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THE NORTH CAROLINA STATE BAR,
Plaintiff

V.

CLINTON O. LIGHT, ATTORNEY,
Defendant

ORDER TRANSFERRING
DEFENDANT TO DISABILITY
INACTIVE STATUS AND
STAYING DISCIPLINARY
PROCEEDING

Based upon the competent and relevant evidence presented at hearing, including those documents that were introduced into evidence, and considering the credibility of witnesses and weight of the evidence, the Hearing Panel hereby finds by clear, cogent and convincing evidence the following:

1. Plaintiff, the North Carolina State Bar (“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 promulgated thereunder.

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3. During the relevant periods referred to herein, Mr. Light was engaged in the practice of law in the State of North Carolina and maintained a law office in Eden, Rockingham County, North Carolina. Rockingham County is in Judicial District 17A.

4. On 10 March 2015, Mr. Light moved to continue the disciplinary hearing scheduled for 12 and 13 March 2015. Mr. Light cited his recent hospitalization for congestive heart failure as the basis for his motion to continue.

5. The Hearing Panel granted Mr. Light's motion to continue the disciplinary case by order entered 11 March 2015. In addition to continuing the case, the Hearing Panel ordered Mr. Light to provide within ten days a letter from his doctor that outlined Mr. Light's health condition in more detail and provided the doctor's professional opinion about whether Mr. Light would be physically able to defend himself in a 2-day disciplinary trial.

6. On or about 20 April 2015, Mr. Light provided to the Hearing Panel in the disciplinary case a letter dated 19 April 2015 from Ayyaz M. Qureshi, M.D. of Mayodan, N.C.

7. The letter of Dr. Qureshi asserts the following about Mr. Light's medical condition:

- a. Mr. Light suffers from congestive heart failure;
- b. Mr. Light was hospitalized via the Emergency Room at Morehead Memorial Hospital in Eden, North Carolina on 5 and 6 February 2015 for his congestive heart failure;
- c. Mr. Light was hospitalized for congestive heart failure again on 14 – 17 February 2015;
- d. Mr. Light gets short of breath upon walking due to severe left ventricular dysfunction;
- e. Due to his congestive heart failure and medication, Mr. Light has been very limited in his ability to walk, sit or stand for more than a few minutes at a time; and
- f. Mr. Light's mental and physical endurance cannot withstand a court appearance of more than 30 minutes a day.

8. Mr. Light is 83 years old and has a history of uncontrolled hypertension, diabetes and sleep apnea.

9. Mr. Light was hospitalized at Morehead Memorial Hospital in Eden, North Carolina and treated for acute congestive heart failure and sleep apnea on 5 February 2015.

10. During Mr. Light's February 5th hospitalization, it was determined that Mr. Light's congestive heart failure was due to severe left ventricular dysfunction which results in a decreased ability of his heart to pump blood through his body.

11. The condition of Mr. Light's heart can result in a decreased flow of oxygen to the brain resulting in diminished cognitive function.

12. Mr. Light was released from this hospitalization on 6 February 2015 and returned to his normal routine which would include reduced activity due to his congestive heart failure.

13. At the time of Mr. Light's discharge, Light still got short of breath when walking.

14. Mr. Light was hospitalized again and treated for acute congestive heart failure on 14 February 2015.

15. Mr. Light was released from this hospitalization on 17 February 2015 and returned to his normal routine which was to include reduced activity due to his congestive heart failure.

16. Dr. Qureshi's clinical notes from Mr. Light's 8 June 2015 visit show that as of that date, Mr. Light still became short of breath, became anxious and was not taking all of his medications as prescribed.

17. The medical records from Mr. Light's 5-6 and 14-17 February 2015 hospitalizations at Morehead Memorial Hospital and Dr. Qureshi's testimony show that Mr. Light suffers from a physical condition that significantly impairs his professional performance as an attorney.

18. Mr. Light represented the defendant in *Carter v. Corum*, Rockingham County District Court Case No. 13 CVD 1280.

19. Mr. Light failed to appear on behalf of Corum for a duly noticed hearing on 4 March 2015.

20. Mr. Light did not give notice to plaintiff's counsel or the court that he would be unavailable for hearing on 4 March 2015.

