

TITLE 27 - THE NORTH CAROLINA STATE BAR

CHAPTER 1 - RULES AND REGULATIONS OF THE NORTH CAROLINA STATE BAR

SUBCHAPTER 1A - ORGANIZATION OF THE NORTH CAROLINA STATE BAR

SECTION .0100 - FUNCTIONS

27 NCAC 01A .0101 PURPOSE

The North Carolina State Bar shall foster the following purposes, namely:

- (1) to cultivate and advance the science of jurisprudence;
- (2) to promote reform in the law and in judicial procedure;
- (3) to facilitate the administration of justice;
- (4) to uphold and elevate the standards of honor, integrity and courtesy in the legal profession;
- (5) to encourage higher and better education for membership in the profession;
- (6) to promote a spirit of cordiality and unity among the members of the Bar;
- (7) to perform all duties imposed by law.

History Note: *Authority G.S. 84-23;*
 Readopted Eff. December 8, 1994.

27 NCAC 01A .0102 DIVISION OF WORK

- (a) To facilitate the work for the accomplishment of the above enumerated purposes, the council may, from time to time, classify such work under appropriate sections and committees, either standing or special, of the North Carolina State Bar.
- (b) The council shall determine the number of members, composition, method of appointment or election, functions, powers and duties, structure, authority to act, and other matters relating to each committee.
- (c) Any committee may, at the discretion of the appointing or electing authority, be composed of council members or members of the North Carolina State Bar who are not members of the council or of lay persons or of any combination.

History Note: *Authority G.S. 84-22; 84-23;*
 Readopted Eff. December 8, 1994.

27 NCAC 01A .0103 COOPERATION WITH LOCAL BAR ASSOCIATION COMMITTEES

The sections and committees so appointed may secure the cooperation of like sections and committees of the North Carolina Bar Association and all local bar associations of the state.

History Note: *Authority G.S. 84-23;*
 Readopted Eff. December 8, 1994.

27 NCAC 01A .0104 ORGANIZATION OF LOCAL BAR ASSOCIATIONS

The council shall encourage and foster the organization of local bar associations.

History Note: *Authority G.S. 84-23;*
 Readopted Eff. December 8, 1994.

27 NCAC 01A .0105 ANNUAL PROGRAM

The council shall provide a suitable program for each annual meeting of the North Carolina State Bar.

History Note: *Authority G.S. 84-23;*
 Readopted Eff. December 8, 1994.

27 NCAC 01A .0106 REPORTS MADE TO ANNUAL MEETING

The annual reports of the several committees and boards shall be delivered to the secretary of the North Carolina State Bar before the annual meeting.

*History Note: Authority G.S. 84-23;
Readopted Eff. December 8, 1994;
Amended Eff. February 3, 2000.*

SECTION .0200 - MEMBERSHIP - ANNUAL MEMBERSHIP FEES

27 NCAC 01A .0201 CLASSES OF MEMBERSHIP

(a) Two Classes of Membership. Members of the North Carolina State Bar shall be divided into two classes: active members and inactive members.

(b) Active Member. The active members shall be all persons who have obtained licenses entitling them to practice law in North Carolina, including persons serving as justices or judges of any state or federal court in this state, unless classified as inactive members by the council. All active members must pay the annual membership fee.

(c) Inactive Members

(1) The inactive members shall include:

- (A) all persons who have been admitted to the practice of law in North Carolina but who the council has found are not engaged in the practice of law or holding themselves out as practicing attorneys and who do not occupy any public or private position in which they may be called upon to give legal advice or counsel or to examine the law or to pass upon the legal effect of any act, document, or law, and
- (B) those persons granted emeritus pro bono status by the council and allowed to represent indigent clients on a pro bono basis under the supervision of active members working for nonprofit corporations organized pursuant to Chapter 55A of the General Statutes of North Carolina for the sole purpose of rendering legal services to indigents.

(2) Inactive members of the North Carolina State Bar may not practice law, except as provided in this rule for persons granted emeritus pro bono status, and are exempt from payment of membership dues during the period in which they are inactive members. For purposes of the State Bar's membership records, the category of inactive members shall be further divided into the following subcategories:

- (A) Nonpracticing. This subcategory includes those members who are not engaged in the practice of law or holding themselves out as practicing attorneys and who hold positions unrelated to the practice of law, or practice law in other jurisdictions.
- (B) Retired. This subcategory includes those members who are retired from the practice of law and who no longer hold themselves out as practicing attorneys. A retired member must hold himself or herself out as a "Retired Member of the North Carolina State Bar" or by some similar designation, provided such designation clearly indicates that the attorney is "retired."
- (C) Disability inactive status. This subcategory includes members who suffer from a mental or physical condition which significantly impairs the professional judgment, performance, or competence of an attorney, as determined by the courts, the council, or the Disciplinary Hearing Commission.
- (D) Disciplinary suspensions/disbarments. This subcategory includes those members who have been suspended from the practice of law or who have been disbarred by the courts, the council, or the Disciplinary Hearing Commission for one or more violations of the Rules of Professional Conduct.
- (E) Administrative suspensions. This subcategory includes those members who have been suspended from the practice of law, pursuant to the procedure set forth in Rule .0903 of subchapter 01D, for failure to fulfill the obligations of membership.
- (F) Emeritus pro bono status. This subcategory includes those members who are permitted by the council to represent indigent persons under the supervision of active members who are employed by nonprofit corporations duly authorized to provide legal services to such persons. This status may be withdrawn by the council for good cause shown pursuant to the procedure set forth in Rule .0903 of subchapter 01D.

*History Note: Authority G.S. 84-16; 84-23;
Readopted Eff. December 8, 1994;
Amended Eff. March 6, 2014; March 6, 2008.*

27 NCAC 01A .0202 REGISTER OF MEMBERS

(a) Initial Registration with State Bar. Every member shall register by completing and returning to the North Carolina State Bar a signed registration card containing the following information:

- (1) name and address;
- (2) date;
- (3) date passed examination to practice in North Carolina;
- (4) date and place sworn in as an attorney in North Carolina;
- (5) date and place of birth;
- (6) list of all other jurisdictions where the member has been admitted to the practice of law and date of admission;
- (7) whether suspended or disbarred from the practice of law in any jurisdiction or court, and if so, when and where, and when readmitted.

(b) Membership Records of State Bar. The secretary shall keep a permanent register for the enrollment of members of the North Carolina State Bar. In appropriate places therein entries shall be made showing the address of each member, date of registration and class of membership, date of transfer from one class to another, if any, date and period of suspension, if any, and such other useful data which the council may from time to time require.

(c) Updating Membership Information. Each year before July 1, every member shall provide or verify the member's current name, mailing address, and e-mail address.

History Note: Authority G.S. 84-23; 84-34;
Readopted Eff. December 8, 1994;
Amended Eff. October 7, 2010; December 7, 1995;

27 NCAC 01A .0203 ANNUAL MEMBERSHIP FEES; WHEN DUE

(a) Amount and Due Date

The annual membership fee shall be in the amount determined by the council as provided by law and shall be due and payable to the secretary of the North Carolina State Bar on January 1 of each year. The annual membership fee shall be delinquent if not paid by the last day of June of each year. For calendar year 2020 only, the annual membership fee shall be delinquent if not paid by August 31, 2020.

(b) Late Fee

Any attorney who fails to pay the entire annual membership fee in the amount determined by the council as provided by law and the annual Client Security Fund assessment approved by the North Carolina Supreme Court by the last day of June of each year shall also pay a late fee of \$30. For calendar year 2020 only, any attorney who fails to pay the entire annual membership fee in the amount determined by the council as provided by law and the annual Client Security Fund assessment approved by the North Carolina Supreme Court by August, 31, 2020, shall also pay a late fee of \$30.

(c) Waiver of All or Part of Dues

No part of the annual membership fee or Client Security Fund assessment shall be prorated or apportioned to fractional parts of the year, and no part of the membership fee or Client Security Fund assessment shall be waived or rebated for any reason with the following exceptions:

- (1) A person licensed to practice law in North Carolina for the first time by examination shall not be liable for dues or the Client Security Fund assessment during the year in which the person is admitted;
- (2) A person licensed to practice law in North Carolina serving in the armed forces, whether in a legal or nonlegal capacity, will be exempt from payment of dues and Client Security Fund assessment for any year in which the member is on active duty in the military service;
- (3) A person licensed to practice law in North Carolina who files a petition for inactive status on or before December 31 of a given year shall not be liable for the membership fee or the Client Security Fund assessment for the following year if the petition is granted. A petition shall be deemed timely if it is postmarked on or before December 31.

History Note: Authority G.S. 84-23; 84-34;
Readopted Eff. December 8, 1994;
Amended Eff. March 7, 1996; December 7, 1995; September 7, 1995; September 25, 2020.

27 NCAC 01A .0204 GOOD STANDING DEFINITION AND CERTIFICATES

(a) Definition. A lawyer who is an active member of the North Carolina State Bar and who is not subject to a pending administrative or disciplinary suspension or disbarment order or an order of suspension that has been stayed is in good standing with the North Carolina State Bar. An administrative or disciplinary suspension or disbarment order is "pending" if the order has been announced in open court by a state court of competent jurisdiction or by the Disciplinary Hearing Commission, or if the order has been entered by a state court of competent jurisdiction, by the Council or by the Disciplinary Hearing Commission but has not taken effect. "Good standing" makes no reference to delinquent membership obligations, prior discipline, or any disciplinary charges or grievances that may be pending.

