

STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE GRIEVANCE
COMMITTEE OF THE
NORTH CAROLINA STATE BAR

12G0630, 12G0952, 12G0953, 12G0997,
13G0344, 13G0617, 13G1139, 13G1176,
14G0150, 14G0846, 14G0937

IN RE:

ROBERT A. BELL, ATTORNEY

CONSENT ORDER
TRANSFERRING ATTORNEY
TO DISABILITY
INACTIVE STATUS

This matter is before the undersigned Chairperson of the North Carolina State Bar's Grievance Committee pursuant to 27 N.C. Admin. Code 1B §.0118(b), with Jennifer A. Porter representing the North Carolina State Bar and Alan M. Schneider representing Robert A. Bell. Based upon facts received from the member and with the consent of the member and the counsel, the undersigned makes the following:

FINDINGS OF FACT

1. The North Carolina State Bar is a body duly organized under the laws of North Carolina and is the proper party to consent to 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 promulgated thereunder.

2. Defendant, Robert A. Bell ("Bell"), was admitted to the North Carolina State Bar in 1977, 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 Rules of Professional Conduct.

3. Bell actively engaged in the practice of law in the State of North Carolina and maintained a law office in Fayetteville, North Carolina.

4. Between 2012 and 2014, the above captioned grievance files were opened concerning Bell's conduct

5. All of the above captioned grievances were considered by the Grievance Committee and referred to the Disciplinary Hearing Commission for trial.

6. Prior to the filing of a complaint with the Disciplinary Hearing Commission, Bell presented the State Bar with letters from his treating medical providers, Christopher A. Russell, MSW, LCSW, and M. Ojinga Harrison, M.D.

7. Mr. Russell states Bell has sought treatment from Mr. Russell three years ago. Mr. Russell states that Bell presents with signs and symptoms of Post-Traumatic Stress Disorder and Adjustment Disorder with Mixed Anxiety and Depressed Mood. Mr. Russell states these conditions have caused clinically significant distress and impairment in Bell's occupational and social environments. Effects include impaired judgment, avoidance of responsibilities, and difficulty with stressful circumstances. Mr. Russell states that Bell's condition significantly impairs his abilities, his professional performance, and his judgment.

8. Dr. Harrison, a psychiatrist with The Carter Clinic PA, reports that Bell has been a patient at The Carter Clinic PA for the past four years. Dr. Harrison states that Bell has been diagnosed and treated for Major Depressive Disorder and Attention Deficit Hyperactivity Disorder. Dr. Harrison reports that Bell's mental disability has significantly impaired his professional judgment, his performance, and his ability to practice law.

9. Bell currently suffers from mental disorders which significantly impair his professional judgment, performance, or competence as an attorney.

10. Bell consents to being transferred to disability inactive status.

11. Bell acknowledges and agrees by the signing of this consent order that his transfer to disability inactive status order shall in no way stay, abate, or otherwise inhibit the consideration and disposition of applications to the Client Security Fund.

12. Bell acknowledges and agrees by the signing of this consent order that the State Bar may preserve evidence of any alleged professional misconduct by Bell, including by the taking of depositions. Bell consents that no further orders shall be required in order for the State Bar to take such depositions. Bell and the State Bar hereby stipulate by the signing of this consent order that such depositions may be taken by telephone, pursuant to Rule 30 of the North Carolina Rules of Civil Procedure, N.C. Gen. Stat. § 1A-1, Rule 30.

BASED UPON the foregoing Findings of Fact, and with the consent of the member and the counsel, the undersigned makes the following:

CONCLUSIONS OF LAW

1. Pursuant to 27 N.C. Admin. Code 1B §.0118(b), the proper parties have consented to Bell being transferred to disability inactive status.

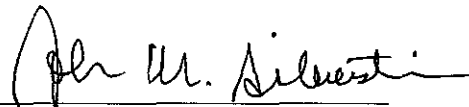
2. Bell is disabled within the meaning of 27 N.C. Admin. Code 1B §.0103(19).

THEREFORE, it is hereby ORDERED:

1. Robert A. Bell is transferred to disability inactive status.
2. Bell shall refrain from practicing law in North Carolina unless and until returned to active status pursuant to 27 N.C. Admin. Code 1B §.0125(c).
3. Within 15 days of the effective date of this Order Bell shall provide the State Bar with an address and telephone number at which clients seeking return of files can communicate with Bell and obtain such files.
4. Bell shall promptly return client files to clients upon request, within 15 days of receipt of such request. Bell will be deemed to have received any such request 3 days after the date such request is sent to Bell if the request is sent to the address Bell provided the State Bar pursuant to the preceding paragraph.
5. Any failure by Bell to return a requested client file that has not been remedied by the date on which Bell files any petition for reinstatement shall be taken into consideration in determining whether Bell has met his burden of proving by clear, cogent, and convincing evidence that he is no longer disabled and is fit to resume the practice of law.
6. The filing of the complaint before the Disciplinary Hearing Commission pursuant to the referrals by the Grievance Committee in the above captioned Grievance files is hereby stayed. Should Bell be reinstated to active status, a complaint will be filed with the Disciplinary Hearing Commission no later than 90 days following the effective date of the reinstatement, unless discipline by another method addressing the conduct referred for trial has been imposed by that date.
7. The North Carolina State Bar, pursuant to 27 N.C. Admin. Code 1B § .0118(e)(2), may preserve evidence of any alleged professional misconduct of Bell, including by the taking of depositions. No further orders shall be necessary to take such depositions. Such depositions may be taken by telephone without any further orders.
8. This order shall in no way stay, abate, or otherwise inhibit the consideration and disposition of applications to the Client Security Fund.
9. Investigation or action on any Petition for Resolution of Disputed Fee or Grievance pending as of the date of this order or received after the date of this order is hereby abated unless and until Bell is reinstated to active status. Should Bell be reinstated to active status, investigation or action on any abated Petition for Resolution of Disputed Fee or Grievance shall resume.

10. The allegations of professional misconduct against Bell in the file referred for trial include conduct that may merit consideration of client reimbursement as a condition of reinstatement pursuant to 27 N.C. Admin. Code 1B § .0125(d). The hearing panel of the Disciplinary Hearing Commission that considers any petition for reinstatement by Bell shall consider this issue and order any reimbursement it deems appropriate. Should any reimbursement be ordered, Bell must complete the reimbursement by the deadline stated in the reinstatement order for the reinstatement to take effect.

This the 10th day of April 2015.



John M. Silverstein, Chair
Grievance Committee
North Carolina State Bar

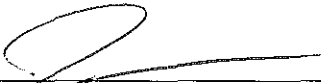
CONSENTED TO:



Robert A. Bell
Member, North Carolina State Bar



Alan M. Schneider
Attorney for Member



Jennifer A. Porter
Deputy Counsel
North Carolina State Bar