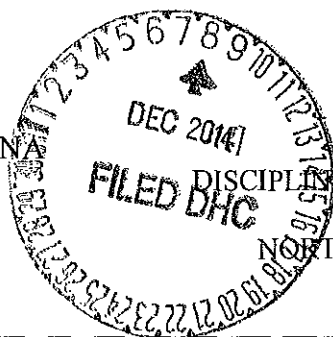


STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
14 DHC 1

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

JOHN W. ROEBUCK, JR., Attorney,

Defendant

CONSENT ORDER OF DISCIPLINE

THIS MATTER was considered by a hearing panel of the Disciplinary Hearing Commission ("DHC") composed of Joshua W. Willey, Jr., Chair, Donald C. Prentiss, and Michael S. Edwards pursuant to 27 N.C. Admin. Code 1B §.0114 of the North Carolina State Bar Discipline and Disability Rules. Plaintiff was represented by Deputy Counsel G. Patrick Murphy. Defendant was represented by J. Michael McGuinness. Defendant waives a formal hearing in this matter and both parties stipulate and consent to the findings of fact and conclusions of law recited in this order and to the discipline imposed. By consenting to the entry of this order, Defendant waives any right to appeal this consent order or challenge in any way the sufficiency of the findings.

Based upon the pleadings and the admissions, and with consent of the parties, the hearing panel finds by clear, cogent and convincing evidence the following:

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 (Chapter 1 of Title 27 of the North Carolina Administrative Code).

2. Defendant, John W. Roebuck, Jr., ("Roebuck" or "Defendant"), was admitted to the North Carolina State Bar on August 26, 2003, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the laws of the State of North Carolina, the Rules and Regulations of the North Carolina State Bar and the Rules of Professional Conduct.

3. During all or part of the relevant periods referred to herein, Roebuck was engaged in the practice of law in Richmond County, North Carolina.
4. Prior to April 15, 2013, Roebuck illegally obtained prescription pain medication from various individuals, usually five or six pills at a time, in exchange for money.
5. Prior to April 15, 2013, Roebuck had represented TH on criminal charges filed in Richmond County, North Carolina.
6. Prior to April 15, 2013, Roebuck asked TH to acquire additional prescription pain medication for Roebuck, and TH agreed to do so.
7. On April 15, 2013, TH and Roebuck exchanged several text messages. In the text messages, Roebuck reminded TH not to forget the prescription pain medication, or "meds" as he called them, and told her he wanted "40 or 50 dollars worth." Later that day, TH stopped by Roebuck's office where he paid TH \$50.00 to obtain prescription pain medication for him.
8. On April 24, 2013, TH met with Roebuck and delivered to him nine (9) white tablets scored "M358" in consummation of their agreement and as they had discussed in text messages on April 15, 2013.
9. The nine (9) white tablets scored "M358" which Roebuck bought from TH have been examined by the North Carolina State Crime Laboratory and found to be consistent with a pharmaceutical preparation containing Dihydrocodeinone (Hydrocodone), a Schedule III Preparation of an Opium Derivative and a controlled substance in North Carolina.
10. The North Carolina State Crime Laboratory determined that the combined weight of the nine (9) white tablets scored "M358" was 5.81(+/- 0.04) grams, a trafficking amount of Hydrocodone under North Carolina law.
11. On April 24, 2013, Roebuck possessed the nine tablets he purchased from TH, and he transported them in his vehicle, a 2003 Ford Crown Victoria, both acts in violation of North Carolina law.
12. On April 24, 2013, Roebuck was arrested and charged in *State v. Roebuck*, 13 CRS 51033 (Richmond County), with two counts of trafficking in a controlled substance and one count of knowingly and intentionally maintaining a vehicle for the purposes of using controlled substances.
13. On December 18, 2013, Roebuck pled guilty in Richmond County Superior Court case *State v Roebuck*, 13 CRS 51033(Richmond County), to knowingly and intentionally maintaining a vehicle that was resorted to by persons using controlled substances for the purpose of using controlled substances in violation of N.C. Gen. Stat. §90-108(A)(7), a felony offense.