(b) Certificate of Good Standing for Active Member. Upon application and payment of the prescribed fee, the Secretary of the North Carolina State Bar shall issue a certificate of good standing to any active member of the State Bar who is in good standing and who is current on all payments owed to the North Carolina State Bar. A certificate of good standing will not be issued unless the member pays any delinquency shown on the financial records of the North Carolina State Bar including outstanding judicial district bar dues. If the member contends that there is good cause for non-payment of some or all of the amount owed, the member may subsequently demonstrate good cause to the Administrative Committee pursuant to the procedure set forth in Rule .0903(e)(1) of Subchapter 01D of these rules. If the member shows good cause, the contested amount shall be refunded to the member.

(c) Certificate of Good Standing for Inactive Member. Upon application, the Secretary of the North Carolina State Bar shall issue a certificate of good standing to any inactive member of the State Bar who was in good standing at the time that the member was granted inactive status and who is not subject to any disciplinary order or pending disciplinary order. The certificate shall state that the member is inactive and is ineligible to practice law in North Carolina.

History Note: Authority G.S. 84-23;
Eff. March 8, 2012.

Codifier's Note: The content of Section .0300 Election and Succession of Officers was moved to Section .0400 September 24, 2015.

SECTION .0300 - PERMANENT RELINQUISHMENT OF MEMBERSHIP IN THE STATE BAR

27 NCAC 01A .0301 EFFECT OF RELINQUISHMENT

(a) Order of Relinquishment. Pursuant to the authority of the council to resolve questions pertaining to membership status as specified in N.C. Gen. Stat. 84-23, the council may allow a member of the State Bar to relinquish his or her membership in the State Bar subject to the conditions set forth in this section. Upon the satisfaction of those conditions, the council may enter an order declaring that the individual is no longer a member of the State Bar and no longer has the privileges of membership set forth in N.C. Gen. Stat. 84-16 and in the rules of the State Bar.

(b) Requirements to Return to Practice of Law. If an individual who has been granted relinquishment of membership desires to return to the practice of law in the state of North Carolina, he or she must apply to the North Carolina Board of Law Examiners and satisfy all of the requirements to obtain a license to practice law in the state of North Carolina as if for the first time.

(c) Prohibition on Representations. Effective upon the date of the order of relinquishment, the former licensee is prohibited from representing that he or she is

- (1) a lawyer in North Carolina,
- (2) licensed to practice law in North Carolina,
- (3) able to provide legal services in North Carolina, or
- (4) a member of the North Carolina State Bar.

History Note: Authority G.S. 84-23;
Adopted Eff. September 24, 2015.

27 NCAC 01A .0302 CONDITIONS FOR RELINQUISHMENT

A member of the State Bar may petition the council to enter an order of relinquishment. An order of relinquishment shall be granted if the petition demonstrates that the following conditions have been satisfied:

(a) Unresolved Complaints. No open, unresolved allegations of professional misconduct are pending against the petitioner in any jurisdiction.

- (b) No Financial Obligation to State Bar. The petitioner has paid all membership fees, Client Security Fund assessments, late fees, and costs assessed by the North Carolina State Bar or the Disciplinary Hearing Commission, and all fees, fines, and penalties owed to the Board of Continuing Legal Education.
- (c) Wind Down of Law Practice. The petitioner has completed the wind down of his or her law practice in compliance with the procedure for winding down the law practice of a suspended or disbarred lawyer set forth in paragraphs (a), (b), and (e) of Rule .0128 of Subchapter 1B and with any other condition on the wind down of a law practice imposed by state, federal, and administrative law. The petition must describe the wind down of the law practice with specificity.
- (d) Acknowledgment. The petitioner acknowledges the following: the State Bar's authority to take the actions described in Rule .0303 of this section; that the sole mechanism for regaining active membership status with the State Bar is to apply to the North Carolina Board of Law Examiners for admission and to satisfy all of the requirements to obtain a license to practice law in the state of North Carolina as if for the first time; and that he or she is not entitled to confidentiality under Rule .0133 of Subchapter 1B of any information relating to professional misconduct received by the State Bar after the date of the entry of the order of relinquishment.
- (e) Address. The petition includes a physical address at which the State Bar can communicate with the petitioner.
- (f) Notarized Petition. The petition is signed in the presence of a notary and notarized.

History Note: Authority G.S. 84-23;
Adopted by the Supreme Court September 24, 2015.

27 NCAC 01A .0303 ALLEGATIONS OF MISCONDUCT RECEIVED BY THE STATE BAR ON OR AFTER THE DATE OF RELINQUISHMENT

- (a) Post Relinquishment Action by State Bar. Relinquishment is not a bar to the initiation or investigation of allegations of professional misconduct and shall not prevent the State Bar from prosecuting a disciplinary action against the former licensee for any violation of the Rules of Professional Conduct that occurred prior to the date of the order of relinquishment.
- (b) Procedure for Investigation. Allegations of misconduct shall be investigated pursuant to the procedures set forth in Section .0100 of Subchapter 1B.
- (c) Release of Information from Investigation. Information from the investigation of allegations of misconduct shall be retained in the State Bar's records and may be released by the State Bar as required by law or as necessary to protect the interests of the public. Release may be made to, but is not limited to, the North Carolina Board of Law Examiners, any professional licensing authority, or any law enforcement or regulatory body investigating the former licensee.

History Note: Authority G.S. 84-23;
Adopted Eff. September 24, 2015.

27 NCAC 01A .0304 ELECTIONS

- (a) A president-elect, vice-president and secretary shall be elected annually by the council at an election to take place at the council meeting held during the annual meeting of the North Carolina State Bar. All elections will be conducted by secret ballot.
- (b) If there are more than two candidates for an office, then any candidate receiving a majority of the votes shall be elected. If no candidate receives a majority, then a run-off shall be held between the two candidates receiving the highest number of votes.

History Note: Authority G.S. 84-22; 84-23;
Readopted Eff. December 8, 1994.

27 NCAC 01A .0305 NOMINATING COMMITTEE

- (a) There shall be a Nominating Committee appointed to nominate one or more candidates for each of the offices. The Nominating Committee shall be composed of the immediate past president and the five most recent living past presidents who are in good standing with the North Carolina State Bar. The Nominating Committee shall meet prior to the council meeting at which the election of officers will be held. The Nominating Committee shall submit its nominations in writing to the secretary at least 45 days prior to the election, and the secretary shall transmit the report by mail to the members of the council at least 30 days prior to the election.
- (b) At the council meeting at which elections are held, the floor shall be open for additional nominations for each office at the time of the election.

History Note: Authority G.S. 84-22; 84-23;
Readopted Eff. December 8, 1994.

27 NCAC 01A .0306 VACANCIES AND SUCCESSION

(a) If the office of president becomes vacant for any reason, including resignation, death, disqualification, or permanent inability, the president-elect shall become president for the unexpired term and the next term. If the office of the president-elect becomes vacant because the president-elect must assume the presidency under the foregoing provision of this section, then the vice-president shall become the president-elect for the unexpired term and at the end of the unexpired term to which the vice-president ascended the office will become vacant and an election held in accordance with Rule .0304 of this Section; if the office of president-elect becomes vacant for any other reason, the vice-president shall become the president-elect for the unexpired term following which said officer shall assume the presidency as if elected president-elect. If the office of vice-president or secretary becomes vacant for any reason, including resignation, death, disqualification, or permanent inability, or if the office of president or president-elect becomes vacant without an available successor under these provisions then the office will be filled by election by the council at a special meeting of the council with such notice as required by Rule .0602 of this Subchapter or at the next regularly scheduled meeting of the council.

(b) If the president is absent or unable to preside at any meeting of the North Carolina State Bar or the council, the president-elect shall preside, or if the president-elect is unavailable, then the vice-president shall preside. If none are available, then the council shall elect a member to preside during the meeting.

(c) If the president is absent from the state or for any reason is temporarily unable to perform the duties of office, the president-elect shall assume those duties until the president returns or becomes able to resume the duties. If the president-elect is unable to perform the duties, then the council may select one of its members to assume the duties for the period of inability.

History Note: Authority G.S. 84-23;
Readopted Eff. December 8, 1994.

27 NCAC 01A .0307 REMOVAL FROM OFFICE

The council may, upon giving due notice and an opportunity to be heard, remove from office any officer found by the council to have a disability or to have engaged in misconduct including misconduct not related to the office.

History Note: Authority G.S. 84-21; 84-23;
Readopted Eff. December 8, 1994;
Amended Eff. February 3, 2000.

SECTION .0400 - ELECTION, SUCCESSION, AND DUTIES OF OFFICERS

27 NCAC 01A .0401 OFFICERS

(a) The officers of the North Carolina State Bar and the council shall consist of a president, a president-elect, a vice-president, and an immediate past president. These officers shall be deemed members of the council in a respects.

