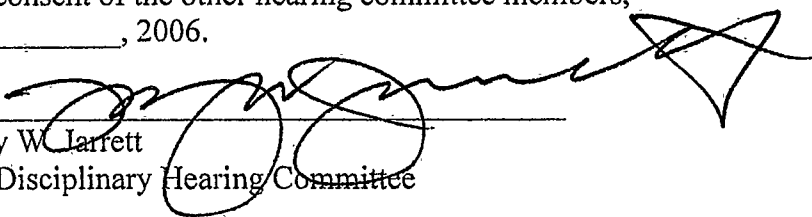
t. That he has filed a Notice of Compliance with the Disciplinary Hearing Commission for each drug test that he undergoes at the request or order of any probation officer or of any court pursuant to the terms of any criminal judgment which is entered against him at any time during the period of his suspension. The Notice of Compliance shall state the date that the drug test was requested, the party requesting the drug test, the date and location where the drug test was performed, and shall attach a certified copy of the drug test results.

u. That he has submitted to the State Bar Office of Counsel an addiction and mental health evaluation, performed by a physician approved by the Office of Counsel and performed not more than thirty days prior to filing an application for reinstatement, that addresses whether Schoch suffers from an active addiction to any legal or illegal substance or suffers from any mental health problem, disorder or disease which impairs his judgment or his ability to practice law. The State Bar Office of Counsel shall keep such report confidential, except that the report shall be provided by the Office of Counsel to the Disciplinary Hearing Commission and may be provided by the Office of Counsel to officers, councilors, and employees of the State Bar.

v. Schoch shall be responsible for all costs associated with complying with this order and the conditions set forth above. Under no circumstances shall the State Bar be responsible to Schoch or to any third parties for the costs of Schoch's compliance with the conditions of this order.

7. The Disciplinary Hearing Commission will retain jurisdiction of this matter pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0114(x) of the North Carolina State Bar Discipline and Disability Rules throughout the period of Schoch's suspension.

Signed by the Chair with the consent of the other hearing committee members,
this the 19th day of June, 2006.

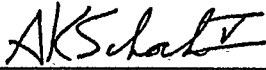


Tommy W. Jarrett
Chair, Disciplinary Hearing Committee

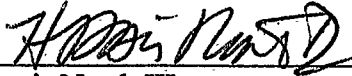
CONSENTED TO BY:



Katherine E. Jean
Deputy Counsel
Attorney for Plaintiff



Arch K. Schoch V
Defendant



H. Davis North III
Attorney for Defendant