

STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
GRIEVANCE COMMITTEE CHAIR
OF THE
NORTH CAROLINA STATE BAR
11G0030

IN RE:

ROBERT HARRISON GOURLEY, SR.,
ATTORNEY

CONSENT ORDER
TRANSFERRING MEMBER TO DISABILITY
INACTIVE STATUS

This matter is before the undersigned Chair of the Grievance Committee of the North Carolina State Bar pursuant to 27 N.C. Admin. Code 1B § .0118(g). Brian P.D. Oten represented the North Carolina State Bar ("State Bar"). Robert Harrison Gourley, Sr. represented himself. Based upon the information presented and with the consent of the member and of the Office of Counsel, the undersigned makes the following

FINDINGS OF FACT

1. 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. Robert Harrison Gourley, Sr. ("Gourley"), was admitted to the North Carolina State Bar on 16 August 1968 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.
3. During the times relevant herein, Gourley was engaged in the practice of law in the State of North Carolina and maintained a law office in Statesville, Iredell County, North Carolina.
4. Gourley currently suffers from extreme and debilitating back and spinal pain. Gourley's condition limits his ability to sit or stand and inhibits his ability to concentrate. Furthermore, Gourley suffers from various other significant medical co-morbidities which prohibit corrective surgery for his debilitating back and spinal pain, thus making his condition permanent and incurable. Gourley's health conditions require extensive medications which detrimentally affect his cognitive capacity. As such, Gourley's present physical condition significantly impairs his professional performance and competence as an attorney.
5. Gourley voluntarily consents to being transferred to disability inactive status.
6. The State Bar consents to Gourley's transfer to disability inactive status.

Based on the foregoing Findings of Fact, the undersigned makes the following

CONCLUSIONS OF LAW

1. There is clear, cogent and convincing evidence that Gourley is disabled within the meaning of 27 N.C. Admin. Code 1B § .0103(19).
2. Gourley should be transferred to disability inactive status with the State Bar.
3. Gourley and the State Bar voluntarily consent to Gourley's transfer to disability inactive status pursuant to 27 N.C. Admin. Code 1B § .0118(g).
4. The pending grievance against Gourley should be stayed during the period of disability.

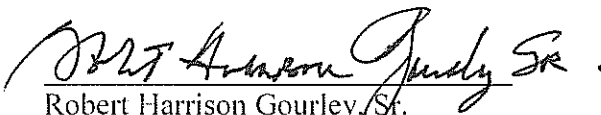
THEREFORE, it is hereby ORDERED:


1. Robert Harrison Gourley, Sr. is transferred to disability inactive status.
2. Gourley shall not practice law in North Carolina until he 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).
3. The pending grievance against Gourley is hereby stayed during the period of disability until such time as Gourley returns to active status. The State Bar may continue to investigate allegations of misconduct and preserve evidence as necessary pursuant to 27 N.C. Admin. Code 1B § .0118(f).

This, the 4th day of June, 2012.


Margaret M. Hunt, Chair
Grievance Committee

CONSENTED TO:


Robert Harrison Gourley, Sr.


Brian P.D. Oten
Deputy Counsel