21. As a result of Mr. Light's failure to appear, the plaintiff's motion for involuntary dismissal of Mr. Light's client's counterclaims for failure to prosecute was granted and judgment was entered in favor of the plaintiff since no contradictory evidence was offered in the absence of Mr. Light's client.

22. Dr. Qureshi's clinical notes show that Mr. Light was seen in his office on 2 March 2015 and that at that time Mr. Light still became short of breath.

23. On 10 March 2015, Mr. Light was ordered to appear and show cause why he should not be sanctioned in connection with his representation of the debtor in *In re: Eldridge V. Dickerson*, United States Bankruptcy Court, Middle District of North Carolina, Greensboro Division Case No. 14-11291.

24. After hearing, the court concluded that Mr. Light's representation of the debtor in *In re: Dickerson* was deficient; specifically, that Mr. Light's review of the debtor's schedules failed to rectify significant errors and non-disclosures. The court further concluded that Mr. Light failed to serve with competence.

Based on the foregoing Findings of Fact, the hearing panel concludes:

CONCLUSIONS OF LAW

1. All parties are properly before the Disciplinary Hearing Commission and the Disciplinary Hearing Commission has jurisdiction over Mr. Light and the subject matter of this proceeding.
2. Mr. Light's physical condition significantly impairs his professional performance as an attorney.
3. The medical records from Mr. Light's 5-6 and 14-17 February 2015 hospitalizations at Morehead Memorial Hospital and Dr. Qureshi's testimony show that the existence of Mr. Light's physical health impairment has the cumulative effect of impairing Light's professional judgment and competence as an attorney.
4. Mr. Light's physical condition negatively affected his representation of his client in *Carter v. Corum*.
5. Mr. Light's physical condition negatively affected his representation of his client in *In re: Eldridge V. Dickerson*, United States Bankruptcy Court, Middle District of North Carolina, Greensboro Division Case No. 14-11291.
6. Mr. Light is disabled with the meaning of 27 N.C. Admin. Code 1B § .0103(19) and should be transferred to disability inactive status pursuant to 27 N.C. Admin. Code 1B § .0118 and N.C. Gen. Stat. § 84-28(g).
7. All proceedings pending before the Grievance Committee and the Disciplinary Hearing Commission against Mr. Light should be stayed as long as Mr. Light remains in disability inactive status pursuant to 27 N.C. Admin. Code 1B § .0118(e).

Based upon the foregoing Findings of Fact and Conclusions of Law, the hearing panel hereby orders:

ORDER

1. Defendant, Clinton O. Light, is hereby transferred to disability inactive status in accordance with N.C. Gen. Stat. § 84-28(g) and 27 N.C. Admin. Code 1B § .0118(d)(5).

2. Mr. Light shall refrain from practicing law in North Carolina until he is reinstated to active status by the Disciplinary Hearing Commission pursuant to the procedures set forth in 27 N.C. Admin. Code 1B § .0125(c).

3. All proceedings pending before the Grievance Committee and the Disciplinary Hearing Commission against Mr. Light are stayed until such time as Mr. Light is reinstated to active status.

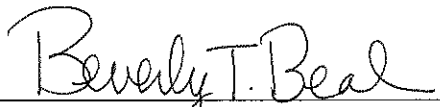
4. Mr. Light is taxed with the costs of this action as assessed by the Secretary. The costs taxed to Mr. Light include but are not limited to all costs associated with Dr. Qureshi's testimony. These costs are due within two years after entry of this order, or upon petition by Mr. Light for reinstatement to active status, whichever is earlier.

5. Mr. Light remains responsible for any fees and costs associated with all medical evaluation and treatment of Mr. Light initiated by Mr. Light prior to this disability proceeding.

6. In addition to the notification provisions of Rule .0123 (b) of the Rules of Discipline and Disability, a copy of this Order shall be sent to the Senior Resident Superior Court Judge and the Chief District Court Judge of Judicial District 17A. This panel takes notice of the provisions of N.C. Gen. Stat. § 84-28(j) in regard to the authority of the Senior Resident Superior Court Judge as to the protection of clients in a case of this type.

7. This order shall be effective immediately upon entry pursuant to 27 N.C. Admin. Code 1B § .0118(d)(5)(A).

5th Signed by the Chair with the consent of the other Hearing Panel members, this the day of September, 2015.


Beverly T. Beal, Chair
Disciplinary Hearing Panel