

27 NCAC 01F .0109 HEARING PROCEDURE

(a) Notice, Time & Place of Hearing

- (1) The chair of the committee shall fix the time and place of hearing within 30 days after the applicant's request for a hearing is served upon the secretary. The hearing shall be held as soon as practicable after the request is filed.
- (2) The notice of the hearing shall include the date, time and place of the hearing and shall be served upon the applicant at least 10 days before the hearing date.

(b) Hearing Panel:

- (1) The chair of the committee shall appoint a hearing panel composed of three members of the committee to consider the application and make a written recommendation to the council.
- (2) The chair shall appoint one of the three members of the panel to serve as the presiding member. The presiding member shall rule on any question of procedure which arises during the hearing; preside at the deliberations of the panel, sign the written determinations of the panel and report the panel's determination to the council.

(c) Proceedings before the Hearing Panel:

- (1) A majority of the panel members is necessary to decide the application.
- (2) Following the hearing on the contested application, the panel will make a written recommendation to the council on behalf of the committee regarding whether the application should be granted. The recommendation shall include appropriate findings of fact and conclusions of law.
- (3) The applicant will have the burden of proving that he or she has met all the requirements of 27 NCAC 01F .0102-.0104 of this Subchapter.
- (4) At the hearing, the applicant and State Bar counsel will have the right:
 - (A) to appear personally and be heard
 - (B) to call and examine witnesses
 - (C) to offer exhibits
 - (D) to cross-examine witnesses
- (5) In addition, the applicant will have the right to be represented by counsel.
- (6) The hearing will be conducted in accordance with the North Carolina Rules of Civil Procedure for nonjury trials insofar as practicable and by the Rules of Evidence applicable in superior court, unless otherwise provided by this subchapter or the parties agree otherwise.
- (7) The hearing shall be reported by a certified court reporter. The applicant will pay the costs associated with obtaining the court reporter's services for the hearing. The applicant shall pay the costs of the transcript and shall arrange for the preparation of the transcript with the court reporter. The applicant may also be taxed with all other costs of the hearing, but the costs shall not include any compensation to the members of the hearing panel.
- (8) The written recommendation of the hearing panel shall be served upon the applicant and the counsel within 14 days of the date of the hearing.

*History Note: Authority G.S. 84A-1 to 84A-8;
Adopted Eff. March 7, 1996;
Amended Eff. February 3, 2000.*