14. Defendant was sentenced to a minimum of three and a maximum of thirteen months in the custody of the N.C. Division of Adult Correction. The sentence was suspended for eighteen months and Defendant was placed on supervised probation for eighteen months.

15. On January 28, 2014, the Chair of the DHC filed an Order of Interim Suspension suspending Defendant's license until the conclusion of all disciplinary proceedings relating to this matter.

Based upon the consent of the parties and the foregoing stipulated Findings of Fact, the Hearing Panel enters the following:

CONCLUSIONS OF LAW

1. All parties are properly before the hearing panel and the panel has jurisdiction over Defendant, John W. Roebuck, Jr., and over the subject matter of this proceeding.
2. Defendant's conduct, as set out in the stipulated Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. §§ 84-28(b)(1) and (b)(2) as follows:
 - (a) By pleading guilty in *State v Roebuck*, 13 CRS 51033(Richmond County), to knowingly and intentionally maintaining a vehicle resorted to by persons using controlled substances in violation of N.C. Gen. Stat. §90-108(A)(7), a felony offense, Defendant has been convicted of a criminal offense showing professional unfitness in violation of N.C. Gen. Stat. § 84-28(b)(1); and
 - (b) By agreeing to purchase prescription pain medication unlawfully from TH, purchasing Hydrocodone from TH, and possessing and transporting Hydrocodone in his vehicle, Defendant committed criminal acts (conspiracy, possession of a controlled substance, and trafficking a controlled substance) that reflect adversely on his trustworthiness or fitness as a lawyer in violation of Rule 8.4(b), and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d).

Based upon the foregoing Findings of Fact and Conclusions of Law, and with the consent of the parties, the Hearing Panel also finds by clear, cogent, and convincing evidence the following:

ADDITIONAL FINDINGS REGARDING DISCIPLINE

1. Defendant's conduct caused significant harm to the profession and the public's perception of the profession as defendant's illegal purchase of prescription pain medication resulted in serious criminal charges which are documented in the court file of the criminal case and were the subject of media reports. The public expects that attorneys

will abide by the law and Defendant's conduct shows his disregard for his obligation to obey the laws of this State.

2. Defendant entered into a plea agreement with the State of North Carolina resolving the criminal charges without a trial.

3. Defendant had an assessment for substance abuse prior to the criminal case.

4. Defendant did not contest the interim suspension imposed by the Chair of the DHC.

5. Defendant has no prior discipline.

6. Defendant, who was licensed to practice law in North Carolina in 2003, has substantial experience in the practice of law.

7. Defendant has acknowledged his conduct violated the Rules of Professional Conduct and is remorseful for his actions.

8. Defendant involved a former client in his illegal conduct.

9. The Hearing Panel has carefully considered all of the different forms of discipline available to it, including admonition, reprimand, censure, suspension and disbarment, in determining the appropriate discipline to impose in this case.

Based upon the Findings of Fact, Conclusions of Law, and Additional Findings Regarding Discipline, the hearing panel also enters the following:

CONCLUSIONS REGARDING DISCIPLINE

1. The hearing panel has carefully considered all of the different forms of discipline available to it. In addition, the hearing panel has considered all of the factors enumerated in 27 N.C. Admin. Code 1B § .0114(w)(3) of the Rules and Regulations of the North Carolina State Bar and determines the following factors are applicable:

- a. No prior discipline;
- b. Defendant's cooperative attitude toward the proceedings;
- c. Imposition of penalties in the criminal proceeding;
- d. Remorse; and
- e. Defendant's substantial experience in the practice of law.

2. The hearing panel has carefully considered all of the factors enumerated in 27 N.C. Admin. Code 1B § .0114(w)(1) of the Rules and Regulations of the North

Carolina State Bar and determines the following factors warrant suspension of Defendant's license:

- a. Defendant's intent to commit acts where the harm or potential harm is foreseeable;
- b. Defendant's actions had a negative impact on his client's and the public's perception of the legal profession; and
- c. Defendant's actions had a negative impact on the administration of justice.

