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SUPERIOR COURT DIVISION

WATAUGA COUNTY, C.S.C.

IN THE MATTER OF RESPONDENT

ATTORNEY CAMERON FERGUSON

**ORDER FINDING RESPONDENT
IN CONTEMPT OF COURT
AND ORDER OF FINE
AND CENSURE**

1. The above-named attorney and Respondent, Cameron Ferguson, was counsel of record for the Plaintiff in the Superior Court case entitled Small v. Pittman, Watauga County file number 08-CVS-180. The case was scheduled for trial at the Superior Court term which began on November 17, 2008.
2. The Respondent had earlier filed a motion to continue the case from that November 17, 2008, term of court. The motion to continue was vigorously opposed by counsel for the Defendants. This court considered the motion to continue the case and the objections presented, and denied the motion to continue. The Respondent's motion to continue was dated November 7, 2008, was duly considered by this court, and was denied on November 11, 2008.
3. On the date set for the trial of the case, November 17, 2008, the Respondent, as counsel for Plaintiff, did not appear in court. No sufficient explanation was presented to the judge presiding. The presiding judge, after inquiry concerning Respondent's absence from court, determined Respondent's failure to appear for the trial of the case and failure to appear on behalf of his client without sufficient explanation was in violation of the General Rules of Practice for the Superior and District Courts.
4. The presiding judge therefore issued an Order for Respondent to appear in court before this court on Monday, December 1, 2008, at 9:30 A.M., to Show Cause why Respondent should not be sanctioned for his failure to appear in court on behalf of his client and represent his client, as Respondent was obligated to do, both contractually and professionally.
5. The Show Cause order was duly executed and Respondent was notified to appear. Although there are questions regarding the actual service of the Order on, or

delivery of the actual Order to, the Respondent, this court has no doubt about Respondent's knowledge of the trial court's issuance of the Order to Show Cause, or the Respondent's knowledge of that court's directive that he appear in court before the undersigned on December 1, 2008. Respondent's own actions (such as the letter referred to in paragraph six, below, personally addressed to this court and dated November 26, 2008) and Respondent's attempts to contact this court's office prior to December 1, 2008, clearly demonstrate his personal knowledge of his obligation to appear. This court has also been advised, but has no personal knowledge, that a representative of Respondent's office was present in court when the Show Cause Order was announced by the presiding judge.

6. Respondent did not appear in court on December 1, 2008, at 9:30 A.M. or at anytime during that day. Present in court as court began was an employee of Respondent's law firm, who presented the court with a single page typewritten letter stating the Respondent had begun outpatient treatment for a medical problem, referred to as addiction, in Delray Beach, Florida. The letter was dated November 26, 2008, was personally addressed to this court, and was purportedly from a treating physician, but was not actually signed.
7. The employee of the Respondent's law firm advised this court, in open court, that she could not with any degree of certainty inform the court of the Respondent's whereabouts, or even what state, but that she believed him to be in the state of Florida. She could also give no further explanation for his absence other than the aforementioned letter.
8. This court, having no information of Respondent's inability to be present in court other than the single page letter stating that the Respondent had begun *outpatient* treatment for the described condition in Florida, and hearing no other justifiable reason for his absence from court and failure to appear as directed by a Show Cause Order, had Respondent called out by the bailiff, on December 1, 2008. This action was in response to Respondent's failure to appear before this court on December 1, 2008, and did not address his failure to appear in court to represent his client on November 17, 2008.
9. This court further found, and announced in open court, that Respondent's unjustified absence from court on December 1, 2008, constituted an act of Criminal Contempt of Court, pursuant to N.C.G.S. 5A-11(a)(3); i.e., the willful disobedience of a court's lawful order, directive, and instruction, that being the Show Cause Order directing Respondent to appear in court.
10. This court further found that Respondent's actions, and lack thereof, in his private practice of law, justify the appointment of an attorney to serve in a temporary capacity to assist Respondent and Respondent's law office in seeing that cases were managed in an appropriate manner, a holding status if necessary, until determination could be made of Respondent's ability to continue in his practice of law. This person's role would be to determine if pending cases had trial dates that needed to be rescheduled or other cases and matters with time restraints or

deadlines which might require the filing of motions to continue or motions to extend deadlines. The court made no announcement of this appointment in open court on December 1, 2008, other than to determine that, based on information provided to the court, there did exist a need for such a person.

