

STATE OF NORTH CAROLINA

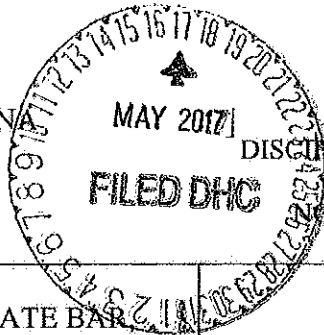
WAKE COUNTY

THE NORTH CAROLINA STATE BAR

Plaintiff

v.

LISA M. DUKELOW, Attorney,
Defendant



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
16 DHC 8

CONSENT ORDER
CONTINUING DEFENDANT'S
DISABILITY INACTIVE STATUS AND
STAYING DISCIPLINARY PROCEEDING

This matter was considered by a hearing panel of the Disciplinary Hearing Commission composed of Beverly T. Beal, Chair, David W. Long, and Cindy L. Marrelli. Mary D. Winstead represented the North Carolina State Bar. Defendant, Lisa M. Dukelow, represented herself. Both parties stipulate and agree to the findings of fact and conclusions of law recited in this consent order and to Defendant continuing on disability inactive status. Defendant freely and voluntarily waives any right to appeal the entry of this consent order continuing her disability inactive status.

FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar ("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. Defendant, Lisa M. Dukelow ("Dukelow" or "Defendant"), was admitted to the North Carolina State Bar on August 18, 1995, and was 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. Prior to February 14, 2017, Dukelow was engaged in the practice of law in the State of North Carolina and maintained a law office in Durham, Durham County, North Carolina.
4. The complaint in this action was filed on January 19, 2016.
5. The complaint and summons were served on Defendant on February 17, 2016.
6. Defendant filed an answer to the complaint on March 21, 2016.
7. An amended complaint was filed on November 1, 2016.

8. On November 14, 2016, a letter signed by Defendant and requesting a stay of the disciplinary proceeding was delivered to the State Bar. In the letter, Defendant stated that she was admitting herself for psychiatric care at Ridgeview Institute in Smyrna, Georgia.

9. On November 28, 2016, the undersigned Chair of the Hearing Panel appointed to hear this action entered an Order Staying the Scheduling of This Matter for Hearing until and including January 12, 2017.

10. Pursuant to the order, Defendant was allowed twenty days from the termination of the stay in which to file and serve an answer to the amended complaint.

11. On January 31, 2017, Defendant filed an answer to the amended complaint. In her answer, Defendant admitted paragraphs 1-3 of the amended complaint. With regard to the remaining allegations in the amended complaint, Defendant did not answer or otherwise respond. Rather, Defendant contended that she is disabled as provided in 27 N.C.A.C. 1B.0103(19) which defines "disabled or disability" as "a mental or physical condition which significantly impairs the professional judgment, performance, or competence of an attorney." Defendant further contended that she "currently is disabled by mental and physical conditions that impair her professional judgment, performance, or competence" and that she is unable "to move forward with a hearing."

12. On February 14, 2017, the undersigned Chair of the hearing panel entered an order transferring Defendant to disability inactive membership status and staying the disciplinary hearing pending a hearing on whether Defendant is disabled.

13. Defendant was discharged from Ridgeview Institute on December 9, 2016.

14. Defendant provided the State Bar with a discharge summary from Ridgeview Institute in which the discharge diagnosis of attending physician Dr. Gary Weichbrodt, a board certified psychiatrist, was Major Depression, single episode.

15. Subsequently, Dr. Weichbrodt submitted a correction from that diagnosis to Major Depressive Disorder, Recurrent.

16. On or about February 7, 2017, Erica Rapport, Ph. D., of Durham, N.C., Dukelow's psychotherapist, submitted a letter to the State Bar concerning Dukelow's mental health issues. She reported that she has been seeing Dukelow intermittently since 2002 and on a weekly basis since Dukelow's discharge from Ridgeview. In the letter, Dr. Rapport expressed her professional opinion that the depression and anxiety that Dukelow "has dealt with, and is continuing to deal with significantly impairs [sic] her professional judgment and competency to work as an attorney at the present time."

