

27 NCAC 01D .0206 AUTHORIZED PRACTICE COMMITTEE - POWERS AND DUTIES

The Authorized Practice Committee shall have the power and duty

- (1) to direct the counsel to investigate any alleged unauthorized practice of law by any person, firm, or corporation in this State;
- (2) to hold preliminary hearings, find probable cause, and recommend to the Executive Committee that a complaint for injunction be filed in the name of the State Bar against the respondent;
- (3) to dismiss allegations of the unauthorized practice of law upon a finding of no probable cause;
- (4) to issue letters of caution, which may include a demand to cease and desist, to respondents in cases where the Committee concludes either that:
 - (a) there is probable cause established to believe respondent has engaged in the unauthorized practice of law in North Carolina, but
 - (i) respondent has agreed to refrain from engaging in the conduct in the future;
 - (ii) respondent is unlikely to engage in the conduct again; or
 - (iii) either referral to a district attorney or complaint for injunction is not warranted under the circumstances; or
 - (b) there is no probable cause established to believe respondent has engaged in the unauthorized practice of law in North Carolina, but
 - (i) the conduct of the respondent may be improper and may become the basis for injunctive relief if continued or repeated; or
 - (ii) the Committee otherwise finds it appropriate to caution the respondent.
- (5) to direct counsel to stop an investigation and take no action;
- (6) to refer a matter to another agency, including the district attorney for criminal prosecution and to other committees of the North Carolina State Bar; and
- (7) to issue advisory opinions in accordance with procedures adopted by the council as to whether the actual or contemplated conduct of nonlawyers would constitute the unauthorized practice of law in North Carolina.

*History Note: Authority G.S. 84-37;
Readopted Eff. December 8, 1994;
Amended Eff. October 6, 2004; February 3, 2000, February 20, 1995.*