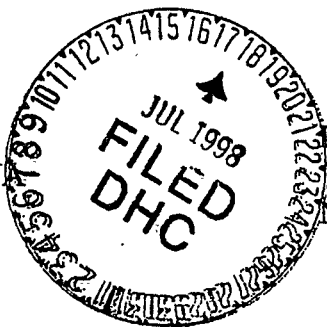


6827

WAKE COUNTY

NORTH CAROLINA



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
98 DHC 6

THE NORTH CAROLINA STATE BAR  
PLAINTIFF

v.

RODNEY W. ROBINSON, ATTORNEY  
DEFENDANT

CONSENT ORDER

This matter came on to be heard before a hearing committee of the Disciplinary Hearing Commission composed of Joseph G. Maddrey, Chair; Vernon Russell and A. James Early III. The defendant, Rodney W. Robinson, was represented by Alan M. Schneider. Carolin Bakewell represented the State Bar. Both parties stipulate and agree to the findings of fact and conclusions of law recited in this consent order and to the order entered herein. The defendant waives his right to a formal hearing and agrees to the entry of this order by consent. Based upon the consent of the parties, the hearing committee hereby enters the following:

FINDINGS OF FACT

1. The Plaintiff, 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 General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar promulgated thereunder.

2. The Defendant, Rodney W. Robinson (hereafter, Robinson), was admitted to the North Carolina State Bar in 1975 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.

3. During all of the relevant periods referred to herein, Robinson was engaged in the practice of law in Pinehurst, N.C.

00421

4. Robinson has knowingly and voluntarily waived his right to a formal hearing herein,

5. Robinson was properly served with process and is subject to the jurisdiction of the Disciplinary Hearing Commission.

6. In 1988 Robinson was convicted of driving while impaired and underwent treatment for alcohol dependency in Pinehurst, N.C. Prior to 1988 he was convicted of driving while impaired on two other occasions.

7. Medical records relative to Robinson's 1988 treatment reflect that that he was diagnosed with liver disease consistent with alcoholism and that he admitted to using 8 oz of alcohol daily prior to his admission. The medical records also reflect that Robinson admitted that he had experienced blackouts and tremors as a result of alcohol use.

8. Robinson has been admitted to psychiatric hospitals in 1969, 1985 and 1988 and has been diagnosed as having schizophrenia.

9. Robinson appeared in Moore County District Court on March 17, 1997 while under the influence of alcohol and prescription medication. Consequently, on March 17, 1997, Robinson had a physical condition which substantially impaired his judgment, performance or competence as an attorney.

10. In April 1998, Robinson was evaluated by Dr. Philip Hillsman, a psychiatrist licensed to practice medicine in the State of North Carolina who maintains an office in Raleigh, N.C.

11. Dr. Hillsman, if called as a witness in this matter, would testify that Robinson is an alcoholic and that he has a paranoid personality disorder.

12. Robinson's condition, if untreated, will worsen over time and will impair his professional judgment, performance and competence as an attorney.

13. Robinson has agreed to consult the Sandhills Mental Health Center or a physician selected by Robinson and approved by the North Carolina State Bar concerning his alcoholism and mental condition and to follow the recommendations suggested.

14. As long as Robinson abstains from the use of alcohol and all drugs other than those prescribed by a treating physician who is aware of Robinson's medical history and condition and so long as Robinson follows the recommendations of the Sandhills Mental Health Center or a physician selected by Robinson and approved by the North Carolina State Bar, Robinson may engage in the practice of law.

Based upon the foregoing FINDINGS OF FACT, the Hearing Committee makes the following:

#### CONCLUSIONS OF LAW

1. Rodney W. Robinson is an alcoholic and was disabled within the meaning of 27 N.C. Admin. Code § .0103[18] on March 17, 1997.

2. So long as Robinson abstains from the use of alcohol and other mind-altering substances other than those prescribed by his physician who is familiar with Robinson's alcoholism and medical condition and so long as Robinson follows the recommendations of the Sandhills Mental Health Center or a physician selected by Robinson and approved by the North Carolina State Bar, Robinson is not disabled within the meaning of § .0103118] of the State Bar Discipline & Disability Rules.

Based upon the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, and based upon the parties' consent hereto, the Hearing Committee enters the following:

#### ORDER

1. Rodney W. Robinson is hereby transferred to disability inactive status pursuant to § .0118 of the N.C. State Bar Discipline & Disability Rules.