(b) There shall be a secretary who shall also have the title of executive director. The secretary shall not be a member of the council.

History Note: Authority G.S. 84-22; 84-23;
Readopted Eff. December 8, 1994;
Amended Eff. September 24, 2015.

27 NCAC 01A .0402 ELIGIBILITY FOR OFFICE

The president, president-elect, and vice-president need not be members of the council at the time of their election.

History Note: Authority G.S. 84-22; 84-23;
Readopted Eff. December 8, 1994;
Amended Eff. September 24, 2015.

27 NCAC 01A .0403 TERM OF OFFICE

- (a) The term of each office shall be one year beginning at the conclusion of the annual meeting. Each officer will hold office until a successor is elected and qualified.
- (b) The president shall assume the office of immediate past president at the conclusion of the term as president. The president-elect shall assume the office of president at the conclusion of the annual meeting following the term as president-elect.

*History Note: Authority G.S. 84-22; 84-23;
Readopted Eff. December 8, 1994;
Amended Eff. September 24, 2015.*

27 NCAC 01A .0404 ELECTIONS

- (a) A president-elect, vice-president and secretary shall be elected annually by the council at an election to take place at the council meeting held during the annual meeting of the North Carolina State Bar. All elections will be conducted by secret ballot.
- (b) If there are more than two candidates for an office, then any candidate receiving a majority of the votes shall be elected. If no candidate receives a majority, then a run-off shall be held between the two candidates receiving the highest number of votes.

*History Note: Authority G.S. 84-22; 84-23;
Readopted Eff. December 8, 1994;
Amended Eff. September 24, 2015.*

27 NCAC 01A .0405 NOMINATING COMMITTEE

- (a) There shall be a Nominating Committee appointed to nominate one or more candidates for each of the offices. The Nominating Committee shall be composed of the immediate past president and the five most recent living past presidents who are in good standing with the North Carolina State Bar. The Nominating Committee shall meet prior to the council meeting at which the election of officers will be held. The Nominating Committee shall submit its nominations in writing to the secretary at least 45 days prior to the election, and the secretary shall transmit the report by mail to the members of the council at least 30 days prior to the election.
- (b) At the council meeting at which elections are held, the floor shall be open for additional nominations for each office at the time of the election.

*History Note: Authority G.S. 84-22; 84-23;
Readopted Eff. December 8, 1994;
Amended Eff. September 24, 2015.*

27 NCAC 01A .0406 VACANCIES AND SUCCESSION

- (a) Succession Upon Mid-term Vacancy in Office. Officer vacancies shall be filled as follows:
- (1) A vacancy in the office of president shall be filled by the president-elect, who shall serve as president for the unexpired term and for the next term.
 - (2) A vacancy in the office of president-elect shall be filled by the vice-president, who shall serve as president-elect for the unexpired term. At the end of the unexpired term, the office of president-elect will become vacant and the council shall elect a president-elect in accordance with Rule .0404 of this subchapter. A former vice-president who served an unexpired term as president-elect pursuant to this subsection will be eligible to stand for election as president-elect.
 - (3) The council shall elect a person to fill the unexpired term created by any vacancy in the office of vice-president or secretary. The election shall occur at a special meeting of the council or at the next regularly scheduled meeting of the council.
 - (4) If there is a vacancy in the office of president or president-elect and there is no available successor under these provisions, the council shall elect a person to fill the unexpired term created by such vacancy. The election shall occur at a special meeting of the council or at the next regularly scheduled meeting of the council.
- (b) Temporary Inability to Preside at Meetings. If the president is absent or is otherwise unable to preside at any meeting of the North Carolina State Bar or the council, the president-elect shall preside. If the president-elect is absent or is otherwise

unable to preside, then the vice-president shall preside. If none of the president, president-elect, or vice-president are present and able to preside, then the council shall elect a member to preside during the meeting.

(c) **Temporary Inability to Perform Duties.** If the president is absent or is otherwise temporarily unable to perform the duties of office, the president-elect shall perform those duties until the president returns or becomes able to resume the duties. If the president-elect is absent or is otherwise temporarily unable to perform the duties of the president, then the council shall select one of its members to perform those duties for the period of the president's absence or inability.

(d) **Temporary Inability of Secretary to Perform Duties.** If the secretary is absent or is otherwise temporarily unable to perform the duties of office, the assistant director and director for management, finance, and communications shall perform those duties until the secretary returns or becomes able to resume the duties. If the assistant director and director for management, finance, and communications is absent or is otherwise unable to perform those duties, the counsel of the State Bar shall perform those duties until the secretary returns or becomes able to resume the duties. If neither the assistant director and director for management, finance, and communications nor the counsel are able to perform those duties, then the president may select a member of the State Bar staff to perform those duties for the period of the secretary's absence or inability.

History Note: Authority G.S. 84-23;
Readopted Effective December 8, 1994;
Amendments Approved by the Supreme Court: September 24, 2015; September 20, 2018.

27 NCAC 01A .0407 REMOVAL FROM OFFICE

The council may, upon giving due notice and an opportunity to be heard, remove from office any officer found by the council to have a disability or to have engaged in misconduct including misconduct not related to the office.

History Note: Authority G.S. 84-22; 84-23;
Readopted Eff. December 8, 1994;
Amended Eff. September 24, 2015.

27 NCAC 01A .0408 COMPENSATION OF OFFICERS

The secretary shall receive a salary fixed by the council. All other officers shall serve without compensation except the per diem allowances fixed by statute for members of the council.

History Note: Authority G.S. 84-22; 84-23;
Readopted Eff. December 8, 1994;
Amended Eff. September 24, 2015.

27 NCAC 01A .0409 PRESIDENT

The president shall preside over meetings of the North Carolina State Bar and the council. The president shall sign all resolutions and orders of the council in the capacity of president. The president shall execute, along with the secretary, all contracts ordered by the council. Pursuant to Rule .0412, the president is authorized to act in the name of the State Bar under emergent circumstances. The president will perform all other duties prescribed for the office by the council.

History Note: Authority G.S. 84-23;
Readopted Eff. December 8, 1994;
Amendments Approved by the Supreme Court: September 24, 2015; September 25, 2019.

27 NCAC 01A .0410 PRESIDENT-ELECT, VICE-PRESIDENT, AND IMMEDIATE PAST PRESIDENT

The president-elect, vice-president, and immediate past president will perform all duties prescribed for the office by the council.

History Note: Authority G.S. 84-23;
Readopted Eff. December 8, 1994;
Amended Eff. September 24, 2015.

27 NCAC 01A .0411 SECRETARY

The secretary shall attend all meetings of the council and of the North Carolina State Bar, and shall record the proceedings of all such meetings. The secretary shall, with the president, president-elect or vice-president, execute all contracts ordered by

the council. He or she shall have custody of the seal of the North Carolina State Bar, and shall affix it to all documents executed on behalf of the council or certified as emanating from the council. The secretary shall take charge of all funds paid into the North Carolina State Bar and deposit them in some bank selected by the council; he or she shall cause books of accounts to be kept, which shall be the property of the North Carolina State Bar and which shall be open to the inspection of any officer, committee or member of the North Carolina State Bar during usual business hours. At each January meeting of the council, the secretary shall make a full report of receipts and disbursements since the previous annual report, together with a list of all outstanding obligations of the North Carolina State Bar. The books of accounts shall be audited as of December 31 of each year and the secretary shall publish same in the annual reports as referred to above. He or she shall perform such other duties as may be imposed upon him or her, and shall give bond for the faithful performance of his or her duties in an amount to be fixed by the council with surety to be approved by the council.

History Note: Authority G.S. 84-23;
Readopted Eff. December 8, 1994;
Amended Eff. September 24, 2015.

27 NCAC 01A .0412 EMERGENCY AUTHORITY

When prompt action is required due to emergent circumstances and it is not practicable or reasonable to assemble a quorum of the council, the president, in consultation with the officers and counsel, is authorized to act in the name of the State Bar to the extent necessary to carry out the functions of the State Bar until the next meeting of the council. Action taken pursuant to this rule shall be presented to the council for ratification at the next council meeting.

History Note: Authority G.S. 84-23;
Adopted Eff. September 25, 2019.

SECTION .0500 – MEETINGS OF THE NORTH CAROLINA STATE BAR

27 NCAC 01A .0501 ANNUAL MEETINGS

The annual meeting of the North Carolina State Bar shall be held at such time and place within the state of North Carolina as the council may determine.

History Note: Authority G.S. 84-23;
Readopted Effective December 8, 1994;
Amendments Approved by the Supreme Court: April 5, 2018.

27 NCAC 01A .0502 SPECIAL MEETINGS

- (a) A special meeting of the North Carolina State Bar may be called to address specific subjects as follows:
- (1) upon direction of the council; or
 - (2) upon delivery to the secretary of a written request by no fewer than 25% of the active members of the North Carolina State Bar setting forth the subject(s) to be addressed.
- (b) At a special meeting, only subjects specified in the notice shall be addressed.
- (c) Any special meeting of the North Carolina State Bar will be held at such time and place within the state of North Carolina as the council or president may determine.

History Note: Authority G.S. 84-23; 84-33;
Readopted Effective December 8, 1994;
Amendments Approved by the Supreme Court: April 5, 2018.

