

27 NCAC 01B .0105 CHAIRPERSON OF THE GRIEVANCE COMMITTEE: POWERS AND DUTIES

- (a) The chairperson of the Grievance Committee will have the power and duty
- (1) to supervise the activities of the counsel;
 - (2) to recommend to the Grievance Committee that an investigation be initiated;
 - (3) to recommend to the Grievance Committee that a grievance be dismissed;
 - (4) to direct a letter of notice to a respondent or direct the counsel to issue letters of notice in such cases or under such circumstances as the chairperson deems appropriate;
 - (5) to issue, at the direction and in the name of the Grievance Committee, a letter of caution, letter of warning, an admonition, a reprimand, or a censure to a member;
 - (6) to notify a respondent that a grievance has been dismissed, and to notify the complainant in accordance with Rule .0121 of this Subchapter;
 - (7) to call meetings of the Grievance Committee;
 - (8) to issue subpoenas in the name of the North Carolina State Bar or direct the secretary to issue such subpoenas;
 - (9) to administer or direct the administration of oaths or affirmations to witnesses;
 - (10) to sign complaints and petitions in the name of the North Carolina State Bar;
 - (11) to determine whether proceedings should be instituted to activate a suspension which has been stayed;
 - (12) to enter orders of reciprocal discipline in the name of the Grievance Committee;
 - (13) to direct the counsel to institute proceedings in the appropriate forum to determine if an attorney is in violation of an order of the Grievance Committee, the commission, or the council;
 - (14) to rule on requests for reconsideration of decisions of the Grievance Committee regarding grievances;
 - (15) to tax costs of the disciplinary procedures against any defendant against whom the Grievance Committee imposes discipline, including a minimum administrative cost of fifty dollars (\$50.00);
 - (16) to dismiss a grievance upon request of the complainant, where it appears that there is no probable cause to believe that the respondent has violated the Rules of Professional Conduct and where counsel consents to the dismissal;
 - (17) to dismiss a grievance where it appears that the grievance has not been filed within the time period set out in Rule .0111(e);
 - (18) to dismiss a grievance where it appears that the complaint, even if true, fails to state a violation of the Revised Rules of Professional Conduct and where counsel consents to the dismissal;
 - (19) to dismiss a grievance where it appears that there is no probable cause to believe that the respondent has violated the Revised Rules of Professional Conduct and where counsel and a member of the Grievance Committee designated by the committee consent to the dismissal;
 - (20) to appoint a subcommittee to make recommendations to the council for such amendments to the Discipline and Disability Rules as the subcommittee deems necessary or appropriate.
- (b) Absence of Chairperson and Delegation of Duties. The president, vice-chairperson, or a member of the Grievance Committee designated by the president or the chairperson or vice-chairperson of the committee may perform the functions, exercise the power, and discharge the duties of the chairperson or any vice-chairperson when the chairperson or a vice-chairperson is absent or disqualified.
- (c) Delegation of Authority. The chairperson may delegate his or her authority to the president, the vice-chairperson of the committee, or a member of the Grievance Committee.

*History Note: Authority G.S. 84-23;
Readopted Eff. December 8, 1994;
Amended Eff. August 23, 2012; March 10, 2011; February 3, 2000; March 3, 1999; December 30, 1998; October 2, 1997; March 6, 1997; February 20, 1995.*