3. The Hearing Panel has carefully considered all of the factors enumerated in 27 N.C. Admin. Code 1B § .0114(w)(2) of the Rules and Regulations of the North Carolina State Bar and determines that commission of a felony is present and requires the Hearing Panel to consider disbarment as discipline. The Hearing Panel has considered disbarment and has determined that disbarment is not warranted here given the nature, facts, and circumstances of the conduct in this case.

4. The Hearing Panel has considered all other forms of discipline and concludes that any sanction less than suspension would not be sufficient discipline because of the gravity of the harm to the profession and the public. The Hearing Panel further concludes that any lesser discipline would fail to acknowledge the seriousness of the violations committed by Defendant, would not adequately protect the public, and would send the wrong message to attorneys and to the public regarding the conduct expected of members of the Bar in this State.

5. The Hearing Panel concludes that the public will be adequately protected by suspension of Defendant's license for a period of time with conditions for his reinstatement designed to ensure protection of the public and continued compliance with the Rules of Professional Conduct.

Based upon the foregoing Findings of Fact, Conclusions of Law, and Findings Regarding Discipline, the Hearing Panel enters the following:

ORDER OF DISCIPLINE

1. Defendant, John W. Roebuck, Jr., is hereby SUSPENDED from the practice of law for four years, effective upon the filing of this Consent Order of Discipline with the Clerk. Defendant will be given credit against this period of suspension for the time he has been on interim suspension since January 28, 2014.

2. Defendant shall submit his license and membership card to the Secretary of the North Carolina State Bar no later than 30 days of the effective date of this Order.

3. Defendant shall comply with the wind down provisions contained in 27 N.C. Admin. Code 1B § .0124 of the Rules and Regulations of the North Carolina State Bar. Defendant shall file an affidavit with the Secretary of the North Carolina State Bar

within 30 days of the effective date of this Order, certifying he has complied with the wind down provisions.

4. Defendant shall pay the administrative fees and costs of this disciplinary proceeding within 180 days of service of the statement of fees and costs upon him by the Secretary of the North Carolina State Bar.

5. Defendant shall obtain a mental health evaluation within sixty days of the effective date of this order by a licensed and qualified psychiatrist or psychologist ("mental health professional") engaged by Defendant. This evaluation may be coordinated through the Lawyer Assistance Program. The mental health professional Defendant engages to perform this evaluation shall be approved in advance by the North Carolina State Bar Office of Counsel. Prior to the evaluation, Defendant shall sign an authorization consenting to the release of all medical records and information related to Defendant's evaluation to the Office of Counsel, and Defendant shall not revoke that release. Defendant shall simultaneously provide a copy of such signed authorization to the Office of Counsel and the mental health professional. Defendant shall direct the evaluating mental health professional to provide a written report of such evaluation and recommended treatment, if any, to the Office of Counsel within fifteen (15) days of the completion of the evaluation. Such evaluation shall contain an opinion as to whether Defendant is suffering from any addiction, substance abuse, or mental, psychological, or emotional condition. All expenses of such evaluation and report shall be borne by Defendant.

6. Defendant shall comply with all treatment recommendations of the evaluation described in paragraph 5 above. Defendant shall sign an authorization consenting to the release of any medical records and information related to Defendant's treatment to the Office of Counsel, and Defendant shall not revoke that release. Defendant shall simultaneously provide a copy of such signed authorization to the Office of Counsel and his treatment provider. Defendant shall direct his treatment provider to provide the Office of Counsel with a written report detailing Defendant's treatment plan. Defendant shall also direct his treatment provider to provide the Office of Counsel with quarterly written reports concerning Defendant's condition and compliance with the treatment plan. Such reports shall be received by the Office of Counsel each January 1, April 1, July 1 and October 1 for the time covered by this Order of Discipline. Defendant shall also comply with any and all requests from the Office of Counsel seeking updates on the status of his ongoing treatment within fifteen (15) days of receipt of such requests. All expenses of such treatment and reports shall be borne by Defendant.

7. Defendant shall not possess, use or consume any controlled substances or any prescription drugs other than as authorized by his treating physician and obtained with a lawful prescription from a licensed pharmacy during the entire period of this suspension.

