

NORTH CAROLINA

WAKE COUNTY

NOV 11 11:00
JAMES, SEC.
STATE BAR

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
87 DHC 3

THE NORTH CAROLINA STATE BAR,)
Plaintiff)
vs.)
WILLIAM O. WARNER,)
Defendant)

ORDER OF DISCIPLINE

Based upon the evidence presented in the second phase of this hearing and arguments of the Counsel, the hearing committee makes the following additional findings:

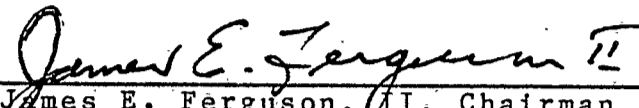
1. That defendant previously received a Public Censure in file number 80 DHC 11.
2. That based upon finding of fact 7 in the Findings of Fact and Conclusions of Law in 80- DHC 11, documents introduced in this phase of the current hearing, and representations made by defendant to Counsel of the North Carolina State Bar, the hearing committee believes that defendant has had a chronic physical illness affecting his hands which has persisted for some time, that prescribed medications for that illness may have caused defendant to suffer severe depression, and that these illnesses may have contributed to defendant's misconduct.

BASED UPON the foregoing findings and the Findings of Fact and Conclusions of Law of even date herewith, the hearing committee enters the following ORDER OF DISCIPLINE:

1. The defendant, William O. Warner, is suspended from the practice of law for a period of three years.
2. As much as thirty (30) months of said suspension may be stayed upon defendant's consent to and compliance with the following conditions:

- (a) That defendant shall file a petition for a stay with the Secretary of the North Carolina State Bar who shall transmit said petition to the Chairman of the Disciplinary Hearing Commission for the purpose of appointing a hearing committee of the Disciplinary Hearing Commission as provided in Sec. 8(A)(2) to hear said petition.
- (b) Defendant's petition for a stay shall aver, and he shall have the burden of proving by clear and convincing evidence at the hearing on his petition, the following:
 - (1) That defendant's misconduct was caused by his physical illness and resulting depression.
 - (2) If not for his illness and resulting depression, the misconduct would likely not have occurred.
 - (3) Defendant's illness and resulting depression have been controlled for a sufficient period of time to show that there is little likelihood that the illness or the depression will cause further misconduct or danger to the public.
3. Defendant shall forthwith surrender his license and membership card to the Secretary of the North Carolina State Bar.
4. Defendant must comply with §24 of Article IX of the Rules and Regulations of the North Carolina State Bar.
5. Any petition that defendant files pursuant to §25(B)(3) for reinstatement of his license at or after the expiration of his three year suspension must contain an averment of his present physical and mental fitness to practice law as a condition precedent to his reinstatement. Such averment is subject to challenge pursuant to the other provisions of §25(B).
6. Defendant is taxed with the costs of this action.

Signed by the undersigned Chairman with the consent of the other members of the hearing committee, this the 26th day of June, 1987.



James E. Ferguson, II, Chairman
The Disciplinary Hearing Committee