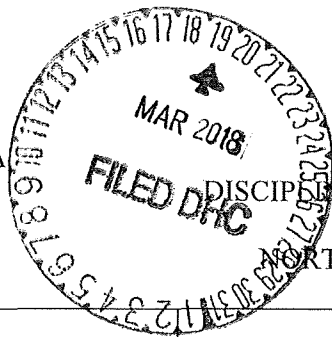


STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
17 RD 1

IN THE MATTER OF THE PETITION FOR
REINSTATEMENT TO ACTIVE STATUS
FROM DISABILITY INACTIVE STATUS
OF:

JOAN ELIZABETH SPRADLIN,
PETITIONER

ORDER RESTORING MEMBER TO
ACTIVE STATUS

This matter was heard on 20 February 2018 by a hearing panel of the Disciplinary Hearing Commission composed of Allison C. Tomberlin, Chair, N. Hunter Wyche, Jr., and Christopher R. Bruffey upon a petition of Joan Elizabeth Spradlin seeking to be restored to active status as a member of the North Carolina State Bar. Petitioner, Joan Elizabeth Spradlin, represented herself. Leanor Bailey Hodge appeared as counsel for the North Carolina State Bar.

Based on the petition and the evidence presented at the hearing, the Hearing Panel hereby makes by clear, cogent, and convincing evidence the following:

FINDINGS OF FACT

1. Joan Elizabeth Spradlin ("Spradlin") was admitted to practice law in North Carolina on 20 August 1993 and actively engaged in the practice of law in the State of North Carolina in Buncombe County, North Carolina, until being transferred to disability inactive status.
2. By Consent Order filed 20 March 2008, Spradlin was transferred to disability inactive status pursuant to 27 N.C. Admin. Code 1B.0118(g)¹.
3. Spradlin's transfer to disability inactive status was based upon a diagnosis of bipolar disorder.
4. In 2008, Spradlin was under the care of her primary physician, Dr. Craig Mills, and neurosurgeon, Dr. Patrick Lillard.
5. From 2008 through 2014, Spradlin also received care from various mental health groups.
6. In or about mid-2013, Spradlin, under the supervision of her then treating physician's assistant, began the process of weaning from medication for treatment of bipolar disorder.
7. After December 2013, Spradlin continued the process of weaning from medication for treatment of bipolar disorder under the supervision of Dr. Mills, her primary physician.

¹ Now codified as 27 N.C. Admin. Code 1B.0122(b).

8. As of July 2015, Spradlin had completely stopped taking medication for treatment of bipolar disorder.

9. Spradlin appears to have been symptom free for at least the past two years.

10. Although Spradlin has been continuously under the care of her primary care physician annually, Spradlin was not seen at regular intervals by a medical professional within each year during this period in which she appeared to have been symptom free.

11. Spradlin has worked as a seasonal tax preparer since 2008.

12. Spradlin has managed a tax office for tax seasons 2015 and 2016.

13. Spradlin is also a ballroom dance instructor and hosts ballroom dance competitions.

14. Spradlin has supported herself financially without the assistance of disability payments since mid-2017.

15. Spradlin has not been the subject of any grievance complaints filed with the State Bar.

16. In November and December 2017 and February 2018, Spradlin was seen by Dr. Belinda Boscardin.

17. Spradlin was referred to Dr. Boscardin by Cathy Killian of the North Carolina State Bar Lawyers Assistance Program.

18. Dr. Boscardin is a North Carolina licensed clinical psychologist in Asheville, North Carolina.

19. After evaluating Spradlin, Dr. Boscardin concluded that Spradlin may have been misdiagnosed with bipolar disorder.

20. Dr. Boscardin believes that Spradlin likely suffers from episodic depression.

21. Dr. Boscardin believes that Spradlin is very healthy and functional.

22. Dr. Boscardin has no concerns about Spradlin returning to the practice of law.

23. It is necessary for the protection of the public for Spradlin (i) to comply with all treatment prescribed by any treating physician or psychologist, solely at Spradlin's expense, (ii) to meet with Dr. Boscardin quarterly solely at Spradlin's expense, and (iii) to authorize Dr. Boscardin to submit a written report to the Office of Counsel after each quarterly visit solely at Spradlin's expense and ensure that such reports are promptly submitted.

Based upon the foregoing 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 of Petitioner, Joan Elizabeth Spradlin.
2. Spradlin is no longer disabled within the meaning of 27 N.C. Admin. Code 1B.0103(19) and is fit to resume the practice of law.
3. Pursuant to 27 N.C. Admin. Code 1B.0129(d), the hearing panel may impose reasonable conditions on a lawyer's reinstatement from disability inactive status when it concludes such conditions are necessary for the protection of the public.
4. The conditions set forth in paragraph 23 of the Findings of Fact above are reasonable and necessary for the protection of the public.
5. Spradlin should be transferred from disability inactive status to active status.


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

ORDER

1. Joan Elizabeth Spradlin's license to practice law in North Carolina is returned to active status upon the following conditions:
 - a. Spradlin complies with all treatments prescribed by any treating physician or psychologist for one year following entry of this order, these treatments will be solely at Spradlin's expense;
 - b. Spradlin meets with Dr. Belinda Boscardin once a quarter for the next year following entry of this order, with the cost for such meetings borne solely by Spradlin (the first such quarterly meeting will be held three months from the date of the hearing in this matter);
 - c. Spradlin authorizes Dr. Boscardin to provide to the Office of Counsel a written report after each quarterly visit as required in subparagraph b above;
 - d. Spradlin cooperates fully with Dr. Boscardin to ensure that the reports of each visit are submitted to the Office of Counsel within 15 days of the visit; and
 - e. Each of Dr. Boscardin's reports affirmatively states that Spradlin is complying with all treatment recommendations and Dr. Boscardin has no concerns regarding Spradlin's ability to continue in the practice of law.
2. The Disciplinary Hearing Commission will retain jurisdiction of this matter until all conditions listed in paragraphs a through e above are satisfied.

3. Petitioner shall bear the costs of this proceeding.

Signed by the Chair with the consent of the other Hearing Panel members this the
17 day of March, 2018.


Allison Tomberlin, Chair
Disciplinary Hearing Panel