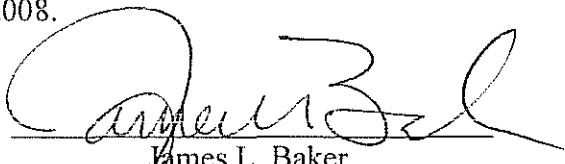
11. A representative of the North Carolina State Bar, Mr. Root Edmonson, was present in court during the proceedings described above.
12. Respondent later appeared in court, on Tuesday afternoon, December 2, 2008, while court was in session during the trial of a criminal jury trial. The court allowed Respondent to remain at liberty, with directions to appear in court on Wednesday, December 3, 2008, at 9:30 A.M. The court was later advised Respondent was being assisted and represented by an attorney, Mr. Scott Casey of the Watauga County bar, and that the attorney requested the matter be held open until Thursday December 4, 2008, at 2:00 P.M. This court agreed to hold the matter open until that time.
13. On Thursday December 4, 2008, Respondent appeared in court. An attorney from Mr. Scott Casey's firm, Ms. Lauren Elizabeth Hassler-Waterworth, appeared with Respondent.
14. Respondent was given an opportunity to explain his absence on Monday, December 1, 2008, in disobedience to the Show Cause Order issued on November 17, 2008. No explanation was given which this court found could justify his failure to appear.
15. This court's determination and oral announcement, made in open court on December 1, 2008, finding Respondent Cameron Ferguson in criminal contempt of court pursuant to N.C.G.S. 5A-11(a)(3) for his willful disobedience to a court's lawful order, directive and instruction (the Show Cause Order), is thereby not changed. This is specifically for Respondent's failure to appear in court on December 1, 2008, and does not address Respondent's failure to appear in court on November 17, 2008, which led to the issuance of the Show Cause Order.
16. This court further determined, on December 4, 2008, with Respondent present in court, that Respondent's failure to appear on December 1, 2008, merits sanctions by the court, pursuant to N.C.G.S. 5A-12. After allowing Respondent to be heard and present such evidence as he might desire, this court determined that as a sanction that, first, Respondent should be, and is, **FINED** in the amount of \$500.00, payable to the Clerk of Superior Court of Watauga County. Said fine was ordered to be paid by 5:00 P.M. on December 4, 2008, and this court has since verified with the Clerk of Court that said fine was paid as directed.
17. This court further determined in court on the same date as indicated above, that Respondent, by his conduct, violated one or more provisions of the Rules of Professional Conduct, and caused harm or potential harm to the administration of justice. This court examined standards applicable to such situations in State Bar

proceedings, and also considered sanctions available to the court pursuant to N.C.G.S. 5A-12; and this court determined that the sanction of Censure should be imposed.

18. Respondent is therefore publicly **CENSURED** for his willful disobedience of the Show Cause Order, directing him to appear in court before the undersigned on December 1, 2008, at 9:30 A.M., and this Order of Censure shall be filed with the Clerk of Superior Court and made a part of the public record. This court also directs a copy of this Order of Censure be delivered to the North Carolina State Bar.
19. This court further directed the Respondent, with assistance if need be from the State Bar or any local representative, to seek and begin medical treatment for his current medical problem referred to as addiction in the letter furnished by Respondent to the court. Respondent was further directed by this court to report to this court on Monday morning, January 5, 2009, either in open court or in chambers as this court shall direct on that date, and advise this court what treatment programs Respondent has begun, and what treatment recommendations have been made for Respondent to deal appropriately with the ongoing problem.
20. This court shall, on January 5, 2009, determine what sanctions shall be imposed for Respondent's failure to appear in court on November 17, 2008, which led to the issuance of the Show Cause Order directing Respondent to appear before this court on December 1, 2008.
21. Respondent shall also attend to his practice of law, as his condition and ability shall permit. Mr. Scott Casey of the Watauga County Bar shall assist Respondent in dealing with case management situations as are required. This was the attorney requested to serve in this capacity by Respondent, and is also the attorney already representing Respondent. The attorney initially approached by this court to serve in that capacity, Mr. Frank C. Wilson, is relieved from further obligations in this regard, and Mr. Wilson shall provide to this court a record of his time expended in this matter to this date.

IT IS FURTHER ORDERED, that this Order shall be filed-stamped and appropriately filed; and that copies shall be provided to the Respondent Cameron Ferguson, and to the North Carolina State Bar.

This done in chambers, the 12th day of December, 2008.


James L. Baker
Sr. Res. Superior Court Judge