

27 NCAC 01D .1521 NONCOMPLIANCE

(a) **Failure to Comply with Rules May Result in Suspension.** A member who fails to meet the minimum requirements of these rules, including the payment of duly assessed penalties and fees, may be suspended from the practice of law in North Carolina.

(b) **Late Compliance.** Any member who fails to complete his or her required hours by the end of the member's reporting period (i) shall be assessed a late compliance fee in an amount set by the Board and approved by the Council, and (ii) shall complete any outstanding hours within 60 days following the end of the reporting period. Failure to comply will result in a suspension order pursuant to Paragraph (c) below.

(c) **Suspension Order for Failure to Comply.** 60 days following the end of the reporting period, the Council shall issue an order suspending any member who fails to meet the requirements of these rules within 45 days after the service of the order, unless (i) the member shows good cause in writing why the suspension should not take effect; or (ii) the member meets the requirements within the 30 days after service of the order. The order shall be entered and served as set forth in Rule .0903(d) of this subchapter. Additionally, the member shall be assessed a non-compliance fee as described in Paragraph (d) below. Notice shall be served on the member by mailing a copy thereof by registered or certified mail or designated delivery service (such as Federal Express or UPS), return receipt requested, to the last known address of the member according to the records of the North Carolina State Bar or such later address as may be known to the person attempting service. Service of the notice may also be accomplished by (i) personal service by a State Bar investigator or by any person authorized by Rule 4 of the North Carolina Rules of Civil Procedure to serve process, or (ii) email sent to the email address of the member contained in the records of the North Carolina State Bar if the member sends an email from that same email address to the State bar acknowledging such service.

(d) **Non-Compliance Fee.** A member to whom a suspension order is issued pursuant to Paragraph (c) above shall be assessed a non-compliance fee in an amount set by the Board and approved by the Council; provided, however, upon a showing of good cause as determined by the Board as described in Paragraph (g)(2) below, the fee may be waived. The non-compliance fee is in addition to the late compliance fee described in Paragraph (b) above.

(e) **Effect of Non-compliance with Suspension Order.** If a member fails to meet the requirements during the 45-day period after service of the suspension order under Paragraph (c) above, the member shall be suspended from the practice of law subject to the obligations of a disbarred or suspended member to wind down the member's law practice as set forth in Rule .0128 of Subchapter 1B.

(f) **Procedure Upon Submission of Evidence of Good Cause.**

- (1) **Consideration by the Board.** If the member files a timely response to the suspension order attempting to show good cause for why the suspension should not take effect, the suspension order shall be stayed and the Board shall consider the matter at its next meeting. The Board shall review all evidence presented by the member to determine whether good cause has been shown.
- (2) **Recommendation of the Board.** The Board shall determine whether the member has shown good cause as to why the member should not be suspended. If the Board determines that good cause has not been shown, the member's suspension shall become effective 15 calendar days after the date of the letter notifying the member of the decision of the Board. The member may request a hearing by the Administrative Committee within the 15-day period after the date of the Board's decision letter. The member's suspension shall be stayed upon a timely request for a hearing.
- (3) **Hearing Before the Administrative Committee.** The Administrative Committee shall consider the matter at its next regularly scheduled meeting. The burden of proof shall be upon the member to show cause by clear, cogent, and convincing evidence why the member should not be suspended from the practice of law for failure to comply with the rules governing the continuing legal education program.
- (4) **Administrative Committee Decision.** If the Administrative Committee determines that the member has not met the burden of proof, the member's suspension shall become effective immediately. The decision of the Administrative Committee is final.

(g) **Reinstatement.** Suspended members must petition for reinstatement to active status pursuant to Rule .0904(b)-(h) of this Subchapter.

History Note: Authority - Order of the North Carolina Supreme Court, October 7, 1987, 318 N.C. 711; Readopted Eff. December 8, 1994; Amendments Approved by the Supreme Court: August 23, 2012; October 9, 2008; October 1, 2003; February 3, 2000; March 6, 1997; March 7, 1996; Rule transferred from 27 NCAC 01D .1523 on June 14, 2023;

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