

STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
05 DHC 52

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

DAVID CRAFT, Attorney,

Defendant

CONSENT ORDER

Defendant, David Craft ("Craft" or "Defendant") was ordered to appear and show cause why the stay of the suspension imposed by the Order of Discipline entered in this case on February 28, 2004 should not be lifted and the suspension activated. This matter was considered by a Hearing Committee of the Disciplinary Hearing Commission composed of F. Lane Williamson, Chair, and members John M. May and Rebecca Brownlee pursuant to North Carolina Administrative Code, Title 27, Chapter 1, Subchapter B, § .0114(h). Plaintiff was represented by Robert A. Crabill. Defendant represented himself. Based upon the stipulations of fact and the consent of the parties, the Hearing Committee hereby finds by clear, cogent, and convincing evidence the following:

FINDINGS OF FACT

1. On March 27, 2006, a Consent Order of Discipline was entered in this matter. The Order was served on Defendant on April 12, 2006.
2. The Consent Order of Discipline imposed a one year suspension stayed for three years. The stay of the suspension was conditioned upon compliance with the conditions stated in the order.
3. The condition listed in paragraph 1(g) of the Order of Discipline states as follows:

Craft will comply with all prescribed medical treatments as determined by his psychiatrist or other mental health professional for his substance abuse and any other mental health problems that have been diagnosed by such medical care providers at Craft's sole expense. Craft may elect to have his treatment program supervised by the North Carolina State Bar Lawyer Assistance Program. If he does so elect, he will cooperate fully with the Lawyer Assistance Program to develop an appropriate treatment program under the supervision of the Lawyer Assistance Program, and will comply with the requirements of such treatment program. If he does not elect to



have his treatment program supervised by the Lawyer Assistance Program, Craft, at his expense, will direct his psychiatrist or mental health provider to directly provide quarterly reports to the Office of Counsel describing in detail his current treatment regimen, compliance, and prognosis or treatment plan for the next quarter within 15 days of the end of each calendar quarter (i.e. by January 15, April 15, July 15 and October 15). Craft will execute written waivers and releases authorizing the Office of Counsel to confer with the Lawyer Assistance Program and/or with Craft's psychiatrist or other medical care providers for the purpose of determining if Craft has cooperated with the Lawyer Assistance Program and complied with all requirements of the program and treatment prescribed. Craft will not revoke the waivers and releases.

4. Craft has not cooperated fully with the Lawyers Assistance Program.
5. Craft has not complied with the requirements of the treatment program.
6. Craft has revoked the waivers and releases authorizing the Office of Counsel to confer with the Lawyer Assistance Program.

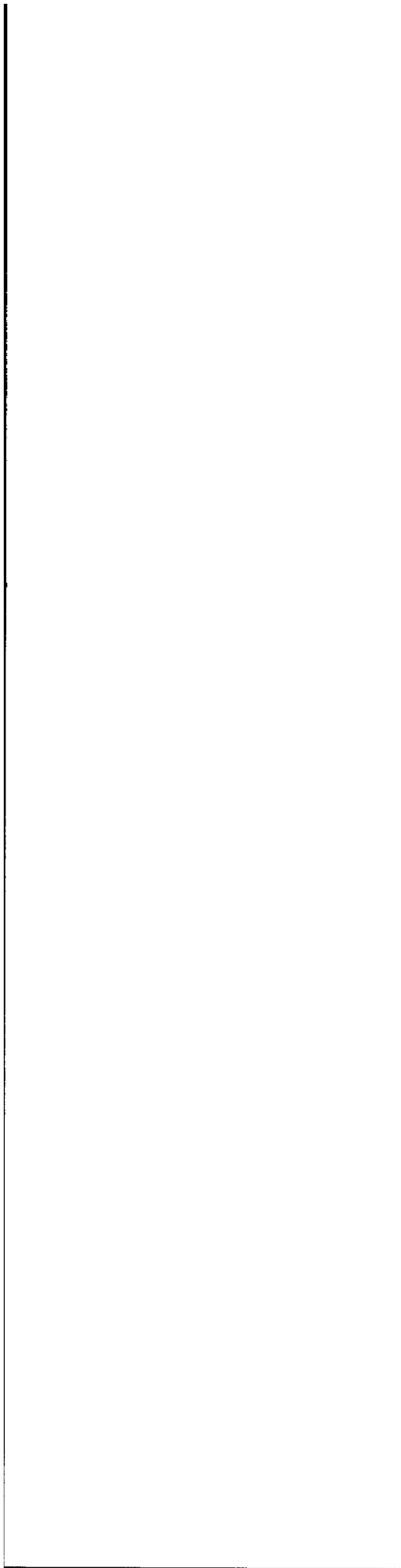
CONCLUSIONS OF LAW

1. All parties are properly before the hearing committee and the committee has jurisdiction over Defendant and the subject matter of this proceeding.
2. By failing to cooperate with the Lawyers Assistance Program, by failing to comply with the requirements of the treatment program and by revoking the waivers and releases authorizing the Office of Counsel to confer with the Lawyers Assistance Program regarding his compliance, Defendant has violated the conditions of the stay of suspension as set out in paragraph 1(g) of the Order of Discipline previously entered in this matter.

Based upon the stipulations and the documents of record in this file, the Hearing Committee hereby enters the following:

CONCLUSIONS REGARDING DISCIPLINE

1. Defendant was convicted of three impaired driving charges. Defendant was found in contempt of court for appearing in court while intoxicated. Defendant violated his probation by failing to remain alcohol free. Defendant's substance abuse problems require treatment and monitoring in order to protect the public from harm if Defendant were practicing law.
2. Defendant's failure to cooperate fully with the Lawyers Assistance Program creates a risk of substantial harm to the public in that his treatment program cannot be adequately monitored to ensure he is continuing treatment, is not abusing alcohol and is physically and mentally capable of representing clients. Defendant's failure to cooperate prevents the State Bar from fulfilling its duty to regulate the practice of law and to protect the public.



3. Defendant's failure to comply with the treatment program creates a substantial risk of substantial harm to current and future clients in that his substance abuse issues have in the past adversely affected defendant's ability to adequately represent his clients and without treatment and monitoring it is likely that his substance abuse issues would continue to have such an adverse effect. Defendant's substance abuse issues require ongoing treatment and monitoring.

4. Defendant's revocation of the waivers and releases allowing the Office of Counsel to confer with the Lawyer Assistance Program is a violation of the consent order. This violation makes it impossible for the State Bar to monitor Defendant's compliance with treatment for substance abuse and mental health issues.

5. Defendant should not be in an active membership status and able to practice law in North Carolina for period of twelve months.

Based upon the foregoing findings of fact and conclusions of law and the conclusion regarding discipline, the Hearing Committee enters the following:

ORDER

1. The stay of the one year suspension of Defendant's license imposed in the Consent Order of Discipline previously entered in this case is hereby lifted. This activation of the suspension is effective thirty days from the date this consent order is served upon Defendant.

2. Defendant's reinstatement at the conclusion of the suspension is conditioned upon Defendant showing by clear, cogent, and convincing evidence that he has complied with the conditions set forth in the Consent Order of Discipline and the general conditions required for reinstatement following a suspension set forth in the Bar Rules.

Signed by the undersigned Chair of the Disciplinary Hearing Committee with the consent of the other Hearing Committee members.

This the 13th day of September, 2007.

25th
Hr

F. Lane Williamson
F. Lane Williamson, Chair
Disciplinary Hearing Committee

Robert Crabill
Robert Crabill, Attorney for Plaintiff

David Craft
David Craft, Defendant

