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NORTH CAROLINA
WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
89 DHC 22

THE NORTH CAROLINA STATE BAR)
Plaintiff)
v.)
RAY BLACKBURN, JR., ATTORNEY)
Defendant)

CONSENT ORDER
OF DISCIPLINE

This matter coming before the undersigned Hearing Committee of the Disciplinary Hearing Commission pursuant to Section 14(8) of Article IX of the Rules and Regulations of the North Carolina State Bar; and it appearing that both parties have agreed to waive a formal hearing in this matter; and it further appearing that both parties stipulate and agree to the following Findings of Fact and Conclusions of Law recited in this Consent Order and to the discipline imposed, the Hearing Committee therefore enters 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, Ray C. Blackburn, Jr., was admitted to the North Carolina State Bar in 1982 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 Responsibility of the North Carolina State Bar and the laws of the State of North Carolina.
3. During all of the periods referred to herein, the Defendant was engaged in the practice of law in the town of Hampstead, Pender County, North Carolina.
4. Defendant was appointed in July, 1987, to represent Michael D. Stewart, who was charged with first degree burglary.
5. Following trial, Stewart was convicted and on January 25, 1988, Blackburn entered notice of appeal on Stewart's behalf.

6. Blackburn failed to perfect Stewart's appeal, failed to withdraw as Stewart's attorney and failed to obtain substitute counsel to represent Stewart.

7. Blackburn failed to communicate adequately with Stewart regarding his appeal.

8. Blackburn is an alcoholic and but for his alcoholism the misconduct respecting Stewart would not have occurred.

9. In 1988, Blackburn entered a 30-day treatment program for alcoholism, which he successfully completed.

10. Blackburn has attended AA meetings regularly since mid-1988 and has remained sober continuously since that time.

11. Blackburn has been disciplined by the N.C. State Bar on two occasions in the past for failing to perfect appeals in criminal cases. In 1985, he received a private reprimand and in 1986 he received a public censure.

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

CONCLUSIONS OF LAW

1. The Defendant's conduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. Section 84-28(b) (2) in that:

(a) By failing to perfect Stewart's appeal, Defendant neglected a legal matter entrusted to him in, violation of Rule 6(B)(3), failed to complete a contract of employment in violation of Rule 7.1(A)(2) and prejudiced or damaged a client in violation of Rule 7.1(A)(3).

(b) By failing to communicate with Stewart respecting his appeal, Defendant violated Rule 6(B)(1).

2. But for the Defendant's alcoholism, the violations of the Rules of Professional Conduct would not have occurred.

ORDER OF DISCIPLINE

1. The Defendant, Ray C. Blackburn, Jr., is hereby suspended from the practice of law in the State of North Carolina for a period of six months from the date this Consent Order of Discipline is filed. The period of suspension is stayed for three years, upon the following conditions:

(a) That the Defendant continue to attend AA meetings at least once each week for the entire three year suspension period;

(b) That the Defendant abstain from consuming any alcoholic beverages or controlled substances throughout the entire three year

suspension period except on the advice and prescription of his physician;

(c) That the Defendant not violate any provisions of the Rules of Professional Conduct at any time during the three-year suspension period;

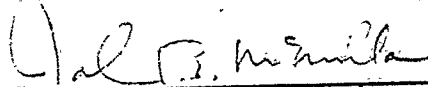
(d) That the Defendant continue to serve on the N.C. State Bar's PALS Committee throughout the three year suspension period;

(e) That the Defendant meet with Robert H. Corbett and/or Gary Traywick at least once each month during the three year suspension period. During each such meeting, Defendant will make available to Corbett and/or Traywick a list of pending legal matters he is handling for clients and upcoming deadlines and will provide proof that he is meeting all applicable deadlines and communicating with clients;

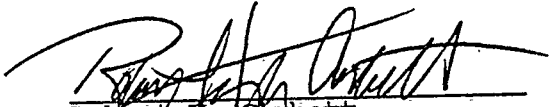
(f) That Defendant shall not act as counsel in any criminal appeals without associating co-counsel.

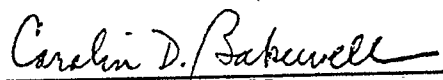
(g) Defendant will pay the costs of this proceeding.


This the 30th day of October, 1989.


John B. McMillan, Chairman
For the Committee

Seen and consented to:


Robert H. Corbett
Attorney for the Defendant


Carolin D. Bakewell
Attorney for the Plaintiff


Roy C. Blackburn
Defendant

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