27 NCAC 01A .0503 NOTICE OF MEETINGS

- (a) Notice of any meeting of the North Carolina State Bar shall be given by the secretary by posting a notice at the State Bar headquarters and on the State Bar website or as otherwise directed by the council. Notice shall also be provided as required by N.C. Gen. Stat. § 143-318.12 and by any other statutory provision regulating notice of public meetings of agencies of the state.
- (b) Notice of the annual meeting will be given at least 30 days before the meeting. Notice of any special meeting will be given at least 48 hours before the meeting or as otherwise required by law.

*History Note: Authority G.S. 84-23; 84-33;
Readopted Effective December 8, 1994;
Amendments Approved by the Supreme Court: April 5, 2018.*

27 NCAC 01A .0504 QUORUM

At any annual or special meetings of the North Carolina State Bar those active members of the North Carolina State Bar present shall constitute a quorum. There shall be no voting by proxy or by absentee ballot.

*History Note: Authority G.S. 84-23; 84-33;
Readopted Effective December 8, 1994;
Amendments Approved by the Supreme Court: April 5, 2018.*

27 NCAC 01A .0505 PARLIAMENTARY RULES

Proceedings at any meeting of the North Carolina State Bar shall be governed by Roberts' Rules of Order.

*History Note: Authority G.S. 84-23;
Readopted Eff. December 8, 1994.*

SECTION .0600 – MEETINGS OF THE COUNCIL

27 NCAC 01A .0601 REGULAR MEETINGS

Regular meetings of the council shall be held each year in January, April, and July, at such times and places as the council may determine. A regular meeting of the council shall also be held each year in conjunction with the annual meeting of the North Carolina State Bar at the location of the annual meeting. Any regular meeting may be adjourned from time to time as a majority of members of the council present may determine.

*History Note: Authority G.S. 84-23;
Readopted Effective December 8, 1994;
Amendments Approved by the Supreme Court: June 1, 1995; April 5, 2018.*

27 NCAC 01A .0602 SPECIAL AND EMERGENCY MEETINGS

- (a) A special meeting of the council may be called to address specified subjects as follows:
- (1) by the president in his or her discretion; or
 - (2) by a written request, delivered to the secretary, by eight councilors setting forth the subject(s) to be addressed at the meeting. The secretary will schedule a special meeting to be held no more than 30 days after receipt of the request.
- (b) An emergency meeting of the council may be called by the president to address circumstances that require immediate consideration by the council.
- (c) In the event of incapacity or recusal of the president, the president elect or the vice president may call a special or emergency meeting. In the event of incapacity or recusal of the president elect or the vice president, the immediate past president or secretary may call a special or emergency meeting. In the event of incapacity or recusal of all officers, any member of the council who has served at least two terms may call a special or emergency meeting.

*History Note: Authority G.S. 84-23;
Readopted Effective December 8, 1994;
Amendments Approved by the Supreme Court: April 5, 2018.*

27 NCAC 01A .0603 NOTICE OF MEETINGS

- (a) Notice of any regular meeting of the council will be given by the secretary by posting a notice at the State Bar headquarters and on the State Bar website or as otherwise directed by the council. Notice of any regular meeting will also be provided as required by N.C. Gen. Stat. § 143-318.12 and any other statutory provision regulating notice of public meetings of agencies of the state. Unless otherwise required by law, the secretary will issue notice of any regular meeting of the council at least 30 days before the meeting.
- (b) The secretary will issue notice of any special meeting of the council at least 48 hours before the meeting, or as otherwise required by law. Notices of any special meeting will be sent to each councilor by email, or other electronic means intended to

be individually received by each councilor, to the most recent address of record provided to the State Bar by each councilor for such communications. Notice will be given to any councilor who has not provided an email address, or other electronic means to receive notices, by regular mail. Notice may be sent, but is not required to be sent, by any means authorized for service under the Rules of Civil Procedure.

(c) The secretary will issue reasonable notice of any emergency meeting in a manner consistent with the purpose of the meeting. Such notice may be given through any appropriate means by which each councilor may receive notice on an expedited basis, including telephone, email, or other electronic means.

(d) The notice for any council meeting shall set forth the day, hour, and location of the meeting.

History Note: Authority G.S. 84-23;
Readopted Effective December 8, 1994;
Amendments Approved by the Supreme Court: April 5, 2018.

27 NCAC 01A .0604 QUORUM

At a meeting of the council the presence of 10 councilors shall constitute a quorum. There shall be no voting by proxy or by absentee ballot.

History Note: Authority G.S. 84-23;
Readopted Effective December 8, 1994;
Amendments Approved by the Supreme Court: April 5, 2018.

27 NCAC 01A .0605 MANNER OF MEETING OF COUNCIL

The council will assemble at the time and place provided in the meeting notice. Attendance at a special or emergency council meeting may be by electronic means such as audio or video conferencing. Attendance at a regular council meeting by electronic means may be authorized for an individual councilor in the discretion of the president.

History Note: Authority G.S. 84-23;
Adopted by the Supreme Court April 5, 2018.

27 NCAC 01A .0606 PARLIAMENTARY RULES

Proceedings at any meeting of the council shall be governed by Roberts' Rules of Order.

History Note: Authority G.S. 84-23;
Adopted by the Supreme Court April 5, 2018.

SECTION .0700 – STANDING COMMITTEES OF THE COUNCIL

27 NCAC 01A .0701 STANDING COMMITTEES AND BOARDS

(a) Standing Committees. Promptly after his or her election, the president shall appoint members to the standing committees identified below to serve for one year beginning January 1 of the year succeeding his or her election. Members of the committees need not be councilors, except to the extent expressly required by these rules, and may include non-lawyers. Unless otherwise directed by resolution of the council, all members of a standing committee, whether councilors or non-councilors, shall be entitled to vote as members of the standing committee or any subcommittee or panel thereof.

- (1) Executive Committee. It shall be the duty of the Executive Committee to receive reports and recommendations from standing committees, boards, and special committees; to nominate individuals for appointments made by the council; to make long range plans for the State Bar; and to perform such other duties and consider such other matters as the council or the president may designate.
- (2) Ethics Committee. It shall be the duty of the Ethics Committee to study the rules of professional responsibility currently in effect; to make recommendations to the council for such amendments to the rules as the committee deems necessary or appropriate; to study and respond to questions that arise concerning the meaning and application of the rules of professional conduct; to issue opinions in response to questions of legal ethics in accordance with the provisions of Section .0100 of Subchapter 1D of these rules; to consider issues concerning the regulation of lawyers' trust accounts; and to perform such other duties and consider such other matters as the council or the president may designate.

- (3) Grievance Committee. It shall be the duty of the Grievance Committee to exercise the disciplinary and disability functions and responsibilities set forth in Section .0100 of Subchapter 1B of these rules and to make recommendations to the council for such amendments to that section as the committee deems necessary or appropriate. The Grievance Committee shall sit in subcommittees as assigned by the president. Each subcommittee shall have at least ten members. Two members of each subcommittee shall be nonlawyers, one member may be a lawyer who is not a member of the council, and the remaining members of each subcommittee shall be councilors of the North Carolina State Bar. A quorum of a subcommittee shall be five members serving at a particular time. One subcommittee shall oversee the Attorney Client Assistance Program. It shall be the duty of the Attorney Client Assistance subcommittee to develop and oversee policies and programs to help clients and lawyers resolve difficulties or disputes, including fee disputes, using means other than the formal grievance or civil litigation processes; and to perform such other duties and consider such other matters as the council or the president may designate. Each subcommittee shall exercise the powers and discharge the duties of the Grievance Committee with respect to the grievances, fee disputes, and other matters referred to it by the chairperson of the Grievance Committee. Each subcommittee member shall be furnished a brief description of all matters referred to other subcommittees (and such other available information as he or she may request) and be given a reasonable opportunity to provide comments to such other subcommittees. Each subcommittee's decision respecting the grievances, fee disputes, and other matters assigned to it will be deemed final action of the Grievance Committee, unless the full committee at its next meeting, by a majority vote of those present, elects to review a subcommittee decision and upon further consideration decides to reverse or modify that decision. There will be no other right of appeal to the committee as a whole or to another subcommittee. The president shall designate a vice-chairperson to preside over, and oversee the functions of each subcommittee. The vice-chairpersons shall have such other powers as may be delegated to them by the chairperson of the Grievance Committee. The Grievance Committee shall perform such other duties and consider such other matters as the council or the president may designate.
- (4) Authorized Practice Committee. It shall be the duty of the Authorized Practice Committee to respond to or investigate inquiries and complaints about conduct that may constitute the unauthorized practice of law in accordance with the provisions of Section .0200 of Subchapter 1D of these rules; to study and advise the council on the appropriate and lawful use and regulation of legal assistants, paralegals and other lay persons in connection with the provision of law-related services; to study and advise the council on the regulation of professional organizations; and to perform such other duties and consider such other matters as the council or the president may designate.
- (5) Administrative Committee. It shall be the duty of the Administrative Committee to study and make recommendations on policies concerning the administration of the State Bar, including the administration of the State Bar's facilities, automation, personnel, retirement plan, and district bars; to oversee the membership functions of the State Bar, including the collection of dues, the suspension of members for failure to pay dues and other fees, and the transfer of members to active or inactive status in accordance with the provisions of Sections .0900 and .1000 of Subchapter 1D of these rules; and to perform such other duties and consider such other matters as the council or the president may designate.
- (6) Legal Assistance for Military Personnel (LAMP) Committee. It shall be the duty of the LAMP Committee to serve as liaison for lawyers in the military service in this State; to improve legal services to military personnel and dependents stationed in this State; and to perform such other duties and consider such other matters as the council or the president may designate.
- (7) Finance and Audit Committee. It shall be the duty of the Finance and Audit Committee to superintend annually the preparation of the State Bar's operational budget and to make recommendations to the Executive Committee concerning that budget and the budgets for the boards listed in subsection (b) below; to make recommendations to the Executive Committee regarding the State Bar's financial policies; to examine the financial records of the State Bar at each regular meeting of the council and report its findings to the Executive Committee; to recommend to the Executive Committee annually the retention of an independent auditor; to direct the work of the independent auditor in accordance with the policies and procedures adopted by the council and the state auditor; and to review the results of the annual audit and make recommendations concerning the audit to the Executive Committee.
- (8) Communications Committee. It shall be the duty of the Communications Committee to develop and coordinate official North Carolina State Bar communications to its membership and to third parties, including the use of printed publications, emerging technology, and social media.

