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NORTH CAROLINA
ANSON COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
98 SP 23

FILED
MAY 13 1998
ANSON COUNTY N.C.S.C.

BY _____

IN RE MATTER OF DISCIPLINE)
OF F. O'NEILL JONES)
)
ATTORNEY AT LAW)
)
Respondent)
)

ORDER OF SUSPENSION

THIS CAUSE, coming on to be heard and being heard before the undersigned Superior Court Judge presiding at the March 30, 1998 session of Anson County Superior Court upon written notice and the Respondent, F. O'Neill Jones, being present and represented by Kelly G. Williams, and the North Carolina State Bar being represented by Root Edmisten, Richard Feerick appearing for the North Carolina PALS program and as and agent with the North Carolina State Bar, the Court finds the following facts by clear, cogent and convincing evidence:

- 1. The Respondent F. O'Neill Jones, is an attorney licensed to practice law in the State of North Carolina.**
- 2. That the Respondent, F. O'Neill Jones appeared before the undersigned for the trial of a case at the September 8, 1997 Criminal Session of Anson County Superior Court while legally intoxicated resulting in the mistrial of that case.**
- 3. That, following an in camera proceeding, a Consent Order in Camera was entered by the undersigned, with the consent of the Respondent, out of county, out of session and in chambers on October 31, 1997. A copy of this order is attached hereto, and is incorporated herein by reference. This order provided that consideration of the suspension of the law license of F. O'Neill Jones was stayed under the conditions specified therein which were consented to by the Respondent.**

4. That the Respondent stipulates that, on or about March 11, 1998, the Respondent admitted to the Honorable Ronald W. Burris that he had been drinking again but denied that he was impaired.

5. That, the Respondent stipulates that, on or about March 11, 1998, the Respondent refused to submit to an intoxilyzer test when requested to do so by the Honorable Ronald W. Burris.

6. The Respondent's conduct is such as to demean and bring into disrepute and disgrace the practice and profession of attorney and to bring into contempt the administration of justice.

BASED UPON THE FOREGOING FINDINGS OF FACT, the Court CONCLUDES AS A MATTER OF LAW :

1. The Respondent has violated the conditions of the consent order entered on October 31, 1997 in that the Respondent has:

a. stipulated and admitted that he had consumed alcohol on or about March 11, 1998.

b. stipulated and admitted that he failed to submit to an intoxilyzer test on or about March 11, 1998 after being requested to do so by the Honorable Ronald W. Burris.

2. The Respondent has engaged in conduct which is prejudicial to the administration of justice.

3. The Respondent's conduct is such as to warrant suspension of his law license by this Court.

NOW THEREFORE IT IS ORDERED:

1. F. O'NEILL JONES is hereby suspended from the practice of law and profession as an attorney in the State of North Carolina for a period of three (3) years under the following conditions, effective April 2, 1998.

a. the respondent may apply to the court for a stay of up to two years and six months of this suspension upon successfully demonstrating the following:

(1) that he has successfully completed a twenty-eight day inpatient treatment program at Samaritan Colony in Ellerbe, N.C.

- (2) that he has not consumed any alcohol for at least six months prior to his request for a stay as evidenced by successful compliance with the monitoring requirements of National Confederation of Professional Services or other like service approved by the North Carolina State Bar. Any failure of the Respondent to take a test or any positive test must immediately be reported to the North Carolina State Bar by the monitoring service.
- (3) Any stay entered by the Court will be conditioned upon the Respondent's continued abstinence from the use of alcohol as evidenced by Respondent's continued compliance listed in paragraph (2) above. Failure to comply with the monitoring agreement requirements, a copy of which is to be attached to this order within forty-five days of the date of this order and is incorporated by reference herein, or a positive test result shall cause any stay of suspension to be immediately dissolved.
- (4) If no stay of the suspension ordered herein is entered, or if a stay is entered and subsequently dissolved, then Respondent must demonstrate that he has complied with the monitoring agreement requirements and abstained from any alcohol use or consumption for a period of at least six months as a condition of reinstatement as an Attorney with the North Carolina State Bar.

