

NORTH CAROLINA
WAKE COUNTY



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BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
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IN THE MATTER OF:)	
)	
)	ORDER RESTORING MEMBER TO
)	ACTIVE STATUS
MARY ELIZABETH MANTON,)	

This matter came on to be heard and was heard on June 26, 1997 by a hearing committee composed of James R. Fox, Chair, Kenneth M. Smith and James Lee Burney upon a petition filed by Mary Elizabeth Manton (hereinafter Manton) seeking to be restored to active status as a member of the North Carolina State Bar. The hearing committee, after consideration of the petition and the evidence presented to the hearing committee, finds the following to have been demonstrated by clear, cogent and convincing evidence:

FINDINGS OF FACT

1. Manton is a member of the North Carolina State Bar, having been licensed in 1984.
2. As a result of work related stress, Manton, who was then the federal public defender for the Eastern District of North Carolina, was placed on disability inactive status by Fourth Circuit Court of Appeals Judge Samuel J. Ervin, III. Manton voluntarily ceased practicing law in November, 1995.
3. After being placed on inactive status by Judge Ervin, friends convinced Manton to consult a psychologist, William B. Scarborough, Ph.D. Dr. Scarborough recommended that Manton voluntarily admit herself to Holly Hill Hospital in February, 1996.
4. While at Holly Hill, Manton was assigned to the care of a psychiatrist, Dr. Ernest Raba, MD Manton has continued to see Dr. Raba from her admission at Holly Hill through the date of this hearing. Manton has also continued to see Dr. Scarborough regularly.
5. Soon after her admission to Holly Hill, Dr. Raba diagnosed Manton as suffering from bipolar disorder and began to treat her with appropriate medication.
6. In July, 1996, Manton failed to take her medication and suffered a relapse.
7. After causing a disturbance at a committee meeting of the North Carolina State Bar in Pinehurst, NC, Manton was temporarily involuntarily committed by order of the Moore County

District Court on July 24, 1996. After being transported to Dorothea Dix Hospital in Raleigh, NC, Manton voluntarily admitted herself and remained there until July 30, 1996 when she was released. As a result, the involuntary commitment proceeding was dismissed.

8. On October 14, 1996, Manton was transferred to disability inactive status by order of the Secretary of the North Carolina State Bar pursuant to 27 N. C. Admin. Code, Chapter 1, Subchapter B, § .0118(a).

9. It is not uncommon for patients with bipolar disorder to fail to take medication appropriately after they begin to feel normal as a result of the benefits of the medication.

10. After her release from Dorothea Dix, Dr. Raba began to educate Manton concerning her need to continue to take her medication even after feeling normal, and to report to him any changes in how she feels so that further episodes such as the one she experienced in July, 1996 can be avoided.

11. The July, 1996 episode had a profound effect on Manton, and she has since taken her medication and has adequately reported changes in her condition to Dr. Raba.

12. As a result of compliance with Dr. Raba's treatment recommendations since July, 1996, Manton is no longer disabled. However, Manton is subject to a possible relapse and needs to be monitored to ensure that she continues to follow her psychiatrist's treatment recommendations.

13. Manton has consented to conditions being placed upon her reinstatement to active status and has agreed to provide a release permitting her psychiatrist to report periodically to the North Carolina State Bar respecting whether she is following her treatment plan and if, in the opinion of the psychiatrist, she again becomes disabled.

14. The following conditions are necessary, for the protection of the public, for Manton's license to be reinstated and maintained in an active status:

- (a) Manton must provide, and continue in effect, a release authorizing her treating psychiatrist to report her condition and her compliance with treatment recommendations to the North Carolina State Bar. The release must also authorize her psychiatrist to transmit medical records and reports to the North Carolina State Bar in the event of her non-compliance with treatment or return to disability status. In addition, Manton must provide a release to her psychologist authorizing him or her to discuss her condition with her treating psychiatrist and, upon non-compliance with treatment or return to disability status, to the North Carolina State Bar.

- (b) Manton must continue to see, and follow the treatment recommended by, Dr. Raba, or other board certified psychiatrist, at least once every two months for two years, and then as frequently as required by the psychiatrist.
- (c) Manton must continue to see Dr. Scarborough, or other psychologist or clinical social worker approved by the psychiatrist, at least once a month.
- (d) Manton must direct her psychiatrist to provide a report twice a year to the counsel of the North Carolina State Bar advising whether Manton is following the psychiatrist's treatment recommendations for two years following the effective date of this order. The psychiatrist's report will be due each January 15 and July 15, beginning January 15, 1998. After two years, the psychiatrist will need to report annually by January 15. The annual reporting requirement will be required as long as treatment is recommended by Manton's psychiatrist. Elimination of the reporting requirement must be approved in writing by Manton's psychiatrist and counsel for the North Carolina State Bar. In addition, Manton must direct the psychiatrist to report immediately to the counsel of the North Carolina State Bar any significant non-compliance with the psychiatrist's treatment recommendations or any deterioration in Manton's condition that renders her disabled.
- (e) Manton's failure to abide by these terms or a report to the North Carolina State Bar that Manton has again become disabled will be grounds for a motion in this cause.

BASED UPON the foregoing Findings of Fact, the hearing committee makes the following:

CONCLUSIONS OF LAW

1. This hearing committee has the right, and indeed the duty, to impose conditions upon the reinstatement of Manton's license to active status.
2. Manton is no longer disabled within the meaning of 27 N. C. Admin. Code, Chapter 1, Subchapter B, § .0103(18).
3. Manton's license to practice law in North Carolina should be returned to active status upon the conditions contained in paragraph 14 of the Findings of Fact above.

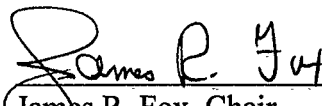
THEREFORE, it is hereby ORDERED:

1. Mary Elizabeth Manton's license to practice law in North Carolina is returned to active status upon the following conditions:

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- (a) Manton must provide, and continue in effect, a release authorizing her treating psychiatrist to report her condition and her compliance with treatment recommendations to the North Carolina State Bar. The release must also authorize her psychiatrist to transmit medical records and reports to the North Carolina State Bar in the event of her non-compliance with treatment or return to disability status. In addition, Manton must provide a release to her psychologist authorizing him or her to discuss her condition with her treating psychiatrist and, upon non-compliance with treatment or return to disability status, to the North Carolina State Bar.
- (b) Manton must continue to see, and follow the treatment recommended by, Dr. Raba, or other board certified psychiatrist, at least once every two months for two years, and then as frequently as required by the psychiatrist.
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- (e) Manton's failure to abide by these terms or a report to the North Carolina State Bar that Manton has again become disabled will be grounds for a motion in this cause.

Signed by the undersigned Chair with the full knowledge and consent of the other members of the hearing committee this the 17th day of July, 1997.


James R. Fox, Chair
Hearing Committee

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