(b) Boards. The council of the State Bar shall make appointments to the following boards upon the recommendation of the Executive Committee. The boards are constituents of the North Carolina State Bar and, as standing committees of the State Bar, are subject to the authority of the council.

- (1) Interest on Lawyers' Trust Accounts (IOLTA) Board of Trustees. The IOLTA Board shall be constituted in accordance with and shall carry out the provisions of the Plan for Disposition of Funds Received by the North Carolina State Bar from Interest on Trust Accounts set forth in Section .1300 of Subchapter 1D of these rules.
- (2) Board of Legal Specialization. The Board of Legal Specialization shall be constituted in accordance with and shall carry out the provisions of the Plan of Legal Specialization set forth in Section .1700 of Subchapter 1D of these rules.
- (3) Client Security Fund Board of Trustees. The Client Security Fund Board of Trustees shall be constituted in accordance with and shall carry out the provisions of the Rules Governing the Administration of the Client Security Fund of the North Carolina State Bar set forth in Section .1400 of Subchapter 1D of these rules.
- (4) Board of Continuing Legal Education (CLE). The Board of Continuing Legal Education shall be constituted in accordance with and shall carry out the provisions of the Continuing Legal Education Rules and Regulations of the North Carolina State Bar set forth in Sections .1500 and .1600 of Subchapter 1D of these rules.
- (5) Lawyer Assistance Program Board. The Lawyer Assistance Program Board shall be constituted in accordance with and shall carry out the provisions of the Rules Governing the Lawyer Assistance Program of the North Carolina State Bar set forth in Section .0600 of Subchapter 1D of these rules.

History Note: Authority G.S. 84-22; G.S. 84-23;
Readopted Eff. December 8, 1994;
Amendments Approved by the Supreme Court: June 12, 1996; February 3, 2000; October 6, 2004;
November 16, 2006; March 8, 2007; March 11, 2010; October 7, 2010; September 22, 2016; April 5,
2018; September 25, 2019.

SECTION .0800 - ELECTION AND APPOINTMENT OF STATE BAR COUNCILORS

27 NCAC 01A .0801 PURPOSE

The purpose of these Rules is to promulgate fair, open, and uniform procedures to elect and appoint North Carolina State Bar councilors in all judicial district bars. These Rules should encourage a broader and more diverse participation and representation of all attorneys in the election and appointment of councilors.

History Note: Authority G.S. 84-23;
Readopted Eff. December 8, 1994.

27 NCAC 01A .0802 ELECTION - WHEN HELD; NOTICE; NOMINATIONS

- (a) Every judicial district bar, in any calendar year at the end of which the term of one or more of its councilors will expire, shall fill said vacancy or vacancies at an election to be held during that year.
- (b) The officers of the district bar shall fix the time and place of such election and shall give to each active member (as defined in G.S. 84-16) of the district bar a written notice thereof. Notice may be sent by email or United States Mail to the email or mailing address on file with the North Carolina State Bar. Such notice shall be sent at least 30 days prior to the date of the election.
- (c) The district bar shall submit its written notice by regular mail or email of the election to the North Carolina State Bar, at least six weeks before the date of the election.
- (d) The North Carolina State Bar will, at its expense, email these notices to the lawyers in the district bar holding the election using the lawyers' email address on record with the North Carolina State Bar. If a lawyer does not have an email address on record, the notice shall be sent by regular mail to the lawyer's mailing address on record with the North Carolina State Bar.
- (e) The notice shall state the date, time and place of the election, give the number of vacancies to be filled, identify how and to whom nominations may be made before the election, and advise that all elections must be by a majority of the votes cast. If the election will be held at a meeting of the bar, the notice will also advise that additional nominations may be made from the floor at the meeting itself. In judicial districts that permit elections by mail or early voting, the notice to members shall advise that nominations may be made in writing directed to the president of the district bar and received prior to a date set out in the

notice. Sufficient notice shall be provided to permit nominations received from district bar members to be included on the printed ballots.

History Note: Authority G.S. 84-18; 84-23;
Readopted Eff. December 8, 1994;
Amendments Approved by the Supreme Court: November 5, 1999; August 27, 2013; December 14, 2021.

27 NCAC 01A .0803 ELECTION - VOTING PROCEDURES

- (a) All nominations made either before or at the meeting shall be voted on by secret ballot.
- (b) Cumulative voting shall not be permitted.
- (c) Nominees receiving a majority of the votes cast shall be declared elected.

History Note: Authority G.S. 84-18; 84-23;
Readopted Eff. December 8, 1994;
Amended Eff. November 5, 1999.

27 NCAC 01A .0804 PROCEDURES GOVERNING ELECTIONS BY MAIL

- (a) Judicial district bars may adopt bylaws permitting elections by mail, in accordance with procedures approved by the N.C. State Bar Council and as set out in this Section.
- (b) Only active members of the judicial district bar may participate in elections conducted by mail.
- (c) In districts which permit elections by mail, the notice sent to members referred to in Rule .0802(e) of this Subchapter shall advise that the election will be held by mail.
- (d) The judicial district bar shall mail a ballot to each active member of the judicial district bar at the member's address of record on file with the North Carolina State Bar. The ballot shall be accompanied by written instructions and shall state when and where the ballot should be returned.
- (e) Each ballot shall be sequentially numbered with a red identifying numeral in the upper right hand corner of the ballot. The judicial district bar shall maintain appropriate records respecting how many ballots were mailed to prospective voters in each election, as well as how many ballots are returned.
- (f) Only original ballots will be accepted. No photocopied or faxed ballots will be accepted.

History Note: Authority G.S. 84-18; 84-23;
Eff. November 5, 1999;
Amended Eff. August 23, 2012.

27 NCAC 01A .0805 PROCEDURES GOVERNING ELECTIONS BY ELECTRONIC VOTE

- (a) Judicial district bars may adopt bylaws permitting elections by electronic vote in accordance with procedures approved by the N.C. State Bar Council and as set out in this Section.
- (b) Only active members of the judicial district bar may participate in elections conducted by electronic vote.
- (c) In districts which permit elections by electronic vote, the notice sent to members referred to in Rule .0802(e) of this Subchapter shall advise that the election will be held by electronic vote and shall identify how and to whom nominations may be made before the election. The notice shall explain when the ballot will be available, how to access the ballot, and the method for voting online. The notice shall also list locations where computers will be available for active members to access the online ballot in the event they do not have personal online access.
- (d) Write-in candidates shall be permitted and the instructions shall so state.
- (e) Online balloting procedures must ensure that only one vote is cast per active member of the judicial district bar and that all members have access to a ballot.

History Note: Authority G.S. 84-18;
Eff. August 23, 2012.

27 NCAC 01A .0806 PROCEDURES GOVERNING EARLY VOTING

- (a) Judicial district bars may adopt bylaws permitting early voting for up to 10 business days prior to a councilor election, in accordance with procedures approved by the NC State Bar Council and as set out in this subchapter.
- (b) Only active members of the judicial district bar may participate in early voting.

(c) In districts that permit early voting, the notice sent to members referred to in Rule .0802(e) of this subchapter shall advise that early voting will be permitted, and shall identify the locations, dates, and hours for early voting. The notice shall also advise that nominations may be made in writing directed to the president of the district bar and received prior to a date set out in the notice. Sufficient notice shall be provided to permit nominations received from district bar members to be included on the printed ballots.

(d) The notice sent to members referred to in Rule .0802(e) of this subchapter shall be placed in the United States Mail, postage prepaid, at least 30 days prior to the first day of the early voting period.

(e) Write-in candidates shall be permitted during the early voting period and at the election, and the instructions shall so state.

(f) Early voting locations and hours must be reasonably accessible to all active members of the judicial district.

History Note: Authority G.S. 84-18;
Adopted Eff. August 27, 2013.