2. The order transferring Robinson to disability inactive status is stayed for a period of five years from the effective date of this order, upon the following conditions:

a. Robinson shall consult with a physician at the Sandhills Mental Health Center or a physician selected by Robinson and approved by the North Carolina State Bar, within 30 days of the effective date of this order, respecting his alcoholism and mental health problems. Robinson shall follow the recommendations of the Sandhills Mental Health Center or a physician selected by Robinson and approved by the North Carolina State Bar.

b. Robinson will provide written reports to the State Bar and the Executive Director of PALS confirming that he is complying with the treatment plan recommended by the Sandhills Mental Health Center or a successor physician once each quarter throughout the five-year stay period. The first such written report shall be due in the Office of Counsel no later than September 1, 1998, the second such report shall be due no later than December 1, 1998, the third report shall be due no later than February 1, 1999 and the fourth report shall be due no later than April 1, 1999. Thereafter, the written reports shall be due on July 1, Oct. 1, Jan. 1 and April 1 of each year during the stay period. The reports shall describe the course of treatment being followed by Robinson and shall be signed by Robinson's treating therapist or physician. It shall be Robinson's responsibility to ensure that the reports are submitted to the State Bar and the Executive Director on time.

c. Robinson hereby agrees to waive any patient-physician privilege as to the Sandhills Mental Health Center and any successor physician. Within 30 days of the effective date of this order, Robinson shall deliver a signed release to permit the N.C. State Bar to obtain records from and consult with Robinson's physician respecting his treatment, medical condition and compliance with the treatment program. Robinson will cooperate with all efforts of the N.C. State Bar to contact and obtain information from the Sandhills Mental Health Center or successor physician regarding Robinson's treatment and condition.

d. Robinson will abstain from the use of alcohol and mind-altering substances throughout the five year stay period, except that Robinson may use prescription medications in amounts and varieties as prescribed by a treating physician, who has been informed of Robinson's alcoholism and the contents of this order. Robinson shall provide written notice to the Executive Director of PALS within 36 hours of starting any regimen of prescribed medication. The notice shall include the name of such medication, dosage and frequency and time period over which medication is to be taken.

e. Robinson will submit to random testing throughout the five-year stay period for the purpose of checking his blood, urine and liver for the presence of alcohol and/or other mind altering substances. Such testing will be completed at Robinson's expense within four hours of a receipt of a request from the N.C. State Bar. Failure to comply with a request for a random test or a positive test for alcohol or any mind-altering substance shall cause the stay of suspension to be immediately dissolved. Robinson shall keep the State Bar advised at all times of a telephone number at which he can be reached and/or at which a message may be left for him during normal business hours. The four-hour deadline for obtaining a screen shall commence to run from the time a request is made or a message is left at the telephone number provided to the State Bar by Robinson.

f. Robinson will attend at least 90 meetings of Alcoholics Anonymous (AA) during the first 90 days after the effective date of this order and shall continue to attend at least 5 AA meetings each week during the entire five-year stay period. Robinson shall join a home group and shall obtain a sponsor. Robinson shall maintain an active relationship with his sponsor at all times during the five year stay period and shall actively work the 12 steps of AA. Robinson shall keep written records of his AA meeting attendance and shall provide copies of all such records to the Executive Director of PALS on a monthly basis throughout the five year stay period.

g. The identity of Robinson's AA sponsor will be communicated to the Executive Director of PALS within 30 days of the date of this order. Robinson shall permit a representative of PALS to communicate with his sponsor at any time during the five year stay to monitor the status of his recovery and to ensure that he is complying with the terms of this order. The PALS representative shall not request confidences shared with Robinson's sponsor or information except that which relates to Robinson's attendance at AA meetings and the progress of his recovery efforts. Failure by Robinson to comply with the conditions set out in paragraph (f) shall cause the stay of suspension to be immediately dissolved and shall

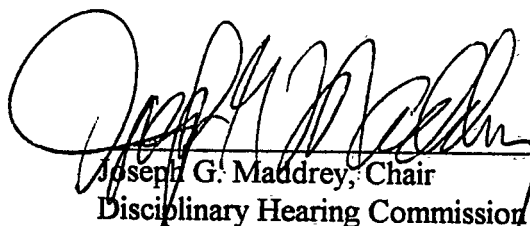
authorize the Executive Director of PALS to report such failure to the Office of Counsel of the N.C. State Bar.

h. Robinson shall participate in the PALS program throughout the five-year stay period and shall cooperate with the PALS Executive Director and the PALS Committee. Failure by Robinson to cooperate with the PALS Committee or its Director, volunteers or employees shall cause the stay of suspension to be immediately dissolved and shall authorize the Executive Director of PALS to report such failure to the Office of Counsel of the N.C. State Bar. Such non-cooperation shall also constitute a waiver of any right of confidentiality that might otherwise exist between Robinson and the PALS Committee.

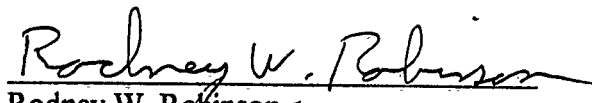
3. Robinson shall pay the costs of this proceeding within 5 years of the date of this order.


Signed by the Chair of the Hearing Committee with the consent of the other hearing committee members.


This the 16 day of July, 1998.

  
Joseph G. Maddrey, Chair  
Disciplinary Hearing Commission

Seen and consented to:

  
Rodney W. Robinson  
Defendant

  
Alan M. Schneider  
Defendant's Attorney

  
Carolin Bakewell  
Plaintiff's Attorney