

WAKE COUNTY
NORTH CAROLINA



3959

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
96 DHC 10

THE NORTH CAROLINA STATE BAR
Plaintiff

v.

WILLIAM M. SHEFFIELD, ATTORNEY
Defendant

)
)
)
) ORDER
) OF DISCIPLINE ACTIVATING
) STAYED SUSPENSION
)
)

THIS MATTER was heard by a Hearing Committee of the Disciplinary Hearing Commission composed of Richard L. Doughton, Chair; Franklin E. Martin and A. James Early III, on Thursday, June 12, 1997 pursuant to an order of the Chair of the Disciplinary Hearing Commission dated April 17, 1997, directing the Defendant herein to appear and show cause why the stayed suspension of the Defendant's law license should not be activated based upon the Defendant's alleged failure to comply with a Nov. 15, 1996 consent order of discipline of the Disciplinary Hearing Commission. At the show cause hearing the Defendant was represented by Manuel Costa. The Plaintiff was represented by Carolin Bakewell. Based upon the pleadings, the stipulations entered into by the parties following the presentation of opening statements and the evidence introduced at the hearing, the hearing committee makes the following:

FINDINGS FACT

1. 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 North Carolina General Statutes and the Rules and Regulations of the North Carolina State Bar.
2. The Defendant, William M. Sheffield (hereafter, Sheffield), was admitted to the North Carolina State Bar in 1972 and was at all times relevant hereto licensed to practice law in North Carolina, subject to the rules, regulations and Rules of Professional Conduct of the North Carolina State Bar.
3. During all times relevant hereto, Sheffield actively practiced law in Orange County, North Carolina, where he maintained a law office.

4. Sheffield was properly served with process and the pleadings herein and the hearing was held with due notice to all parties.

5. On Nov. 15, 1996, the Disciplinary Hearing Commission entered a consent order of discipline (hereafter, consent order) finding that Sheffield violated the Rules of Professional Conduct in several respects.

6. The consent order directed that Sheffield's license to practice law be suspended for a period of one year, but stayed the suspension for three years, on condition, inter alia, that Sheffield:

a. "[s]elect a member of the Orange County Bar, to be approved by the Secretary of the N.C. State Bar, who will supervise [Sheffield's] practice throughout the three-year stay period. [Sheffield] shall meet with the supervising attorney at least once each month . . . [Sheffield] shall ensure that a written report is submitted to State Bar counsel on January 1, April 1, July 1 and October 1 of each year during the stay period verifying that these meetings have taken place. . . The first report is due to the State Bar on January 1, 1997."

b. "provide written reports confirming that he is complying with the treatment plan [of Dr. Richard Mangum and Paula Browder]. . . The first report shall be due no later than January 1, 1997."

c. "pay the costs of this proceeding on or before January 1, 1997."

7. Sheffield, through his attorney, stipulated that Sheffield violated the consent order in the following respects:

a. Sheffield failed to select a supervising attorney to be approved by the State Bar, failed to meet with the supervising attorney and failed to ensure that quarterly reports were submitted to the State Bar beginning on Jan. 1, 1997 regarding the supervision of his law practice.

b. Sheffield failed to provide quarterly reports to the State Bar beginning on Jan. 1, 1997 confirming that he was continuing to comply with the treatment plans of Dr. Richard Mangum and Paula Browder.

c. Sheffield failed to pay the costs of the 1996 disciplinary proceeding.

8. The parties further stipulated that Sheffield met periodically with Dr. Mangum and Ms. Browder following entry of the Nov. 15, 1996 consent order and followed their treatment plans..

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

CONCLUSIONS OF LAW

1. Sheffield's failure to file with the State Bar quarterly written reports beginning Jan. 1, 1997 respecting his treatment by Dr. Mangum and Ms. Browder as required by the consent order of discipline is in clear violation of the order of the Disciplinary Hearing Commission.

2. Sheffield's failure to pay the costs of the 1996 disciplinary proceeding by Jan. 1, 1997 is in clear violation of the order of Disciplinary Hearing Commission.

3. Sheffield's failure to have a supervising attorney approved by the State Bar by Jan. 1, 1997, his failure to meet with the supervising attorney on a monthly basis and his failure to file quarterly reports beginning Jan. 1, 1997 respecting those meetings is in clear violation of the order of the order of the Disciplinary Hearing Commission.

4. Sheffield has failed to show adequate cause why the one-year suspension of his law license should not be activated, based upon the clear violations of the Nov. 16, 1996 consent order of discipline.

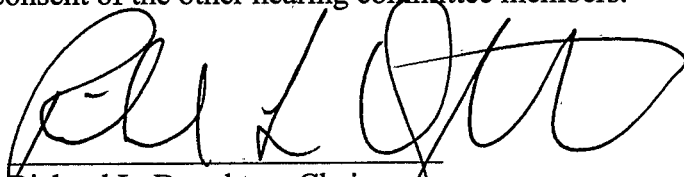
WHEREFORE, it is ORDERED, ADJUDGED AND DECREED as follows:

1. The Defendant's license to practice law in the State of North Carolina is hereby suspended for a period of one year, beginning 30 days from service of this order upon the Defendant.

2. Defendant shall pay the costs of this proceeding.

This the 18 day of June, 1997.

Signed by the chair with the consent of the other hearing committee members.


Richard L. Doughton, Chair
Disciplinary Hearing Committee