27 NCAC 01A .0807 VACANCIES

The unexpired term of any councilor whose office has become vacant because of resignation, death, or any cause other than the expiration of a term, shall be filled within 90 days of the occurrence of the vacancy by an election conducted in the same manner as above provided.

History Note: Authority G.S. 84-18; 84-23.
Readopted Eff. December 8, 1994;
Amended Eff. August 27, 2013; August 23, 2012; November 5, 1999.

SECTION .0900 - ORGANIZATION OF THE JUDICIAL DISTRICT BARS

27 NCAC 01A .0901 BYLAWS

(a) Each judicial district bar shall adopt bylaws for its governance subject to the approval of the council.

(b) Each judicial district bar shall submit its current bylaws to the secretary of the North Carolina State Bar for review by the council on or before June 1, 1996.

(c) Pending review by the council, any bylaws submitted to the secretary on behalf of a judicial district bar or which already exist in the files of the secretary shall be deemed official and authoritative.

(d) All amendments to the bylaws of any judicial district bar must be filed with the secretary within 30 days of adoption and shall have no force and effect until approved by the council.

(e) The secretary shall maintain an official record for each judicial district bar containing bylaws which have been approved by the council or for which approval is pending.

History Note: Authority G.S. 84-4;
Eff. March 7, 1996.

27 NCAC 01A .0902 ANNUAL MEMBERSHIP FEE

If a judicial district bar elects to assess an annual membership fee from its active members pursuant to N.C.G.S. §84-18.1(b), the following procedures shall apply:

(a) Notice to State Bar. The judicial district bar shall notify the North Carolina State Bar of its election to assess an annual membership fee each year at least thirty days prior to mailing to its members the first invoice therefore, specifying the amount of the annual membership fee, the date after which payment will be delinquent, and the amount of any late fee for delinquent payment.

(b) Accounting to State Bar. No later than thirty days after the end of the judicial district bar's fiscal year, the judicial district bar shall provide the North Carolina State Bar with an accounting of the annual membership fees it collected during such judicial district bar's fiscal year.

(c) Delinquency Date. The date upon which the annual membership fee shall be delinquent if not paid shall be not later than ninety days after, and not sooner than thirty days after, the date of the first invoice for the annual membership fee. The delinquency date shall be stated on the invoice and the invoice shall advise each member that failure to pay the annual membership fee must be reported to the North Carolina State Bar and may result in suspension of the member's license to practice law.

(d) Late Fee. Each judicial district bar may impose, but shall not be required, to impose a late fee of any amount not to exceed fifteen dollars (\$15.00) for non-payment of the annual membership fee on or before the stated delinquency date.

(e) Members Subject to Assessment. Only those lawyers who are active members of a judicial district bar may be assessed an annual membership fee.

(f) Members Exempt from Assessment.

- (1) A person licensed to practice law in North Carolina for the first time by examination is not liable for judicial district bar membership fees during the year in which the person is admitted;
- (2) A person licensed to practice law in North Carolina serving in the United States Armed Forces, whether in a legal or nonlegal capacity, is exempt from judicial district bar membership fees for any year in which the member serves some portion thereof on full-time active duty in military service;
- (3) A lawyer who joins a judicial district bar after the beginning of its fiscal year is exempt from the obligation to pay the annual membership fee for that fiscal year only if the lawyer can demonstrate that he or she previously paid an annual membership fee to another judicial district bar with a fiscal year that runs conterminously, for a period of three (3) months or more, with the fiscal year of the lawyer's new judicial district bar.

(g) Hardship Waivers. A judicial district bar may not grant any waiver from the obligation to pay the judicial district bar's annual membership fee. A judicial district bar may waive the late fee upon a showing of good cause.

(h) Reporting Delinquent Members to State Bar. Three to six months after the delinquency date for the annual membership fee, the judicial district bar shall report to the North Carolina State Bar all of its members who have not paid the annual membership fee or any late fee.

History Note: Authority G.S. 84-18.1; 84-23;
Adopted by the Supreme Court December 20, 2000;
Amendments Approved by the Supreme Court: March 6, 2008; April 10, 2014; March 16, 2017.

27 NCAC 01A .0903 FISCAL PERIOD

To avoid conflict with the assessment of the membership fees for the North Carolina State Bar, each judicial district bar that assesses a membership fee shall adopt a fiscal year that is not a calendar year. Any judicial district bar that assesses a mandatory membership fee for the first time after December 31, 2013, must adopt a fiscal year that begins July 1 and ends June 30.

History Note: Authority G.S. 84-18.1; 84-23;
Adopted Eff. December 20, 2000;
Amended Eff. April 10, 2014.

SECTION .1000 - MODEL BYLAWS FOR USE BY JUDICIAL DISTRICT BARS

27 NCAC 01A .1001 NAME

The name of this District Bar shall be THE DISTRICT BAR OF THE _____ JUDICIAL DISTRICT, and shall be hereinafter referred to as the "District Bar".

History Note: Authority G.S. 84-4;
Eff. March 7, 1996.

27 NCAC 01A .1002 AUTHORITY AND PURPOSE

The District Bar is formed pursuant to the provisions of G.S. 84 to promote the purposes therein set forth and to comply with the duties and obligations therein or thereunder imposed upon the Bar of this judicial district.

History Note: Authority G.S. 84-4;
Eff. March 7, 1996.

27 NCAC 01A .1003 MEMBERSHIP

The members of the District Bar shall consist of two classes: active and inactive.

- (1) Active members: The active members shall be all persons who, at the time of the adoption of these bylaws or any time thereafter:
 - (a) are active members in good standing with the North Carolina State Bar; and
 - (b) reside in the judicial district; or

- (c) practice in the judicial district and elect to belong to the District Bar as provided in G.S. 84-16.
- (2) Inactive members: The inactive members shall be all persons, who, at the time of the adoption of these bylaws or at any time thereafter:
 - (a) have been granted voluntary inactive status by the North Carolina State Bar; and
 - (b) reside in the judicial district; and
 - (c) elect to participate, but not vote or hold office, in the District Bar by giving written notice to the Secretary of the District Bar.

*History Note: Authority G.S. 84-4;
Eff. March 7, 1996.*

27 NCAC 01A .1004 OFFICERS

The officers of the District Bar shall be a President, a Vice President, and Secretary and/or Treasurer who shall be selected and shall serve for the terms set out herein.

- (1) President: The President serving at the time these bylaws are effective shall continue to serve for a term ending at the next annual meeting following the adoption or effective date of these bylaws. The President for the following term shall be the then current Vice President. Thereafter, the duly elected Vice President shall automatically succeed to the office of the President for a term of one, two, or three years.
- (2) Vice President: The Vice President serving at the time these bylaws are effective shall continue to serve for a term ending at the next annual meeting following the adoption or effective date of these bylaws, at which time said Vice President shall succeed to the office of the President. Thereafter, the Vice President shall be elected at the annual meeting as hereinafter provided for a term of one, two, or three years.
- (3) Secretary and/or Treasurer: The Secretary and/or the Treasurer serving at the time these bylaws are effective shall each continue to serve in their respective offices until the expiration of the term of that office or until successors are appointed by the President (or be elected by the active members of the District Bar), whichever occurs later. In all other years, the Secretary and/or Treasurer shall be appointed by the President (or be elected by the active members of the District Bar) to serve for a term of one, two, or three years.
- (4) Election: Before (or at) the annual meeting at which officers are to be elected, the Nominating Committee shall submit the names of its nominees for the office of Vice President to the Secretary. Nominations from the floor shall be permitted. If no candidate receives a majority of the votes cast, the candidate with the lowest number of votes shall be eliminated and a run-off election shall immediately be held among the remaining candidates. This procedure shall be repeated until a candidate receives a majority of the votes.
- (5) Duties: The duties of the officers shall be those usual and customary for such officers, including such duties as may from time to time designated by resolutions of the District Bar, the North Carolina State Bar Council or the laws of the State of North Carolina.
- (6) Vacancies: If a vacancy in the office of the Vice President, Secretary-Treasurer occurs, the vacancy will be filled by the Board of Directors, if any, and if there is no Board of Directors, then by the vote of the active members at a special meeting of such members. The successor shall serve until the next annual meeting of the District Bar. If the office of the President becomes vacant, the Vice President shall succeed to the office of the President and the Board of Directors, if any, and if there is no Board of Directors, then by the vote of the active members at a special meeting of such members, will select a new Vice President, who shall serve until the next annual meeting.
- (7) Notification: Within 10 days following the annual meeting, or the filling of a vacancy in any office, the President shall notify the Executive Director of the North Carolina State Bar of the names, addresses and telephone numbers of all officers of the District Bar.
- (8) Record of Bylaws: The President shall ensure that a current copy of these bylaws is filed with the office of the Senior Resident Superior Court Judge with the _____ Judicial District and with the Executive Director of the North Carolina State Bar.
- (9) Removal from Office: The District Bar, by a two-thirds vote of its active members present at a duly called meeting, may, after due notice and an opportunity to be heard, remove from office any officer who has engaged in conduct which renders the officer unfit to serve, or who has become disabled, or for other good cause. The office of any officer who, during his or her term of office ceases to be an active member of the North Carolina State Bar shall immediately be deemed vacant and shall be filled as provided in Item (6) of this Rule.

