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NORTH CAROLINA
DAVIDSON COUNTY

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FILED
NOV 9 2000
AT 4:56 O'CLOCK P M.
BY *nm*
CLERK OF SUPERIOR COURT

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
00 CRS 10544

STATE OF NORTH CAROLINA)
)
 v.)
)
 WILLIAM DENNIS WORLEY,)
 Defendant.)

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

THIS CAUSE, coming on to be heard and being heard before the undersigned judge presiding at the November 6, 2000, session of the Superior Court of Davidson County, North Carolina, as a proceeding for the discipline of a member of the Bar of the State of North Carolina; and the court, after hearing the evidence presented, finds the following facts by clear, cogent and convincing evidence:

FINDINGS OF FACT

1. The defendant, William Dennis Worley, and his attorney, Stephen D. Barnhill, were present before the court on November 9, 2000.
2. The North Carolina State Bar's duly authorized representative, Carolin D. Bakewell, was also present in open court on November 9, 2000, and participated on behalf of The North Carolina State Bar in this proceeding.
3. The defendant, his attorney, and counsel for The North Carolina State Bar were given due notice of the hearing of this matter, and no objection has been made to the hearing of this matter on November 9, 2000.
4. The defendant was admitted to The North Carolina State Bar on August 20, 1993, 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.
5. During the time relevant to this Order, the defendant actively engaged in the practice of law in the State of North Carolina and served as an assistant attorney general in the North Carolina Department of Justice from 1994 until

April, 2000. Prior to serving in that capacity the defendant served as a law clerk to the Chief Justice of the Supreme Court of North Carolina.

6. The defendant was arrested for felonious possession of a Schedule I controlled substance, methylenedioxymethamphetamine, ("MDA") in violation of the North Carolina Controlled Substances Act.
7. The date of the offense was April 17, 2000.
8. After his arrest the defendant voluntarily admitted himself to Fellowship Hall in Greensboro, North Carolina, which specializes in working with individuals who have a substance problem. A significant portion of this organization's patients are, in fact, professionals. The defendant received therapy and counseling at Fellowship Hall where he remained from April 19, 2000, until May 16, 2000.
9. Since being released from Fellowship Hall, the defendant has successfully continued treatment and has satisfactorily participated in The North Carolina State Bar Positive Action for Lawyers ("PALS") Program.
10. The defendant was admitted to the Keys to Recovery Intensive Outpatient Program on May 15, 2000, and successfully completed that program. He was discharged on June 30, 2000, and he has maintained an aftercare program and participated in individual counseling with Keys to Recovery at least through August 8, 2000.
11. The defendant entered a plea of guilty to felonious possession of a Schedule I controlled substance, MDA, on November 9, 2000, before the undersigned judge presiding in the Superior Court of Davidson County. The court found a factual basis for the plea and found that the plea of guilty was freely and voluntarily entered. The court accepted the plea, and found the defendant guilty of felonious possession of a Schedule I controlled substance, MDA.
12. The defendant has had no prior discipline by The North Carolina State Bar or by any court.
13. Don Carroll, Executive Director of the PALS program of The North Carolina State Bar, and Dale Talbert and William Ferrell of the Office of the Attorney General of North Carolina testified on behalf of the defendant. The court finds that the defendant exhibited no mental or physical problems at his work; that he had an outstanding record as an attorney while working at the Office of the Attorney General; that the defendant was remorseful; and that the defendant was not unfit to perform his duties while at work.

BASED ON THE FOREGOING FINDINGS OF FACT, THE COURT MAKES THE FOLLOWING:

CONCLUSIONS OF LAW

1. The court has jurisdiction over the parties and the subject matter. All parties are properly before the court and were given proper notice to appear in court to present any and all evidence deemed necessary by the parties for consideration by the court respecting imposition of professional discipline on the defendant.
2. Pursuant to Chapter 84 of the General Statutes of North Carolina and the inherent powers of this court, the court has authority to impose sanctions upon the defendant.
3. The defendant has pled guilty to and been sentenced for a criminal act that reflects adversely on his honesty, trustworthiness or fitness as a lawyer.
4. The conduct of the defendant which resulted in his conviction violated North Carolina Rule of Professional Conduct 8.4 (b).
5. The defendant has committed misconduct warranting imposition of discipline pursuant to N.C. Gen. Stat. 84-28(b) (1) and (2).

BASED ON THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE COURT ENTERS THE FOLLOWING:

ORDER OF DISCIPLINE

1. William Dennis Worley is hereby suspended from the practice of law in North Carolina for a period of three (3) years, effective on November 9, 2000.
2. The suspension is stayed for a period of three (3) years as long as the defendant satisfies all of the following conditions:
 - a. The defendant must abstain from the use of all alcohol and non-prescribed controlled substances.
 - b. The defendant shall have random drug tests performed by The North Carolina State Bar throughout the three-year stay at such times as may be determined by The North Carolina State Bar. These tests must be performed within twelve hours after a telephone request by the Office of Counsel of The North Carolina State Bar. A written Notice of Request for a drug test shall be filed with the Secretary of The North Carolina State Bar, giving the date and time of the request for the test and the location where the test shall be performed. A copy of the

Notice of Request shall be sent to the defendant when filed. The defendant shall file a Notice of Compliance with the request, and the results of the test, with the Secretary of The North Carolina State Bar no later than ten (10) days after the Notice of Request is filed.

- c. The defendant shall continue to satisfactorily participate in the PALS program throughout the three-year stay. The defendant in open court has waived any right to confidentiality with respect to reports by the PALS program to the State Bar Office of Counsel as to his participation in the PALS program. The defendant shall be responsible for having the PALS program director or his monitor forward to the Office of Counsel a report demonstrating his continued satisfactory participation. The defendant shall cause such reports of compliance to be sent every six (6) months during the entire three-year stay. The defendant shall cause the required reports to be forwarded to the State Bar no later than May 9 and November 9 of each year of the stay, beginning on May 9, 2001, and ending on November 9, 2003.
 - d. The defendant shall comply with all of the foregoing conditions during the entire three-year stay. Failure of the defendant at any time during the three-year stay to comply with any of the conditions set forth above, or if the defendant tests positive as a result of a test for illegal drugs, then either of these acts or omissions shall constitute a violation of this order and shall be sufficient grounds for the State Bar to file a motion to require the defendant to show cause why the stay should not be withdrawn and the entire three-year stay activated.
 - e. The defendant shall not violate any of the Rules of Professional Conduct.
3. The defendant shall be responsible for all costs in this proceeding and those associated with complying with this Order and the conditions specified above. Under no circumstances shall the State Bar be responsible to the defendant or any third parties for the cost of defendant's compliance with the conditions of this Order.

This the 9th day of November, 2000.

Wm. Erwin Spainhour
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Judge Presiding