

1006

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
NORTH CAROLINA STATE BAR
96 D 1

IN RE JACK B. CRAWLEY, JR.

)
)
)
)
)
)
)

FINDINGS OF FACT AND
CONCLUSIONS OF LAW
AND
ORDER TRANSFERRING ATTORNEY
TO DISABILITY INACTIVE STATUS

This cause came on to be heard on April 18, 1997 before a hearing committee of the Disciplinary Hearing Commission composed of Richard L. Doughton, Chair; Franklin E. Martin, and James Lee Burney. The defendant, Jack B. Crawley Jr., represented himself. The plaintiff was represented by Fern Gunn Simeon. Based upon the pleadings and the evidence introduced at the hearing, the hearing committee hereby enters the following:

FINDINGS OF 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, Jack B. Crawley Jr. (hereafter Crawley), was admitted to the North Carolina State Bar on December 3, 1971 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. Crawley was properly served with process and the hearing was held with due notice to all parties.

4. On September 23, 1996, the State Bar filed a complaint against Crawley in a disciplinary case captioned, The North Carolina State Bar v. Jack B. Crawley Jr., 96 DHC 12.

5. Crawley personally accepted service of the summons and complaint on September 25, 1996.

00033

6. On October 31, 1996, Crawley filed a motion to enlarge time to file an answer to the State Bar's complaint. In that motion, Crawley alleged that he was under a doctor's care and treatment for depression. Crawley also alleged that as a "further consequence of this major depression the Defendant's judgment and performance have been impaired..."

7. Crawley's motion was allowed and he was given until December 1, 1996 to file an answer to the State Bar's complaint.

8. On December 2, 1996, Crawley moved for further enlargement of time to file an answer to the State Bar's complaint. Crawley reiterated in his second motion that his judgment and performance were impaired as a result of his depression.

9. On December 9, 1996, the hearing committee convened a telephone conference with Crawley and counsel for the State Bar because the hearing committee believed that Crawley had raised the issue of disability his motions to enlarge time to file an answer to the State Bar's complaint.

10. On December 18, 1996, the hearing committee ordered that 1) the disciplinary proceeding filed against Crawley be stayed pending a determination of his disability, and 2) Crawley be transferred immediately to disability inactive status until the conclusion of the disability hearing.

11. On April 18, 1997, the disability hearing was held in the State Bar Council chambers.

12. Crawley presented no witnesses, but he offered into evidence a letter from his psychiatrist, Dr. Joseph Mazzaglia.

13. Dr. Mazzaglia stated in his letter that Crawley suffered from "a major depression, likely recurrent ..." Dr. Mazzaglia also stated that he has not been able to rule out a bipolar disorder in Crawley.

14. Crawley testified that he suffered from major depression. He could not ascertain when his depression started, but he first sought help for his condition in spring of 1995.

15. Crawley received in-patient treatment for his depression at Holly Hill Charter Behavioral Health System from January 26, 1996 until February 4, 1996.

16. Crawley now receives therapy twice a week from a counselor. He sees Dr. Mazzaglia monthly.

17. Crawley presently takes several medications to treat his depression: Luvox, Risperdal, Klonopin, and Wellbutrin.

18. Crawley has attempted working at meager jobs since last fall. He worked briefly at the North Carolina State Fair, but was unable to keep the job because he was exhausted.

19. Crawley presently works as a night auditor at a Ramada Inn. Crawley testified that he often oversleeps and does not arrive at his job on time. Crawley stated that he often takes a nap on the job because he is too tired to make it through the entire night shift.

20. Crawley testified that he has not been able to submit time vouchers to the federal court in criminal cases he handled. Crawley testified that he finds it difficult to bring himself to completing the time vouchers form, although he would stand to receive several thousands of dollars in attorney's fees.

21. Dr. Mazzaglia opined that Crawley was impaired.

22. The State Bar asked Dr. Nicholas Stratas to conduct an independent evaluation of Crawley's mental condition. Dr. Stratas suggested reviewing the medical and psychiatric information gathered by Crawley's doctor before conducting a direct psychiatric examination of Crawley.

23. Dr. Stratas reviewed Crawley's file, as submitted by Dr. Mazzaglia. Dr. Stratas believes that Crawley's doctors are correct in their diagnosis of major depression. Dr. Stratas further believes that Crawley's "medical, psychiatric condition significantly impairs his judgment, concentration, decision making, and initiative, action, all combining to impair his ability to practice law."

24. Crawley testified that he cannot handle client matters at this time. He stated that he could not practice law now because of his condition.

25. Crawley testified that he understood the purpose of the disability hearing. Furthermore, Crawley understood that he could have been appointed an attorney in this matter, but he decided not to request one.

26. Crawley also testified that he understood that if he were found disabled by the hearing committee, the disciplinary proceeding would be stayed as long as he remained in disability inactive status.

27. Crawley has met his burden of proving by clear, cogent, and convincing evidence that he suffers from a mental condition which interferes with his professional judgment and competence.

Based upon the foregoing Findings of Fact, the hearing committee enters the following:

CONCLUSIONS OF LAW

1. All parties are properly before the hearing committee and the committee has jurisdiction over Jack B. Crawley Jr. and the subject matter.

2. Jack B. Crawley Jr. is disabled within the meaning of 21 N.C. Admin. Code Chapter 1, Subchapter B, § .0103(18) of the N.C. State Bar Discipline & Disability Rules and is not competent to practice law in North Carolina.

Based upon the findings of fact and conclusions of law, the hearing committee hereby enters the following:

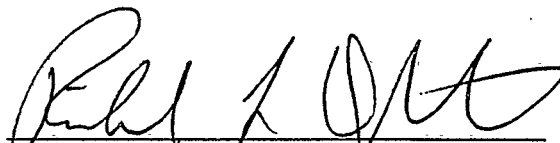
ORDER TRANSFERRING ATTORNEY TO INACTIVE STATUS

1. Jack B. Crawley is hereby transferred immediately to inactive status on the ground of disability until he is reinstated pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, §.0125(c) of the N.C. State Bar Discipline & Disability Rules.

2. Crawley shall pay the costs of this proceeding as assessed by the Secretary before he is returned to active status by a hearing committee of the Disciplinary Hearing Commission. Crawley shall also reimburse the State Bar for the cost of Dr. Stratas' services in the amount of \$375.00 before he is returned to active status by a hearing committee of the Disciplinary Hearing Commission. There shall be no interest charged on the costs.

This the 23 day of MAY, 1997.

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



Richard L. Doughton, Chair
Hearing Committee