History Note: Authority G.S. 84-4;
Eff. March 7, 1996.

27 NCAC 01A .1005 COUNCILOR

The district bar shall be represented in the State Bar council by one or more duly elected councilors, the number of councilors being determined pursuant to G.S. 84-17. Any councilor serving at the time of the adoption of these bylaws shall complete the term of office to which he or she was previously elected. Thereafter, elections shall be held as necessary. Nominations shall be made and the election held as provided in G.S. 84-18 and in Section .0800 et seq. of Subchapter 01A of the Rules of the North Carolina State Bar (27 NCAC 01A .0800 et seq.). If more than one council seat is to be filled, separate elections shall be held for each vacant seat. A vacancy in the office of councilor shall be filled as provided by 27 NCAC 01A .0804 of Subchapter 01A of the Rules of the North Carolina State Bar (27 NCAC 01A .0804).

History Note: Authority G.S. 84-18.1; 84-23;
Adopted Eff. March 7, 1996;
Amended Eff. November 5, 1999.

27 NCAC 01A .1006 ANNUAL MEMBERSHIP FEE

(a) Each active member of the District Bar shall:

- (1) Pay such annual membership fee, if any, as is prescribed by a majority vote of the active members of the District Bar present and voting at a duly called meeting of the District Bar, provided, however, that such fee may never exceed the amount of the annual membership fee currently imposed by the North Carolina State Bar. Each member shall pay the annual District Bar membership fee at the time and place set forth in the notice thereof mailed to the member by the Secretary-Treasurer; and
- (2) Keep the Secretary-Treasurer notified of the member's current mailing address and telephone number.

(b) The annual membership fee shall be used to promote and maintain the administration, activities and programs of the District Bar.

History Note: Authority G.S. 84-4;
Eff. March 7, 1996.

27 NCAC 01A .1007 MEETINGS

(a) Annual meetings: The district bar shall meet each _____ at a time and place designated by the president. The president, secretary or other officer shall mail or deliver written notice of the annual meeting to each active member of the district bar at the member's last known mailing address on file with the district bar at least ten days before the date of the annual meeting and shall so certify in the official minutes of the meeting. Notice of the meeting mailed by the executive director of the North Carolina State Bar shall also satisfy the notice requirement. Failure to mail or deliver the notice as herein provided shall invalidate any action at the annual meeting.

(b) Special meetings: Special meetings, if any, may be called at any time by the president or the vice-president. The president, secretary or other officer shall mail or deliver written notice of the special meeting to each active member of the district bar at the member's last known mailing address on file with the district bar at least ten days before the date of any special meeting. Such notice shall set forth the time and place for the special meeting and the purpose(s) thereof. Failure to mail or deliver the notice shall invalidate any action taken at a special meeting.

(c) Notice for meeting to vote on annual membership fee: Notwithstanding the notice periods set forth in paragraphs (a) and (b) of this Rule, the written notice for any meeting at which the active members will vote on whether to impose or increase an annual membership fee shall be mailed or delivered to each active member of the district bar at the member's last known mailing address on file with the North Carolina State Bar at least 30 days before the date of the meeting.

(d) Quorum: Twenty percent of the active members of the district bar shall constitute a quorum, and a quorum shall be required to take official action on behalf of the district bar.

History Note: Authority G.S. 84-18.1; 84-23;
Adopted Eff. March 7, 1996;
Amended Eff. October 7, 2010.

27 NCAC 01A .1008 DISTRICT BAR FINANCES

- (a) Fiscal Year: The district bar's fiscal year shall begin on _____ and shall end on _____.
- (b) Duties of treasurer: The treasurer shall maintain the funds of the district bar on deposit, initiate any necessary disbursements and keep appropriate financial records.
- (c) Annual financial report: Each _____ before the annual meeting, the treasurer shall prepare the district bar's annual financial report for review by the board of directors, if any, and submission to the district bar's annual meeting and the North Carolina State Bar.
- (d) District bar checks: All checks written on district bar accounts (arising from the collection of mandatory dues) that exceed five hundred dollars (\$500.00) must be signed by two of the following: (1) the treasurer, (2) any other officer, (3) another member of the board of directors, or (4) the executive secretary/director, if any.
- (e) Fidelity bond: If it is anticipated that receipts from membership fees will exceed twenty thousand dollars (\$20,000.00) for any fiscal year, the district bar shall purchase a fidelity bond at least equal in amount to the anticipated annual receipts to indemnify the district bar for losses attributable to the malfeasance of the treasurer or any other member having access to district bar funds.
- (f) Taxpayer identification number: The treasurer shall be responsible for obtaining a federal taxpayer identification number for the district bar.

*History Note: Authority G.S. 84-18.1; 84-23;
Adopted Eff. March 7, 1996;
Amended Eff. July 22, 1999.*

27 NCAC 01A .1009 PROHIBITED ACTIVITIES

- (a) Prohibited Expenditures: Mandatory District Bar dues, if any, shall not be used for the purchase of alcoholic beverages, gifts to public officials, including judges, charitable contributions, recreational activities or expenses of spouses of District Bar members or officers. However, such expenditures may be made from funds derived entirely from the voluntary contributions of District Bar members.
- (b) Political Expenditures: The District Bar shall not make any expenditures to fund political and ideological activities.
- (c) Political Activities: The District Bar shall not engage in any political or ideological conduct or activity, including the endorsement of candidates and the taking or advocacy of positions on political issues, referendums, bond elections, and the like, however, the District Bar, and persons speaking on its behalf, may take positions on, or comment upon, issues relating to the regulation of the legal profession and issues or matters relating to the improvement of the quality and availability of legal services to the general public.

*History Note: Authority G.S. 84-4;
Eff. March 7, 1996.*

27 NCAC 01A .1010 COMMITTEES

- (a) Standing committee(s): The standing committees shall be the Nominating Committee, Pro Bono Committee, Grievance Committee, and Professionalism Committee provided that, with respect to the Grievance Committee, the district meets the State Bar guidelines relating thereto.
- (b) Grievance Committee:
 - (1) The Grievance Committee shall consist of at least five but not more than thirteen persons appointed by the president to staggered three year terms as provided by the Rules and Regulations of the North Carolina State Bar governing Judicial District Grievance Committees.
 - (2) The Grievance Committee shall assist the Grievance Committee of the North Carolina State Bar by receiving grievances, investigating grievances, evaluating grievances, informally mediating disputes, facilitating communication between lawyers and clients and referring members of the public to other appropriate committees or agencies for assistance.
 - (3) The Grievance Committee shall operate in strict accordance with the rules and policies of the North Carolina State Bar with respect to district bar grievance committees.
- (c) Special Committees: Special committees may be created and appointed by the president.
- (d) Nominating Committee:
 - (1) The Nominating Committee shall be appointed by the officers (or the board of directors) of the district bar and shall consist of at least three active members of the district bar who are not officers or directors of the district bar.

- (2) The Nominating Committee shall meet as necessary for the purpose of nominating active members of the district bar as candidates for officers and councilor(s) and the board of directors, if any.
 - (3) The Nominating Committee members shall serve one-year terms beginning on _____ and ending on _____.
 - (4) Any active member whose name is submitted for consideration for nomination to any office or as a councilor must have indicated his or her willingness to serve if selected.
- (e) Pro Bono Committee:
- (1) The Pro Bono Committee shall consist of at least five active members of the district bar appointed by the president.
 - (2) The Pro Bono Committee shall meet at least once each quarter and shall have the duty of encouraging members of the district bar to provide pro bono legal services. The committee shall also develop programs whereby attorneys not involved in other volunteer legal service programs may provide pro bono legal service in their areas of concentration and practice.
 - (3) The members of the Pro Bono Committee shall serve one-year terms commencing on _____.
- (f) Professionalism Committee:
- (1) The Professionalism Committee shall consist of the three immediate past presidents of the district bar or such other members of the district bar as shall be appointed by the president.
 - (2) The purpose of the Professionalism Committee shall be the promotion of professionalism and thereby the bolstering of public confidence in the legal profession. The committee may further enhance professionalism through CLE programs and, when appropriate, through confidential peer intervention in association with the Professionalism Support Initiative (PSI) which is sponsored and supported by the Chief Justice's Commission on Professionalism. The PSI effort is to investigate and informally assist with client-lawyer, lawyer-lawyer, and lawyer-judge relationships to ameliorate disputes, improve communications, and repair relationships. The Professionalism Committee shall have no authority to discipline any lawyer or judge, or to force any lawyer or judge to take any action. The committee shall not investigate or attempt to resolve complaints of professional misconduct cognizable under the Rules of Professional Conduct and shall act in accordance with Rules 1.6(c) and 8.3 of the Rules of Professional Conduct. The committee shall consult and work with the Chief Justice's Commission on Professionalism when appropriate.