8. Defendant shall enroll in FirstLab Professional Health Monitoring Program or other service agreed to in advance by the Office of Counsel of the North Carolina State Bar (hereinafter "monitoring laboratory") within thirty days of the

effective date of this Order of Discipline. Such monitoring will be at Defendant's expense. Such monitoring will include random testing for the substances identified by the North Carolina State Bar. Such monitoring will include at least thirteen random drug screens per year for the period of this suspension. Compliance shall include having no failures to test and having no positive test results that are not consistent with proper authorized use of a prescribed medication. The monitoring agreement with the monitoring laboratory will require the monitoring laboratory to report to the North Carolina State Bar the following: any failure of Defendant to submit a required testing sample at a location approved by the monitoring laboratory when directed to do so by the monitoring laboratory; any failure of Defendant to pay for a test; any attempt by Defendant to alter the required testing sample or impair the ability of the testing to detect controlled substances and/or prescription medicines in his testing sample; and any positive test result. Defendant will sign all necessary releases or documents to allow such reporting and shall not revoke the release during the period of monitoring.

9. Defendant shall comply with all the terms and conditions of his probationary sentence in *State v Roebuck*, 13 CRS 51033 (Richmond County), and any court order modifying those terms or conditions.

10. Defendant shall not violate the laws of the United States, any state, or the provisions of the Rules of Professional Conduct during the period of his suspension.

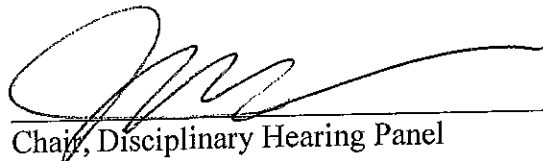
11. Defendant shall keep the North Carolina State Bar membership department advised of his current home and business street (not P.O. Box) addresses and telephone numbers.

12. Defendant shall respond to all State Bar requests for information as required by Rule 8.1(b) of the Rules of Professional Conduct by the deadline stated in the communication.

13. Defendant shall, within sixty days prior to applying for a reinstatement, have the mental health professional who conducted the evaluation described in paragraph 5 above certify, under oath, based on his or her independent and comprehensive evaluation of Defendant, whether in his or her professional opinion Defendant suffers from an active addiction to any legal or illegal substances, or suffers from any mental, psychological, behavioral, cognitive, or emotional condition or disorder that impairs Defendant's ability to practice law, that impacts Defendant's ability or willingness to comply with the Rules of Professional Conduct, and/or that poses a risk of harm to the public if he engages in the practice of law.

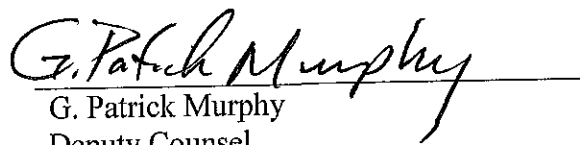
14. Defendant must show compliance with the requirements and provisions of paragraphs 2 through 13 of this Order of Discipline as well as with the requirements of 27 N.C. Admin. Code 1B § .0125(b) in order to be reinstated from this suspension to active status.

4th Signed by the Chair with the consent of the other Hearing Panel members, this the
day of December, 2014.

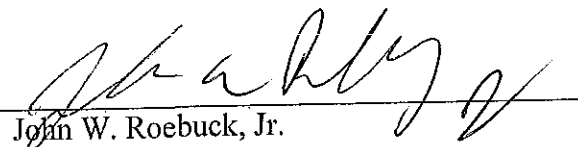


Chair, Disciplinary Hearing Panel

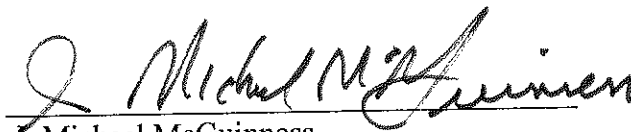
CONSENTED TO BY:



G. Patrick Murphy
Deputy Counsel
North Carolina State Bar
Counsel for Plaintiff



John W. Roebuck, Jr.
Defendant



J. Michael McGuinness
Counsel for Defendant