

27 NCAC 01B .0137 VEXATIOUS COMPLAINANTS

(a) Designation as a Vexatious Complainant.

- (1) A person who submits to the State Bar grievances asserting allegations that, even if proven, would not constitute violations of the Rules of Professional Conduct or asserting allegations that are conclusively disproven by available evidence, and does so in a manner or in a volume amounting to abuse of the State Bar disciplinary process, may be designated by the chair of the Grievance Committee to be a vexatious complainant. Abuse of the State Bar disciplinary process includes repetitive, abusive, or frivolous allegations or communications by the complainant. Allegations that are contentious or are found to be without merit are not, standing alone, an abuse of the State Bar disciplinary process.
- (2) The Office of Counsel shall mail a notice of the designation to the complainant at the complainant's last known address. The notice shall contain a statement describing the factual basis for the designation. If the complainant does not request review of the designation pursuant to Paragraph (a)(3) of this Rule, the designation by the chair of the Grievance Committee shall be final and not subject to further review or reversal.
- (3) A complainant designated as vexatious may seek review of the designation by filing a request for review with the clerk of the Disciplinary Hearing Commission and addressed to the chair of the commission. The complainant shall serve a copy of the request upon the State Bar Counsel. The request for review must be filed within 30 days after the Office of Counsel mailed the notice issued under Paragraph (a)(2) of this Rule.
- (4) The Office of Counsel may file a response to the request for review within 15 days of the State Bar's receipt of the request for review.
- (5) Based upon the written submissions by the complainant and the Office of Counsel, the chair of the commission may either uphold or vacate the designation.
- (6) Pursuant to G.S. 84-28.3(b), designation of a complainant as vexatious under this rule shall be final and conclusive and not subject to further review.

(b) Consequences of Designation as Vexatious Complainant. The State Bar may decline to review and process any grievance initiated by a person who has been designated a vexatious complainant, unless

- (1) the grievance is submitted with a verification signed by the complainant under penalty of perjury that the allegations are true; and
- (2) the grievance is submitted on the complainant's behalf by a member of the North Carolina State Bar who
 - (A) has an active North Carolina law license;
 - (B) is not currently designated as a vexatious complainant; and
 - (C) is not currently the respondent in a pending grievance investigation or the defendant in a pending attorney disciplinary proceeding.

*History Note: Authority G.S. 84-23; 84-28;
Approved by the Supreme Court: March 19, 2025.*