

27 NCAC 01D .1723 REVOCATION OR SUSPENSION OF CERTIFICATION AS A SPECIALIST

(a) Automatic Revocation or Suspension of Specialty Certification Following Professional Discipline. The board shall revoke its certification of a lawyer as a specialist if the lawyer is disbarred or receives a disciplinary suspension, any part of which is or subsequently becomes active, from the Disciplinary Hearing Commission of the North Carolina State Bar, a North Carolina court of law, or, if the lawyer is licensed in another jurisdiction in the United States, from a court of law or the regulatory authority of that jurisdiction. The board shall suspend its certification of a lawyer as a specialist if the lawyer receives a disciplinary suspension, all of which is stayed. If a stayed disciplinary suspension ends without becoming active, the lawyer may be reinstated as a specialist if the lawyer applies for recertification and satisfies all of the requirements for recertification as set forth in the recertification standards for the relevant specialty. During a suspension from specialty certification, application for recertification shall be deferred until the end of the suspension. This provision, and any amendment thereto, shall apply to discipline received on or after the effective date of the provision or the amendment as appropriate.

(b) Discretionary Revocation or Suspension. The board may revoke its certification of a lawyer as a specialist if the specialty is terminated or may suspend or revoke such certification if it is determined, upon the board's own initiative or upon recommendation of the appropriate specialty committee and after hearing before the board as provided in Rule .1802 and Rule .1803, that

- (1) the certification of the lawyer as a specialist was made contrary to the rules and regulations of the board;
- (2) the lawyer certified as a specialist made a false representation, omission or misstatement of material fact to the board or appropriate specialty committee;
- (3) the lawyer certified as a specialist has failed to abide by all rules and regulations promulgated by the board;
- (4) the lawyer certified as a specialist has failed to pay the fees required;
- (5) the lawyer certified as a specialist no longer meets the standards established by the board for the certification of specialists;
- (6) the lawyer certified as a specialist received professional discipline from the North Carolina State Bar other than suspension or disbarment from practice and the board finds that the conduct for which the professional discipline was received reflects adversely on the specialization program and the lawyer's qualification as a specialist;
- (7) the lawyer certified as a specialist received professional discipline from any state or federal court or tribunal or, if the lawyer is licensed in another jurisdiction, from the regulatory authority of that jurisdiction in the United States, or the lawyer certified as a specialist was found to have engaged in misconduct by any state or federal court or tribunal, and the board finds that the conduct for which the sanctions or professional discipline was received reflects adversely on the specialization program and the lawyer's qualification as a specialist; or
- (8) the lawyer certified as a specialist was criminally convicted by any state or federal court and the board finds that the conduct underlying the conviction reflects adversely on the specialization program and the lawyer's qualification as a specialist.

(c) Report to Board. A lawyer certified as a specialist has a duty to inform the board promptly of any professional discipline received by the lawyer, any judicial finding of misconduct, any criminal conviction, or any fact or circumstance described in Rules .1723(a) and (b) above. The board may consider a lawyer's failure to promptly report in determining whether to suspend or revoke certification.

(d) Reinstatement. If the board revokes its certification of a lawyer as a specialist, the lawyer cannot again be certified as a specialist unless he or she so qualifies upon application made as if for initial certification as a specialist and upon such other conditions as the board may prescribe. If the board suspends certification of a lawyer as a specialist, such certification cannot be reinstated except upon the lawyer's application therefor and compliance with such conditions and requirements as the board may prescribe.

*History Note: Authority G.S. 84-23;
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