

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
1993 FEB -2 10 44 96 CRS 17322
DUEBEN, J. 11 3 30

5) FINDINGS OF FACT, CONCLUSIONS
) OF LAW, AND CONSENT ORDER OF
) DISCIPLINE

VS.

JOHN M. CONSTANTINOU, Defendant)

FINDINGS OF FACT

1. The defendant, John M. Constantinou, and his counsel, James B. Maxwell, were present and in court on the 2nd day of February, 1998.
2. The North Carolina State Bar's duly authorized representative, Douglas J. Brocker, was also present in court on the 2nd day of February, 1998.
3. The defendant was admitted to the North Carolina State Bar on August 21, 1981, 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.
4. During the time relevant to this order, Constantinou actively engaged in the practice of law in the State of North Carolina and maintained a law office in the City of Durham, Durham County, North Carolina.

5. The defendant was arrested for felonious possession of a Schedule II controlled substance, cocaine, in violation of North Carolina General Statute Section 90-95(a).

6. The date of offense was June 22, 1996.

7. After his arrest for violation of NC G.S. §90-95(a), the defendant voluntarily admitted himself to the Farley Institute in Williamsburg, Virginia, which Institute specializes in working with individuals who have a substance abuse problem. A significant portion of the Institute's patients are, in fact, professionals. The defendant received therapy and counseling at the Farley Institute where he remained for a twelve (12) week period of time.

8. Since being released from the Farley Institute, the defendant has successfully continued treatment and has satisfactorily participated in the North Carolina State Bar Positive Action for Lawyers ("PALS") Program.

9. The defendant entered a plea of guilty to felonious possession of a Schedule II controlled substance, cocaine, on December 8, 1997, before the undersigned judge in the Superior Court of Durham County. The court accepted the plea and found the defendant guilty after examining him under oath and finding a factual basis for entry of the plea.

10. The court entered a Prayer for Judgment Continued (PJC) on the defendant upon his plea on February 2, 1998, contemporaneous with this summary proceeding for discipline.

11. The defendant did not receive a PJC for any offense involving the sale or distribution of cocaine or any other controlled substance.

12. The offense for which the defendant received a PJC did not involve the defendant's practice as an attorney.

BASED UPON THE FOREGOING FINDINGS OF FACT, THE COURT ENTERS THE FOLLOWING:

CONCLUSIONS OF LAW

1. All parties are properly before the court and were properly noticed to appear in court to present any and all evidence deemed necessary by the parties for consideration by the court respecting imposition of professional discipline on the defendant.

2. Pursuant to Chapter 84 of the North Carolina General Statutes and the inherent powers of this court, the court has authority to impose disciplinary sanctions upon the defendant.

3. The defendant has pled guilty to and been sentenced on a felonious criminal act that reflects adversely on his honesty, trustworthiness or fitness as a lawyer.

4. The defendant's conduct resulting in his conviction violated North Carolina Rule of Professional Conduct 1.2(b).

5. The defendant has committed misconduct warranting imposition of discipline pursuant to North Carolina General Statutes Section 84-28(b)(1) & (2).

BASED UPON THE FOREGOING FINDINGS OF ACT AND CONCLUSIONS OF LAW, AND THE CONSENT OF THE PARTIES, THE COURT ENTERS THE FOLLOWING:

CONSENT ORDER OF DISCIPLINE

1. John M. Constantinou is hereby suspended from the practice of law in North Carolina for a period of 3 years, effective February 2, 1998.

2. The suspension is stayed for a period of 3 years as long as the defendant satisfies all of the following conditions:

a. The defendant must abstain from the use of all alcohol and non-prescribed controlled substances.

b. Defendant agrees to have random drug tests performed throughout the 3-year stay. These tests must be performed within 12 hours after a telephone request by the Office of Counsel of the North Carolina State Bar. A written Notice of Request for a drug test shall be filed with the Secretary of the North Carolina State Bar, giving the date and time of the request and the location where the test shall be performed. A copy of the Notice of Request shall be sent to defendant when filed. Defendant shall file a Notice of Compliance with the request, and the results of the test, with the Secretary no later than 10 days after the Notice of Request is filed.

c. The defendant shall continue to satisfactorily participate in the PALS program throughout the 3-year stay. Defendant hereby waives any right to confidentiality with respect to reports by the PALS program to the State Bar Office of Counsel as to his satisfactory participation. Defendant shall be responsible for having PALS program Director or his monitor forward to the Office of Counsel a report demonstrating his continued satisfactory participation. Defendant shall cause such reports of compliance to be sent every 6 months during the entire 3 years of the stay.

d. Defendant agrees to participate in at least one weekend reunion at the Farley Institute every six months during the 3-year stay and shall provide an update report from the Institute to the State Bar after each such weekend. Defendant waives any confidentiality with respect to the Farley Institute providing an update report to the Office of Counsel.

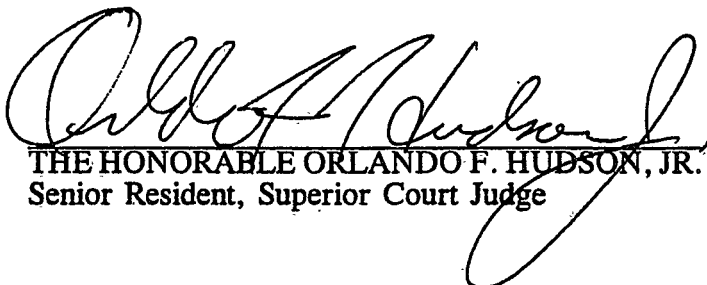
The Defendant must comply with all of the above-mentioned conditions during the entire 3 year stay. Failure to comply with any of the conditions set forth above, or a positive drug test result, any time during the 3-year stay is sufficient grounds for the State Bar to file a motion to show cause why the stay should not be lifted and the entire 3-year suspension activated. If the State Bar files a motion to show cause and proves, by the greater weight of the evidence, that defendant violated one or more of the conditions during the 3-year stay, the entire 3-year suspension shall be activated, effective from the entry of an order finding a violation.

Defendant shall provide all the above-mentioned required reports to the State Bar no later than June 30 and December 30 of each year of the stay, beginning June 30, 1998 and ending December 30, 2000.

3. Defendant shall be responsible for all costs in this proceeding and those associated with complying with this order and the above mentioned conditions. Under no circumstances shall the State Bar be responsible to the defendant or any third parties for the cost of defendant's compliance with the conditions of this order.


4. The undersigned shall retain jurisdiction over this cause for such other and further proceedings as might be deemed necessary by this court, by the North Carolina State Bar, or by the defendant.

This the 2nd day of February, 1998.




THE HONORABLE ORLANDO F. HUDSON, JR.
Senior Resident, Superior Court Judge

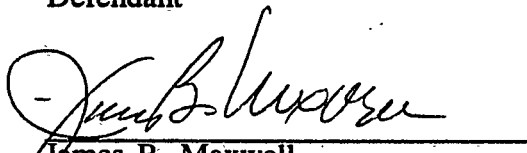
We consent:



John M. Constantinou
Defendant



Douglas J. Brocker
Deputy Counsel
North Carolina State Bar



James B. Maxwell
Attorney for Defendant