

NORTH CAROLINA

WAKE COUNTY

7206
BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
89 DHC 2

THE NORTH CAROLINA STATE BAR,
Plaintiff,

vs.

DAVID M. LOMAS,
Defendant

CONSENT ORDER
LIFTING STAY

A Consent Order of Discipline was entered into by the parties and signed on August 31, 1989 by the former Chairman of the hearing committee originally assigned to hear this matter, James E. Ferguson, II. Ferguson is no longer a member of the Disciplinary Hearing Commission. The other two members of the hearing committee assigned to hear this matter, W. Harold Mitchell and Emily W. Turner, are still members of the Disciplinary Hearing Commission and are the appropriate members to consider lifting the stay of suspension previously ordered on August 31, 1989. With the consent of the parties, as evidenced by the signatures affixed hereto, the undersigned Chairman of the Disciplinary Hearing Commission is hereby substituted as Chairman of the hearing committee in this matter in place of James E. Ferguson, II.

The Consent Order of Discipline in this matter imposed an active suspension of eighteen months in addition to the suspension already having been served by the Defendant, David M. Lomas. The additional suspension was stayed for three years on condition that Lomas continue treatment with Dr. Selwyn Rose or some other competent licensed psychiatrist not less than once a month. On February 26, 1991, Lomas wrote to the State Bar indicating that, as a consequence of his financial situation, he was unable to comply with the requirement concerning continued psychiatric treatment. Lomas further indicated that he had not practiced law since the entry of the Consent Order of Discipline on August 31, 1991.

The Defendant, David M. Lomas, waives any requirement that a motion be filed pursuant to Sec. 19.1 of Article IX of the Rules and Regulations of the North Carolina State Bar with the Secretary or that an order to show cause be filed initiating a hearing on whether the stay should be lifted. Lomas consents to the signing of this order.

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The parties, by their signatures affixed hereto, agree that a condition of the stay has been violated and that the eighteen months active suspension should be activated, effective February 26, 1991. The parties further agree that as a condition of reinstatement, Lomas must demonstrate that he is not disabled, as defined in Article IX, as set out below.

THEREFORE, with the consent of the parties, it is hereby ORDERED:

1. The stay of the eighteen month suspension of the license to practice law in North Carolina of David M. Lomas ordered on August 31, 1989 is lifted and the eighteen month suspension is imposed, effective February 26, 1991.

2. As a condition of reinstatement of his license to practice law in North Carolina, Lomas must demonstrate that he is not disabled as defined in Article IX of the Rules and Regulations of the North Carolina State Bar. Any petition for reinstatement must contain a report from a licensed psychiatrist describing the psychiatrist's evaluation of Lomas and the period of his treatment. The petition must also aver that Lomas has executed a release that authorizes the psychiatrist to discuss Lomas's fitness to practice law with Counsel or a Deputy Counsel of the North Carolina State Bar and give testimony at any hearing necessary on the petition for reinstatement. Further, Lomas must see a psychiatrist recommended by the State Bar at the State Bar's expense within 15 days after his petition for reinstatement is filed if requested to do so by the State Bar.

Signed by the undersigned Chairman with the full knowledge and consent of the other members of the hearing committee this the 23rd day of March, 1992.

Maureen D. Murray
Maureen D. Murray, Chairman

Consented to:

A. R. Edmonson
A. Root Edmonson, Deputy Counsel
North Carolina State Bar

David M. Lomas
David M. Lomas,
Defendant