*History Note: Authority G.S. 84-18.1; 84-23;
Adopted Eff. March 7, 1996;
Amendments Approved by the Supreme Court: March 6, 2002; March 6, 2008; September 25, 2019.*

27 NCAC 01A .1011 BOARD OF DIRECTORS OR EXECUTIVE COMMITTEE

- (a) Membership of Board: A Board of Directors consisting of at least _____ active members of the District Bar shall be elected. At all times, the Board of Directors shall include at least one director from each county in the Judicial District. The Board of Directors serving when these bylaws become effective shall continue to serve until the following annual meeting. Beginning on _____ immediately after the effective date of these bylaws, the President shall appoint an initial Board of Directors who shall serve three-year terms commencing on _____, except that the terms of the initial members of the Board shall be staggered at one-year intervals to ensure continuity and experience. To effect the staggered initial terms, the President will determine which of the initial members shall serve terms of less than three years. The State Bar Councilor (or Councilors) from the judicial district shall be an ex officio member (or members) of the District Bar Board of Directors or Executive Committee.
- (b) Terms of Directors: After the initial staggered terms of the Board of Directors expire, successors shall be elected by the active members at the annual District Bar meeting, as set out in Rule .1004 (d) of this Section, and Paragraphs (c) and (d) of this Rule. Following the completion of the initial staggered terms, the directors shall serve three-year terms beginning on _____ following their election.
- (c) Designated and At-Large Seats in Multi-County Districts: In multi-county districts, one seat on the Board of Directors shall be set aside and designated for each county in the district. Only active members of the District Bar who reside or work in the designated county may be elected to a designated county seat. All other seats on the Board of Directors shall be at-large seats which may be filled by any active member of the District Bar.
- (d) Elections: When one or more seats on the Board of Directors become vacant, an election shall be held at the annual meeting of the District Bar. Except as otherwise provided herein, the election shall be conducted as provided for in Rule .1004(d) of this Section. The candidates receiving the highest number of votes cast will be elected, regardless of whether any

of the candidates received a majority of the votes cast, provided that designated seats will be filled by the candidates receiving the highest number of votes who live or work in the designated county, regardless of whether any of the candidates received a majority of the votes cast.

(e) Vacancies: If a vacancy occurs on the Board of Directors, the President (or the Board of Directors) shall appoint a successor who shall serve until the next annual meeting of the District Bar. If the vacancy occurs in a designated seat for a particular county within the district, the successor will be selected from among the active members of the District Bar who live or work in the designated county.

(f) Duties of Board of Directors: The Board of Directors shall have the responsibilities described Rules .1004(f) and .1007(c) of this Section. The Board of Directors shall also consult with the officers regarding any matters of District Bar business or policy arising between meetings and may act for the District Bar on an emergency basis if necessary, provided that any such action shall be provisional pending its consideration by the District Bar at its next duly called meeting. The Board of Directors may not impose on its own authority any sort of fee upon the membership.

History Note: Authority G.S. 84-4;
Eff. March 7, 1996.

27 NCAC 01A .1012 AMENDMENT OF THE BYLAWS

The membership of the District Bar, by a _____ (majority, two-thirds, etc.) vote of the active members present at any duly called meeting at which there is a quorum present and voting throughout, may amend these bylaws in ways not inconsistent with the constitution of the United States, the policies and rules of the North Carolina State Bar and the laws of the United States and North Carolina.

History Note: Authority G.S. 84-4;
Eff. March 7, 1996.

27 NCAC 01A .1013 SELECTION OF NOMINEES FOR DISTRICT COURT JUDGE

Unless otherwise required by law, the following procedures shall be used to determine the nominees to be recommended to the Governor pursuant to G.S. 7A-142 for vacant district court judgeships in the judicial district.

(a) Meeting for Nominations: The nominees shall be selected by secret, written ballot of those members present at a meeting of the district bar called for this purpose. Fifteen (15) days notice of the meeting shall be given, by mail, to the last known address of each district bar member. Alternatively, if a bylaw permitting elections by mail is adopted by the district bar, the procedures set forth in the bylaw and in Rule .0804 of Subchapter 01A of the Rules of the North Carolina State Bar (27 NCAC 01A .0804), shall be followed.

(b) Candidates: Persons who want to be considered for the vacancy shall notify the President in writing five (5) days prior to the meeting at which the election will be conducted or, if the election is by mail, five days prior to the mailing of the ballots.

(c) Voting: Each district bar member eligible to vote pursuant to G.S. 7A-142 may vote for up to five (5) candidates. Cumulative voting is prohibited. Proxy voting is prohibited.

(d) Submission to Governor: The five candidates receiving the highest number of votes shall be the nominees to fill the vacancy on the district court and their names, and vote totals, shall be transmitted to the governor. In the event of a tie for fifth place, the names of those candidates involved in the tie shall be transmitted to the governor together with the names of the four candidates receiving the highest number of votes.

History Note: Authority G.S. 7A-142; 84-18.1; 84-23;
Adopted Eff. February 27, 2003;
Amended Eff. March 6, 2014.

SECTION .1100 - OFFICE OF THE NORTH CAROLINA STATE BAR

27 NCAC 01A .1101 OFFICE

Until otherwise ordered by the council, the office of the North Carolina State Bar shall be maintained in the city of Raleigh at such place as may be designated by the council.

History Note: Authority G.S. 84-23;
Readopted Eff. December 8, 1994.

SECTION .1200 - FILING PAPERS WITH AND SERVING THE NORTH CAROLINA STATE BAR

27 NCAC 01A .1201 WHEN PAPERS ARE FILED UNDER THESE RULES AND REGULATIONS

Whenever in these rules and regulation there is a requirement that petitions, notices or other documents be filed with or served on the North Carolina State Bar, or the council, the same shall be filed with or served on the secretary of the North Carolina State Bar.

*History Note: Authority G.S. 84-23;
Readopted Eff. December 8, 1994.*

SECTION .1300 - SEAL

27 NCAC 01A .1301 FORM AND CUSTODY OF SEAL

The North Carolina State Bar shall have a seal round in shape and having the words and figures, "The North Carolina State Bar July 1, 1933," with the word "Seal" in the center. The seal shall remain in the custody of the secretary at the office of the North Carolina State Bar, unless otherwise ordered by the council.

*History Note: Authority G.S. 84-23;
Readopted Eff. December 8, 1994.*

SECTION .1400 – RULE SECTION NOT FOUND

27 NCAC 01A .1401 PUBLICATION FOR COMMENT

- (a) As a condition precedent to adoption, a proposed rule or amendment to a rule must be published for comment as provided in subsection (c).
- (b) A proposed rule or amendment to a rule must be presented to the Executive Committee and the council prior to publication for comment, and specifically approved for publication by both.
- (c) A proposed rule or amendment to a rule must be published for comment in an official printed or digital publication of the North Carolina State Bar that is mailed or emailed to the membership at least 30 days in advance of its final consideration by the council. The publication of any such proposal must be accompanied by a prominent statement inviting all interested parties to submit comment to the North Carolina State Bar at a specified postal or e-mail address prior to the next meeting of the Executive Committee, the date of which shall be set forth.

*History Note: Authority G.S. 84-23;
Adopted by the Supreme Court August 23, 2007;
Amendments Approved by the Supreme Court: September 20, 2018.*

27 NCAC 01A .1402 REVIEW BY THE EXECUTIVE COMMITTEE

At its next meeting following the publication or republication of any proposed rule or amendment to a rule, the Executive Committee shall review the proposal and any comment that has been received concerning the proposal. The Executive Committee shall then:

- (1) recommend the proposal's adoption by the council;
- (2) recommend the proposal's adoption by the council with nonsubstantive modification;
- (3) recommend to the council that the proposal be republished with substantive modification;
- (4) defer consideration of the matter to its next regular business meeting;
- (5) table the matter; or
- (6) reject the proposal.

*History Note: Authority G.S. 84-23;
Eff. August 23, 2007.*

27 NCAC 01A .1403 ACTION BY THE COUNCIL AND REVIEW BY THE NORTH CAROLINA SUPREME COURT

(a) Whenever the Executive Committee recommends adoption of any proposed rule or amendment to a rule in accordance with the procedure set forth in Rule .1402 above, the council at its next regular business meeting shall consider the proposal, the Executive Committee's recommendation, and any comment received from interested parties, and:

- (1) decide whether to adopt the proposed rule or amendment, subject to the approval of the North Carolina Supreme Court as described in G.S. 84-21;
- (2) reject the proposed rule or amendment; or
- (3) refer the matter back to the Executive Committee for reconsideration.

(b) Any proposed rule or amendment to a rule adopted by the council shall be transmitted by the secretary to the North Carolina Supreme Court for its review on a schedule approved by the Court, but in no event later than 120 days following the council's adoption of the proposed rule or amendment.

(c) A proposed rule or amendment to a rule adopted by the council shall take effect when it is entered upon the minutes of the North Carolina Supreme Court.

(d) The secretary shall promptly transmit the official text of any proposed rule or amendment to a rule adopted by the council and approved by the North Carolina Supreme Court to the Office of Administrative Hearings for publication in the North Carolina Administrative Code.

(e) Any action taken by the council or the North Carolina Supreme Court in regard to any proposed rule or amendment to a rule shall be reported in the next issue of the printed publication referenced in Rule .1401 above.

History Note: Authority G.S. 84-23;
Adopted by the Supreme Court August 23, 2007;
Amendments Approved by the Supreme Court: September 20, 2018.