2. Respondent shall transmit his license certificate and membership card to the North Carolina State Bar, P.O. Box 25908, Raleigh, N.C. 27611 within forty-five days of the date of this order.

3. The Respondent shall not practice law in North Carolina unless and until his license is restored by the North Carolina State Bar.

4. The Court retains jurisdiction over this matter.

5. The Clerk of Superior Court of Anson County shall forthwith certify a copy of this Order to the North Carolina State Bar.

6. That portion of the prior order of the court sealing file number 97 SPC 53 is rescinded and will be redennominated as 97 SP 63, and the entire contents are public record.

This the 2nd day of April, 1998.

Gregory A. Steles
Superior Court Judge Presiding

Phyllis Griffin

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
COUNTY OF ANSON SUPERIOR COURT DIVISION

97 SPC 53

IN THE MATTER OF:
F. O'Neil Jones

CONSENT ORDER
IN CAMERA

ATTORNEY AT LAW.

CRIMINAL

The above captioned lawyer F. O'Neil Jones (hereinafter "Jones") being before the Court for the trial of a case at the September 8th, 1997 Civil Session of Anson County Superior Court and it appearing to the Court that Respondent Jones was legally under the influence of alcohol while appearing in Court for the purpose of representing a client in the trial of a case and it further appearing to the Court that justice and fairness required the mistrial of that case because of Jones' condition; and it further appearing to the Court upon the representation of Jones that he admits to suffering from the condition of alcoholism, that he had consumed alcohol shortly before appearing in Court and that he was legally under the influence of alcohol while in Court; and that further that he is presently seeking to work with the North Carolina State Bar's Positive Action for Lawyers Committee (hereinafter "PALS") in regard to dealing with this chronic condition in a way that will not affect his ability to practice law, and Jones agrees that in order to do this a period of treatment is necessary; and further the Court having called PALS into this matter and PALS requesting to the Court that this matter be considered not only on the basis of the Court's inherent authority to discipline lawyers appearing before it but also pursuant to North Carolina General Statutes Sections 84-21 and 84-28 and 27 North Carolina Admin. Code 1(D), Section .0600 upon the request of the PALS Committee of the North Carolina State Bar, and Jones consenting to the Court to the entry of this Order out of session and out of county and the Respondent and PALS presenting to the Court the following:

1. That the Respondent Jones is an attorney licensed to practice law in North Carolina and is a resident of Anson County, North Carolina and is subject to the inherent disciplinary authority of the Court and the rules and regulations of the North Carolina State Bar.
2. Over the past several years Respondent has been the subject of efforts by the PALS Committee to assist him in obtaining treatment for and arresting his active chemical addiction to alcohol; and that as a part of these efforts Respondent previously attended Amethyst for inpatient treatment for alcoholism and entered into a rehabilitation contract with PALS which provides among other things he will totally refrain from the use of all mind altering substances including alcohol except and unless prescribed by a physician with knowledge of his addictive disease, that he will attend a certain number of AA meetings each week, that he will submit to and pay for random urine screens and/or breathalyzers at the direction of his monitor. Respondent has in fact failed to comply with the terms of this agreement in that among other things and most significantly he has failed to refrain from the use of alcohol.

3. This order is entered in lieu of other more direct discipline in order to provide a means for Respondent's recovery program from active addiction to be monitored and for other appropriate relief under N. C. Admin. Code 1 (D), Section .0600 and to give the Respondent further opportunity to arrest his active chemical addiction by complying with a needed program of treatment for his disease; now therefore,

IT IS HEREBY, ORDERED, ADJUDGED AND DECREED, that consideration of suspension of Respondent's license to practice law in the State of North Carolina is hereby stayed under the following conditions:

1. For a period of two years from this date as a condition of the staying of this action the Respondent shall maintain the following program of recovery:

A. Within five days of the entry of this order obtain admission to an alcoholism inpatient treatment center and complete there a program of treatment for alcoholism lasting at least 28 consecutive days.

