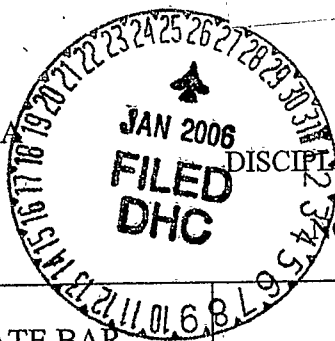


8274

STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
05 DHC 49

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

ROBERT H. FRIEND, Attorney - Inactive.

Defendant

CONSENT ORDER  
TRANSFERRING DEFENDANT TO  
DISABILITY INACTIVE STATUS

This matter was considered by a hearing committee of the Disciplinary Hearing Commission composed of Carlyn G. Poole, Chair, and members M. Ann Reed and Johnny A. Freeman. Jennifer A. Porter represented the Plaintiff, the North Carolina State Bar. The Defendant, Robert H. Friend, represented himself. Both parties stipulate and agree to the findings of fact and conclusions of law recited in this consent order and to the transfer to disability inactive status. Defendant freely and voluntarily waives any and all right to appeal the entry of this consent order. 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. 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 General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar (Chapter 1 of Title 27 of the North Carolina Administrative Code).
2. Defendant, Robert H. Friend ("Friend"), was admitted to the North Carolina State Bar in 1978, and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the laws of the State of North Carolina, the Rules and Regulations of the North Carolina State Bar and the Revised Rules of Professional Conduct. Friend transferred to inactive status on October 24, 2003.
3. During the times relevant to the second claim for relief in this complaint, Friend was engaged in the practice of law in the State of North Carolina and maintained a law office in Greensboro, Guilford County, North Carolina.
4. Friend was properly served with process, a hearing in this matter was set, and the matter came before the hearing committee with due notice to all parties.

5. In about 2002, Friend manifested symptoms of bipolar disorder.
6. Friend was hospitalized for symptoms of bipolar disorder in about 2002.
7. Friend applied for Social Security disability benefits based upon his bipolar disorder and qualified for such disability benefits in about January 2003. Friend currently receives disability benefits based upon his bipolar disorder from the Social Security Administration.
8. Friend closed his law practice in about 2003.
9. Friend closed his law practice because his mental illness significantly impaired his ability to practice law.
10. Friend was hired by Roosevelt Squirewell ("Squirewell") to handle Squirewell's appeal in a civil case in about June 2002.
11. Friend filed a notice of appeal on Squirewell's behalf but failed to perfect the appeal.
12. Friend destroyed his client files when he closed his law practice in 2003, including Squirewell's file. Squirewell had provided Friend with receipts related to the underlying civil action. These receipts were destroyed with Squirewell's client file. When Squirewell requested his client file and receipts from Friend, Friend could not return them to Squirewell.
13. Friend's failure to perfect Squirewell's appeal and his failure to take any other action on behalf of Squirewell resulted from the impairment caused by Friend's bipolar disorder.
14. Friend finds it is a struggle to do anything and has felt so since about 2003. He feels too fatigued to participate in activities and spends most of his time reading and watching television.
15. Friend applied to The North Carolina State Bar for transfer to administrative inactive status in 2003.
16. Friend applied for transfer to administrative inactive membership status based upon his inability to function as an attorney due to his mental illness.
17. Friend was transferred to inactive membership status pursuant to his petition on October 24, 2003.

#### CONCLUSIONS OF LAW

1. The Disciplinary Hearing Commission has jurisdiction over the person of the Defendant and over the subject matter of this proceeding.

2. Friend suffers from a physical or mental condition that significantly impairs his professional judgment, performance or competence as a lawyer within the meaning of 27 NCAC 1, Subchapter B, Section .0103(19) of the State Bar's Discipline & Disability Rules.

ORDER

1. Defendant, Robert H. Friend, is hereby transferred to disability inactive status, in accordance with North Carolina General Statute § 84-28 and 27 N.C.A.C. 1B § .0118.

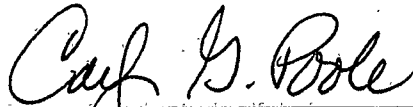
2. Proceedings concerning the disciplinary violations alleged in the State Bar's complaint are abated until such time as Friend is reinstated to active status.

3. Friend shall submit his license and membership card to the Secretary of the North Carolina State Bar no later than 30 days following the mailing of this order to him at the address of record held by the Membership Department of the State Bar.

4. Friend shall comply with the wind down provisions contained in 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0124 of the North Carolina State Bar Discipline & Disability Rules.


5. The costs of this proceeding are taxed against Friend and the Secretary of the State Bar shall send a statement of costs to Friend. These costs are due upon petition by Friend for reinstatement to active status. Friend must pay such costs as a prerequisite to qualifying for reinstatement, in addition to meeting the requirements of 27 N.C.A.C. 1B § .0125.

Signed by the Chair with the consent of the other hearing committee members, this the 26 day of January, 2006.

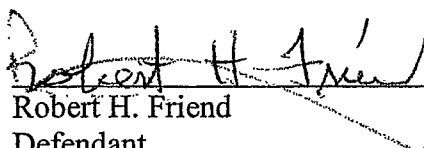


Carlyn G. Poole  
Chair, Disciplinary Hearing Committee

CONSENTED TO BY:



Jennifer A. Porter  
Deputy Counsel  
Attorney for Plaintiff



Robert H. Friend  
Defendant