

27 NCAC 01D .0206 AUTHORIZED PRACTICE COMMITTEE - POWERS AND DUTIES

The Authorized Practice Committee shall have the power and duty:

- (1) to direct the counsel to investigate any alleged unauthorized practice of law in this State by any person, firm, or corporation;
- (2) to recommend to the Executive Committee that the counsel file a lawsuit against a respondent seeking to enjoin the unauthorized practice of law;
- (3) to dismiss a complaint when there is insufficient evidence to show a violation of the law prohibiting the unauthorized practice of law;
- (4) to issue a letter of caution to a respondent in a case in which the committee concludes that:
 - (a) there is probable cause to believe respondent has engaged in the unauthorized practice of law in North Carolina, but
 - (i) respondent has agreed to refrain from engaging in the conduct in the future or the committee believes respondent will stop engaging in the conduct as a result of receiving the letter of caution;
 - (ii) respondent is unlikely to engage in the conduct again; or
 - (iii) neither referral to a district attorney nor injunction proceedings are warranted under the circumstances; or
 - (b) the evidence is insufficient to establish probable cause that respondent has engaged in the unauthorized practice of law in North Carolina, but the committee finds it appropriate to caution the respondent because the conduct could potentially lead to a violation of the law;
- (5) to direct the counsel to stop an investigation and take no action;
- (6) to refer a matter to another regulatory or licensing authority; to a law enforcement agency, including a district attorney, for criminal prosecution; or to the Grievance Committee of the North Carolina State Bar; and
- (7) to issue proposed advisory opinions for adoption by the council concerning whether identified activities of significant public interest constitute the unauthorized practice of law in North Carolina.

*History Note: Authority G.S. 84-37;
Readopted Eff. December 8, 1994;
Amendments Approved by the Supreme Court: February 20, 1995; February 3, 2000; October 6, 2004; March 20, 2024.*