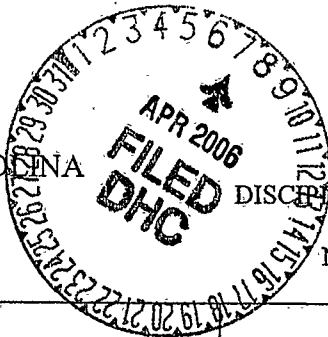


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STATE OF NORTH CAROLINA

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
05 DHC 15

WAKE COUNTY

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

ELIZABETH D. HICKMON, Attorney,

Defendant

CONSENT
ORDER

THIS MATTER came on to be heard and was heard by teleconference with the consent of the parties on March 14, 2006 before a Hearing Committee of the Disciplinary Hearing Commission composed of Carlyn G. Poole, Chair, and members Marguerite P. Watts and John M. May. Jennifer A. Porter and Katherine E. Jean represented the North Carolina State Bar. The Defendant, Elizabeth D. Hickmon, was represented by her counsel, Bruce H. Jackson, Jr. Based upon the pleadings and the evidence presented at the hearing, the Hearing Committee hereby finds by clear, cogent, and convincing evidence the following:

FINDINGS OF FACT

1. The 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. The Defendant, Elizabeth D. Hickmon (Hickmon) was admitted to the North Carolina State Bar in 1981, 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 Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

3. The State Bar filed a Complaint in this matter alleging violations of the Revised Rules of Professional Conduct against Hickmon on April 21, 2005. On October 18, 2005, the State Bar filed a Motion for an Order Staying Disciplinary Proceedings and Ordering Independent Psychiatric Examination of Defendant.

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4. An Order Staying the Disciplinary Proceedings and Ordering Independent Psychiatric Examination of Defendant was entered by this Hearing Committee on October 28, 2005.

5. Hickmon underwent the psychiatric examination directed by the order and the psychiatrist, Dr. Nicholas E. Stratas, prepared a report dated November 18, 2005.

6. Pursuant to 27 N.C. Admin. Code 1B § .0118(d), this hearing was held to determine whether Hickmon is disabled as defined in 27 N.C. Admin. Code 1B § .0103(19).

7. Dr. Stratas was qualified and accepted as an expert in the fields of psychiatry and forensic psychiatry and testified in this capacity at the hearing. Based upon Dr. Stratas' report and testimony, the Hearing Committee finds the following facts by clear, cogent, and convincing evidence:

a. Hickmon suffers from several conditions, including major depressive disorder, dysthymic disorder, personality disorder, and a series of psychosocial problems;

b. Hickmon had been prescribed an anti-depressant medication and a mood stabilizer medication by her primary physician for her depression and was taking those medications at the time of her examination by Dr. Stratas;

c. Hickmon's major depressive disorder is recurrent but was in remission with medications at the time of Dr. Stratas' examination;

d. Hickmon was not disabled as defined in 27 N.C. Admin. Code 1B § .0103(19) at the time Dr. Stratas examined her;

e. There is a ninety-nine percent likelihood that Hickmon will suffer a depressive episode in the future which may result in her being disabled as defined in the State Bar rules if she is not under appropriate care and medication; and

f. To avoid disability, Hickmon needs to meet regularly with both a primary care physician and a psychiatrist for monitoring of her medications and depression and needs to be educated about managing her depression.

Based upon the foregoing Findings of Fact, the Hearing Committee makes the following:

CONCLUSIONS OF LAW

1. All the parties are properly before the Hearing Committee and the Committee has jurisdiction over the Defendant, Elizabeth D. Hickmon, and the subject matter.

2. Hickmon is not disabled as defined by 27 N.C. Admin. Code 1B § .0103(19) at this time.

3. The disciplinary proceeding against Hickmon should be resumed, in accordance with 27 N.C. Admin. Code 1B § .0118(d)(2).

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

ORDER

1. The stay of the disciplinary proceeding in this matter is hereby lifted and the Clerk of the Disciplinary Hearing Commission shall set a date for the hearing of the allegations of violations of the Revised Rules of Professional Conduct set forth in the State Bar's Complaint;

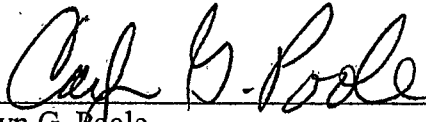
2. It shall be grounds for re-examination of the issue of disability, by either the Grievance Committee or this Hearing Committee as appropriate under 27 N.C. Admin. Code 1B § .0118, should Hickmon fail to:

a. Provide documentation to the Office of Counsel for the North Carolina State Bar showing that she is being examined on a regular basis by a primary care physician and a psychiatrist who are evaluating, managing, and otherwise monitoring her psychiatric medications and her depression. Such documentation may consist of a copy of medical records from such providers or of a report from such providers addressing the evaluation, management, and monitoring of her psychiatric medications and her depression. The primary care physician and the psychiatrist will be properly licensed and qualified to practice medicine in their respective fields in the state of North Carolina. The primary care physician and the psychiatrist will set the appointments to evaluate, manage, and monitor Hickmon's medication and depression as each deems appropriate based on their professional expertise. Hickmon shall provide the documentation to the State Bar on a quarterly basis due on the first day of the quarter (January 1, April

1, July 1, and October 1), with the first report or records due on April 1, 2006, unless other arrangements are agreed to in writing by both parties;

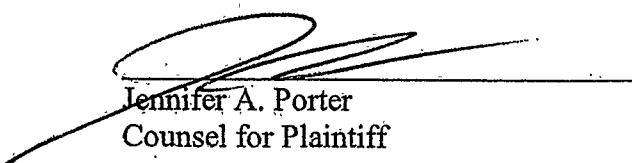
b. Provide the Office of Counsel with appropriate documentation authorizing the primary care physician and psychiatrist referenced above to release her medical information to the Office of Counsel and not revoke such authorizations. Hickmon may use an authorization form provided by the State Bar or one provided by the physician or psychiatrist. The authorization must allow the Office of Counsel to obtain Hickmon's medical records from such providers and authorize the providers to discuss Hickmon's condition and treatment with the Office of Counsel.

Signed by the Chair with the consent of the other Hearing Committee members, this the 6 day of April, 2006.

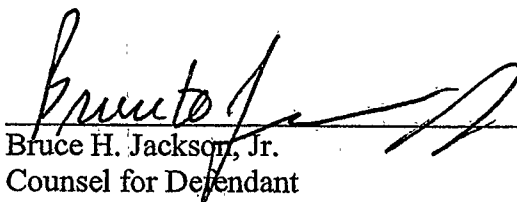


Carlyn G. Poole
Chair, Disciplinary Hearing Committee

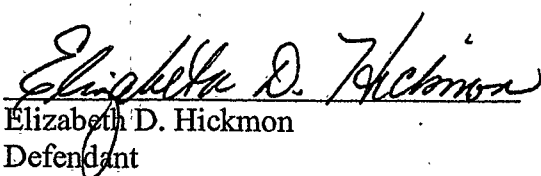
CONSENTED TO BY:



Jennifer A. Porter
Counsel for Plaintiff



Bruce H. Jackson, Jr.
Counsel for Defendant



Elizabeth D. Hickmon
Defendant