17. According to Dr. Rapport, Dukelow's mental health issues manifest in several ways, including loss of interest in activities, sleeplessness, difficulty remembering, concentrating and making decisions.

18. Dr. Rapport has reaffirmed to the State Bar as recently as April 24, 2017 that the anxiety and depression that led to her opinion on February 7, 2017 that Dukelow's professional judgment and competence as an attorney were significantly impaired continue to exist and opined that Dukelow should not be practicing law.

19. Dr. Rapport's current diagnosis is Major Depressive Disorder in partial remission.

20. Dukelow requests and consents to remaining on disability inactive status.

21. The State Bar consents to Dukelow continuing on disability inactive status.

Based on the foregoing Findings of Fact, the Hearing Panel makes the following

CONCLUSIONS OF LAW

1. All parties are properly before the DHC and the DHC has jurisdiction over Defendant and over the subject matter of this proceeding.

2. Dukelow is disabled within the meaning of 27 N.C. Admin. Code 1B § .0103(19) and should continue on disability inactive status pursuant to 27 N.C. Admin. Code 1B § .0118ⁱ and N.C. Gen. Stat. § 84-28(g).

3. Any proceeding pending before the Grievance Committee or before the DHC, including this matter, should be stayed as long as Dukelow remains in disability inactive status pursuant to 27 N.C. Admin. Code 1B § .0118(e). If Dukelow is returned to active status by the DHC, this disciplinary proceeding will be rescheduled by the Chair of the DHC.

ORDER

1. Lisa M. Dukelow is hereby continued on disability inactive status in accordance with N.C. Gen. Stat. § 84-28(g) and 27 N.C. Admin. Code 1B § .0118(d)(5).

2. Dukelow shall not practice law in North Carolina until she is no longer disabled and has been returned to active status as a member of the North Carolina State Bar pursuant to the procedures set out in 27 N.C. Admin. Code 1B § .0125(c)ⁱⁱ.

3. All proceedings pending before the Disciplinary Hearing Commission against Dukelow are stayed until such time as Dukelow is reinstated to active status.

4. Dukelow is taxed with the administrative fees and costs of this action as assessed by the Secretary. Dukelow shall pay the costs and administrative fees of this action as assessed by the Secretary within 30 days of service of the statement of costs upon her.

5. Pursuant to 27 N.C. Admin. Code 1B § .0118(e)(2), Plaintiff is permitted to continue investigating allegations of misconduct and preserve evidence of any alleged professional misconduct by Dukelow, including taking depositions when permitted to do so by order of the Chair of the DHC.

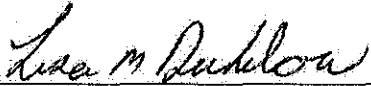
6. This order shall be effective immediately upon entry pursuant to 27 N.C. Admin. Code 1B § .0118(d)(5)(A).

Signed by the Chair with the consent of the other Hearing Panel members, this the 17th day of May, 2017.

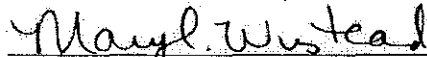


Beverly T. Beal, Chair
Disciplinary Hearing Panel

CONSENTED TO:



Lisa M. Dukelow
Defendant



Mary D. Winstead
Deputy Counsel
North Carolina State Bar

ⁱ 27 N.C.A.C. 1B § .0118 is in the process of being renumbered as 27 N.C.A.C. 1B § .0122. The change has been adopted by the State Bar Council, approved by the Supreme Court, and is pending publication in the N.C. Supreme Court Reports.

ⁱⁱ 27 N.C.A.C. 1B § .0125 is in the process of being renumbered as 27 N.C.A.C. 1B § .0129. The change has been adopted by the State Bar Council, approved by the Supreme Court, and is pending publication in the N.C. Supreme Court Reports.