

27 NCAC 01G .0123 INACTIVE STATUS UPON DEMONSTRATION OF HARDSHIP

(a) Inactive Status. The board shall transfer a certified paralegal to inactive status upon receipt of a petition, on a form approved by the board, demonstrating hardship as defined in Paragraph (b) of this Rule and upon payment of any fees owed to the board at the time of the petition unless waived by the board.

- (1) The period of inactive status shall be one year from the designated renewal date.
- (2) On or before the expiration of inactive status, a paralegal on inactive status must file a petition for (continued) inactive status or seek reinstatement to active status by filing a renewal application pursuant to Rule .0120 of this Subchapter. Failure to petition for continued inactive status or renewal shall result in lapse of certification.
- (3) A paralegal may be inactive for not more than a total of five consecutive years.
- (4) During a period of inactive status, a paralegal is not required to pay the renewal fee or to complete continuing legal education.
- (5) During a period of inactive status, a paralegal shall not be entitled to represent that he or she is a North Carolina certified paralegal or to use any of the designations set forth in Rule .0117(4) of this Subchapter.

(b) Hardship. The following conditions shall qualify as hardship justifying a transfer to inactive status:

- (1) Financial inability to pay the annual renewal fee and to pay for continuing legal education courses due to unemployment or underemployment of the paralegal for a period of three months or more;
- (2) Disability or serious illness for a period of three months or more;
- (3) Active military service; and
- (4) Transfer of the paralegal's active duty military spouse to a location outside of North Carolina.

(c) Reinstatement before Expiration of Inactive Status. To be reinstated as a certified paralegal, the paralegal must petition the board for reinstatement by filing a renewal application prior to the expiration of the inactive status period and must pay the annual renewal fee. If the paralegal was inactive for a period of two consecutive calendar years or more during the year prior to the filing of the petition, the paralegal must complete 12 hours of credit in board-approved continuing paralegal education, or its equivalent. Of the 12 hours, at least 2 hours shall be devoted to the areas of professional responsibility or professionalism, or any combination thereof.

(d) Certification after Expiration of Inactive Status Period. If the inactive status period expires before the paralegal petitions for reinstatement, certification shall lapse, and the paralegal cannot again be certified unless the paralegal qualified upon application made as if for initial certification.

*History Note: Authority G.S. 84-23;
Eff. August 24, 2012.*