

27 NCAC 01D .1002 REVIEW AND ORDER OF COUNCIL

(a) Review by Council of Recommendation of Hearing Panel.

(1) Record to Council:

- (A) Compilation of Record. The member will compile a record of the proceedings before the hearing panel, including a legible copy of the complete transcript, all exhibits introduced into evidence and all pleadings, motions and orders, unless the member and counsel agree in writing to shorten the record. Any agreements regarding the record shall be included in the record transmitted to the council.
- (B) Transmission of Record to Council. The member shall provide a copy of the record to the counsel not later than 90 days after the hearing unless an extension is granted by the president of the State Bar for good cause shown. The member will transmit a copy of the record to each member of the council no later than 30 days before the council meeting at which the petition is to be considered.
- (C) Costs. The member shall bear all of the costs of transcribing, copying, and transmitting the record to the members of the council.
- (D) Dismissal for Failure to Comply. If the member fails to comply fully with any of the provisions of this Rule, the counsel may file a motion the secretary to dismiss the petition.

(2) Oral or Written Argument. In his or her discretion, the president of the State Bar may permit counsel for the state bar and the member to present oral or written argument, but the council will not consider additional evidence not in the record transmitted from the hearing panel, absent a showing that the ends of justice so require or that undue hardship will result if the additional evidence is not presented.

(b) Order by Council. The council will review the recommendation of the hearing panel and the record and will determine whether and upon what conditions the member will be reinstated.

(c) Costs. The council may tax the costs attributable to the proceeding against the member.

History Note: Authority G.S. 84-23; Order of the NC Supreme Court, dated October 7, 1987, 318 N.C. 711; Readopted Eff. December 8, 1994; Amended Eff. March 7, 1996.