

6608
STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

COUNTY OF CALDWELL

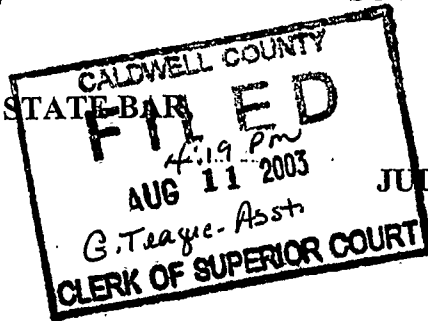
SUPERIOR COURT DIVISION

03 CVS 1132

THE NORTH CAROLINA STATE BAR
PETITIONER

VS.

WILLIAM S. EUBANKS,
RESPONDENT



JUDGMENT BY CONSENT

THIS MATTER CAME ON TO BE HEARD and being heard and considered by the undersigned presiding Superior Court Judge, upon the Motion for Order to Show Cause, filed on August 1, 2003. Carolin Bakewell and Thomas F. Moffitt appeared on behalf of the State Bar. Jay Reeves and Wayne O. Clontz appeared on behalf of the respondent, William Stewart Eubanks. In support of this Judgment, and by the agreement of the parties, for the record, the court makes the following findings of fact, conclusions of law and enters its order and judgment by consent hereinafter:

STIPULATED FINDINGS OF FACT

1. The respondent, William Stewart Eubanks, was licensed to practice law on August 24, 1975.
2. The respondent, William S. Eubanks, has bi-polar disorder, Type 1, Manic, a disorder that includes "manic" "phases".
3. The respondent has been hospitalized in connection with his disorder on more than one occasion prior to April, 2003.
4. The respondent has been charged with criminal offenses, including arrests for assault, kidnapping, trespass and breaking and entering resulting from acts attributable to his bi-polar disease.
5. The respondent has been treated by Dr. Jay Synn at the Frye Regional Medical Center, South Campus.
6. The respondent was involuntarily committed to a mental health facility after April 16, 2003.
7. The respondent was involuntarily committed to Cannon Memorial Hospital on May 21, 2003.

8. The respondent maintains a residence in Caldwell County and still has a law office open to the public.
9. The parties have stipulated that the best interest of the respondent would presently be served by suspending Eubank's law license and transferring him to inactive disability status at the North Carolina State Bar.
10. The parties acknowledge that there is a factual basis for the suspension and that it is in the best interest of the public, the State Bar and the respondent.

BASED UPON THE FOREGOING FINDINGS OF FACT, THE COURT MAKES THE FOLLOWING CONCLUSIONS OF LAW:

CONCLUSIONS OF LAW

1. Jurisdiction of the parties and subject matter is proper.
2. The Court has the authority to enter the order as hereinafter set out.
3. The respective parties are well represented in this cause.
4. The Court finds that there is a factual basis and an underlying basis at law for the entry of the order that follows.
5. Respondent, William Stewart Eubanks, has a mental or emotional condition, that significantly impairs his professional judgment, performance and competence as an attorney, and is "disabled" within the meaning of 27 NCAC 1B. 0102(19):
6. The State Bar has established by clear, cogent and convincing evidence that Eubanks' license should be suspended and that he be transferred to inactive disability status at the North Carolina State Bar.

NOW, THEREFORE, BASED ON THE FOREGOING FINDINGS, STIPULATIONS, AN CONCLUSIONS, AND ALL ISSUES CONSENTED TO BY THE PARTIES, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. That the respondent, William Stewart Eubanks, is suspended from the practice of law, effective immediately, and transferred to inactive disability status at the North Carolina State Bar.
2. That the Respondent shall comply with all requirements of the State Bar Discipline and Disciplinary Rules for disbarred and suspended attorneys set forth in 27 NCAC 1B. § .0124.
3. That the Respondent's suspension and disability status shall remain in effect until

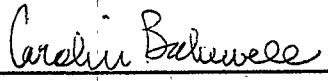
he proves by clear, cogent and convincing evidence that he is no longer disabled, as defined in 27 NCAC 1B. § .0102 (19), and meets the other requirements for reinstatement set forth in 27 NCAC 1B. § .0125.

4. Respondent may apply to either the Superior Court or the Disciplinary Hearing Commission for reinstatement.
5. The Court shall retain continuing jurisdiction of this matter during the period of Respondent's suspension.
6. That the parties shall bear their own costs.

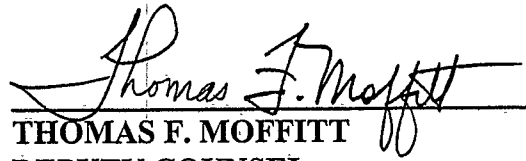
This the 11th day of August, 2003.


Richard

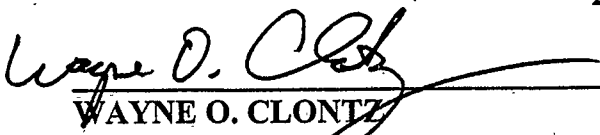

ROBERT L. DOUGHTON
SUPERIOR COURT JUDGE, PRESIDING


CAROLIN BAKEWELL
COUNSEL
NORTH CAROLINA STATE BAR
PO BOX 25809
RALEIGH, NORTH CAROLINA 27611


WILLIAM STEWART EUBANKS
RESPONDENT


THOMAS F. MOFFITT
DEPUTY COUNSEL
NORTH CAROLINA STATE BAR
PO BOX 25809
RALEIGH, NORTH CAROLINA 27611


JAY REEVES
ATTORNEY FOR RESPONDENT
1829 EAST FRANKLIN STREET
BUILDING 600
CHAPEL HILL, NORTH CAROLINA
27514


WAYNE O. CLONTZ
ATTORNEY FOR RESPONDENT
PO BOX 917
400 E. MEETING STREET
MORGANTON, NORTH CAROLINA
28680-0917