

STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
16 DHC 7

THE NORTH CAROLINA STATE BAR,  
Plaintiff

v.

V. LAMAR GUDGER, III, Attorney,  
Defendant

CONSENT ORDER  
TRANSFERRING MEMBER TO  
DISABILITY INACTIVE STATUS AND  
STAYING DISCIPLINARY PROCEEDING

This matter was considered by a hearing panel of the Disciplinary Hearing Commission (hereinafter "DHC") composed of Barbara B. Weyher, William O. King, and Randy A. Moreau. Leonor Bailey Hodge represented the North Carolina State Bar. V. Lamar Gudger, III 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 of Defendant to disability inactive status. Defendant freely and voluntarily waives any right to appeal the entry of this consent order transferring him to disability inactive status.

FINDINGS OF FACT

1. The North Carolina State Bar (hereinafter "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 promulgated thereunder.
2. V. Lamar Gudger, III (hereinafter "Gudger") was admitted to the North Carolina State Bar on 23 August 1986 and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the rules, regulations and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.
3. During the times relevant herein, Gudger was engaged in the practice of law in the State of North Carolina and maintained a law office in Asheville, Buncombe County, North Carolina.
4. The Complaint in this action was filed on 19 January 2016.
5. Gudger accepted service of the Summons and Complaint on 3 February 2016.
6. On or about 6 October 2015, C. Pamela Lowe-Hoyt, M.D. of Hendersonville, N.C. submitted a letter to the State Bar concerning Gudger's chronic mental and physical health issues.

- a. The letter of Dr. Lowe-Hoyt asserts the following about Gudger's then existing condition: Gudger suffers from major depressive disorder as well as attention deficit disorder;
- b. Gudger's condition began to worsen in October 2014;
- c. Gudger has difficulty retaining information, sustaining attention, relating to others, and is incapable of tolerating the stress associated with day-to-day work related activities;
- d. Gudger's ability to manage his depression and attention deficit disorder is compounded by poorly controlled diabetes;
- e. Gudger has not responded well to medication or therapy, making his prognosis poor.

7. On or about 18 September 2015, Gudger filed a disability claim with the Social Security Administration due to diabetes, lack of stamina, memory loss, difficulty focusing, ADHD, depression, anxiety, vision loss, forgetfulness and disorientation.

8. On or about 5 January 2016, the Social Security Administration determined that Gudger is disabled.

9. Gudger is currently on disability status with the Social Security Administration.

10. During the pendency of the disciplinary matter, additional documentation has been submitted by Gudger and Dr. Lowe-Hoyt indicating Gudger's condition and prognosis have not improved.

11. Gudger's mental and physical condition significantly impair his performance and competence as an attorney.

12. Gudger requests and consents to being transferred to disability inactive status.

13. The State Bar consents to Gudger's transfer to disability inactive status.

Based on the foregoing Findings of Fact, the Hearing Panel makes the following

#### CONCLUSIONS OF LAW

1. All parties are properly before the DHC and the DHC has jurisdiction over Defendant and over the subject matter of this proceeding.

2. Gudger is disabled within the meaning of 27 N.C. Admin. Code 1B § .0103(19) and should be transferred to disability inactive status pursuant to 27 N.C. Admin. Code 1B § .0118 and N.C. Gen. Stat. § 84-28(g).

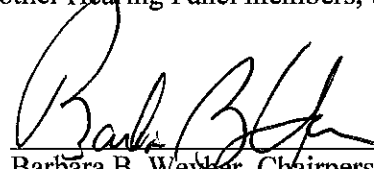
3. Any proceeding pending before the Grievance Committee or before the DHC, including this matter, should be stayed as long as Gudger remains in disability inactive status

pursuant to 27 N.C. Admin. Code 1B § .0118(e). If Gudger is returned to active status by the DHC, this disciplinary proceeding will be rescheduled by the Chair of the DHC.


#### ORDER

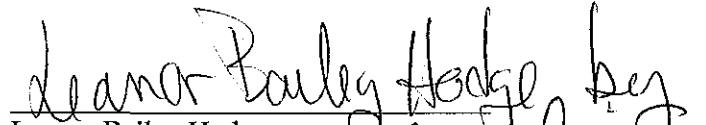
1. V. Lamar Gudger, III is hereby transferred to disability inactive status in accordance with N.C. Gen. Stat. § 84-28(g) and 27 N.C. Admin. Code 1B § .0118(d)(5).
2. Gudger shall not practice law in North Carolina until he is no longer disabled and has been returned to active status as a member of the North Carolina State Bar pursuant to the procedures set out in 27 N.C. Admin. Code 1B § .0125(c).
3. All proceedings pending before the Disciplinary Hearing Commission against Gudger are stayed until such time as Gudger is reinstated to active status.
4. This order shall be effective immediately upon entry pursuant to 27 N.C. Admin. Code 1B § .0118(d)(5)(A).

Signed by the Chair with the consent of the other Hearing Panel members, this the 15<sup>th</sup> day of July, 2016.

  
Barbara B. Weyher, Chairperson  
Disciplinary Hearing Panel  
*Nunc pro tunc*

CONSENTED TO:

  
V. Lamar Gudger, III

  
Leonor Bailey Hodge  
Deputy Counsel  
*M. J. Chastain*