

27 NCAC 01B .0109 HEARING PANEL: POWERS AND DUTIES

Hearing panels of the Disciplinary Hearing Commission of the North Carolina State Bar will have the following powers and duties:

- (1) to hold hearings on complaints alleging misconduct, or petitions seeking a determination of disability or reinstatement, or motions seeking the activation of suspensions which have been stayed, and to conduct proceedings to determine if persons or corporations should be held in contempt pursuant to G.S. 84-28.1(b1);
- (2) to enter orders regarding discovery and other procedures in connection with such hearings, including, in disability matters, the examination of a member by such qualified medical experts as the panel will designate;
- (3) to subpoena witnesses and compel their attendance, and to compel the production of books, papers, and other documents deemed necessary or material to any hearing. Subpoenas will be issued by the chairperson of the hearing panel in the name of the commission. The chairperson may direct the secretary to issue such subpoenas;
- (4) to administer or direct the administration of oaths or affirmations to witnesses at hearings;
- (5) to make findings of fact and conclusions of law;
- (6) to enter orders dismissing complaints in matters before the panel;
- (7) to enter orders of discipline against or letters of warning to defendants in matters before the panel;
- (8) to tax costs of the disciplinary proceedings against any defendant against whom discipline is imposed, provided, however, that such costs will not include the compensation of any member of the council, panels, or agencies of the North Carolina State Bar;
- (9) to enter orders transferring a member to disability inactive status;
- (10) to report to the council its findings of fact and recommendations after hearings on petitions for reinstatement of disbarred attorneys;
- (11) to grant or deny petitions of attorneys seeking transfer from disability inactive status to active status;
- (12) to enter orders reinstating suspended attorneys or denying reinstatement. An order denying reinstatement may include additional sanctions in the event violations of the petitioner's order of suspension are found;
- (13) to enter orders activating suspensions which have been stayed or continuing the stays of such suspensions.
- (14) to enter orders holding persons and corporations in contempt pursuant to G.S. 84-28.1(b1) and imposing such sanctions allowed by law.

*History Note: Authority G.S. 84-23; 84-28; 84-28.1;
Readopted Eff. December 8, 1994;
Amended Eff. October 8, 2009; March 3, 1999.*