

27 NCAC 01B .0107 COUNSEL: POWERS AND DUTIES

The counsel will have the power and duty:

- (1) to initiate an investigation concerning alleged misconduct of a member;
- (2) to direct a letter of notice to a respondent when authorized by the chairperson of the Grievance Committee;
- (3) to investigate all matters involving alleged misconduct whether initiated by the filing of a grievance or otherwise;
- (4) to recommend to the chairperson of the Grievance Committee that a matter be dismissed, that a letter of caution, or a letter of warning be issued, or that the Grievance Committee hold a preliminary hearing;
- (5) to prosecute all disciplinary proceedings before the Grievance Committee, hearing panels, and the courts;
- (6) to represent the North Carolina State Bar in any trial, hearing, or other proceeding concerning the alleged disability of a member;
- (7) to appear on behalf of the North Carolina State Bar at hearings conducted by the Grievance Committee, hearing panels, or any other agency or court concerning any motion or other matter arising out of a disciplinary or disability proceeding;
- (8) to appear at hearings conducted with respect to petitions for reinstatement of license by suspended or disbarred attorneys or by attorneys transferred to disability inactive status, to cross-examine witnesses testifying in support of such petitions, and to present evidence, if any, in opposition to such petitions;
- (9) to employ such deputy counsel, investigators, and other administrative personnel in such numbers as the council may authorize;
- (10) to maintain permanent records of all matters processed and of the disposition of such matters;
- (11) to perform such other duties as the council may direct;
- (12) after a finding of probable cause by the Grievance Committee, to designate the particular violations of the Rules of Professional Conduct to be alleged in a formal complaint filed with the commission;
- (13) to file amendments to complaints and petitions arising out of the same transactions or occurrences as the allegations in the original complaints or petitions, in the name of the North Carolina State Bar, with the prior approval of the chairperson of the Grievance Committee;
- (14) after a complaint is filed with the commission, to dismiss any or all claims in the complaint or to negotiate and recommend consent orders of discipline to the hearing panel.

*History Note: Authority G.S. 84-23; 84-31;
Readopted Eff. December 8, 1994;
Amended Eff. October 8, 2009; March 3, 1999.*