B. Totally refrain from the use of all mind altering substances including prescription medications and alcohol except as specifically prescribed or approved by Respondent Jones's physician. Prior to the use of any prescribed drugs, not prescribed by his physician, Respondent will inform the physician of his participation in PALS, communicate the identity of his physician to PALS and have his physician consult with PALS before any such prescription medications are used by Respondent.

C. Following inpatient treatment the Respondent will meet with Tammy Bell, a relapse prevention specialist located in Charlotte for an evaluation of what additional treatment needs he may need and her recommendations for treatment and relapse prevention shall be sent by letter to PALS and shall become a part of his required treatment program as required by this Order. Unless Ms. Bell recommends otherwise thereafter Respondent will meet with a certified substance abuse counselor approved by PALS, at least once each week for addiction's counseling. The Respondent will provide records of his attendance at such counseling sessions signed by his counselor to his PALS monitors. This counseling may be discontinued upon the agreement of the counselor and PALS that such counseling is no longer needed by respondent. This counseling may be modified in whole or in part on whatever basis is necessary to be congruent with the recommendations of Ms. Bell.

D. The Respondent shall attend AA/NA meetings at least five times a week. Records of his/her attendance shall be submitted on the first of each month to his PALS monitors. Respondent agrees to join a home group and have and maintain a sponsor and an active relation with his sponsor at all times. Respondent agrees to actively work the twelve steps of Alcoholics Anonymous. The identity of his sponsor shall be communicated to PALS and Respondent authorizes PALS to communicate with his

sponsor regarding the status of his recovery. Richard Feerick and Bill Capel shall serve as Respondent's PALS monitors. Respondent shall upon completing inpatient treatment communicate in phone or in person with his monitors weekly until and unless his monitors agree on a different schedule.

E. Submit to and pay for random urine and/or blood screens and/or breathalyzers and/or saliva tests at the direction of the monitors. Respondent shall be responsible for seeing that such screening/tests occur. Respondent shall notify the screening agency or person taking the sample prior to the taking of blood and/or urine as to any medical prescriptions or any other medication currently being used by him. Respondent shall provide his monitors with a telephone number where a message can be left requesting that Respondent report for a screening/test. Failure of Respondent to report for a screening/test within eight hours of a request shall be deemed a positive test results. Similarly a refusal by Respondent to take such a screen/test shall for purposes of this Order be deemed a positive test results. Respondent may use the random testing provided as a part of his probation as a way to partially comply with this provision, but the obligation remains on Respondent to see that such random tests are done at least monthly and that the results of such testing are timely submitted to PALS. The location at which the giving of urine samples shall occur will be determined by Bill Capel or such other monitor as may be designated by PALS. Upon receipt by PALS of a positive alcohol and/or drug test report, Respondent agrees that this Order may be amended to include additional provisions considered by PALS in the best interest of the lawyer and the public and Respondent hereby consents to same. Respondent stipulates that the results of any alcohol and/or drug test may be admitted into evidence as reported without the necessity of further authentication in any proceeding authorized by the PALS rules and/or brought as a part of this action.

2. The stay provided by this Order may be terminated so that consideration of the suspension of Respondent's license to practice may proceed at any time by a showing before the undersigned Judge or any Resident Superior Court Judge of the 20th Judicial District that the Respondent has failed to follow the terms of his recovery program as set out in this Order and/or failed to comply with the terms of monitoring by PALS pursuant to this Order, and/or tested positive for alcohol and/or any other mood altering drug (except such drugs as might be prescribed by a physician who has consulted with PALS and is aware of the Respondent's addictive status).

3. The Court's jurisdiction in this matter will be continued. The Respondent shall report back to the Court on the first and second anniversaries of the date of this Order as to his/her compliance with this order and progress in recovery.

This Order shall be filed under seal. A copy of this Order shall be served upon Respondent and upon the Secretary of the North Carolina State Bar.

*Copies mailed as ordered 12/11/97
Dybbio Duffin, Court Clerk*

00321

This the 31st day of October, 1997.

Gregory A. Weeks
Superior Court Judge Presiding

I Consent to the foregoing Order:

[Signature]
F. O'Neil Jones

Positive Action for Lawyers Committee
of the North Carolina State Bar

By: [Signature]

[Signature]