

11 NCAC 23A .0617 ATTORNEYS RETAINED FOR PROCEEDINGS

- (a) Any attorney who is retained by a party in a proceeding before the Commission shall comply with the applicable rules of the North Carolina State Bar. A copy of a notice of representation shall be served upon all other counsel and all unrepresented parties, and submitted to the Commission in accordance with Rule .0108 of this Subchapter. Thereafter, all notices required to be served on a party shall be served upon the attorney. No direct contact or communication concerning contested matters may be made with a represented party by the opposing party or any person on his or her behalf, without the attorney's permission except as permitted by G.S. 97-32 or other applicable law.
- (b) Any attorney who wishes to withdraw from representation in a proceeding before the Commission shall file with the Commission, in writing, a Motion to Withdraw that contains a statement of reasons for the request and that the request has been served on the client. The attorney shall make reasonable efforts to ascertain the last known contact information as defined in Rule .0109 of this Subchapter of the client and shall include this information in the motion. A Motion to Withdraw before an award is made shall state whether the withdrawing attorney requests an attorney's fee from the represented party once an award of compensation is made or approved.
- (c) An attorney may withdraw from representation only by written order of the Commission. The issuance of an award of the Commission does not release an attorney as the attorney of record.
- (d) An attorney withdrawing from representation whose client wishes to appeal an Order, Decision, or Award to the Full Commission shall timely file a notice of appeal, as set out by this Subchapter, on behalf of his or her client either before or with his or her Motion to Withdraw.
- (e) Motions to Withdraw shall be submitted in accordance with Rule .0108 of this Subchapter. The Motion to Withdraw shall include a proposed Order in Microsoft Word format that includes, in the appearances, the last known address of any pro se party or the contact information as defined in Rule .0109 of this Subchapter of new counsel if such counsel has been retained. The proposed Order shall include fax numbers for all parties, if known.

*History Note: Authority G.S. 97-80(a); 97-90; 97-91;
Eff. January 1, 2011;
Amended Eff. February 1, 2016; November 1, 2014;
Recodified from 04 NCAC 10A .0617 Eff. June 1, 2018;
Amended Eff. January 1, 2019.*