

27 NCAC 01B .0111 GRIEVANCES: FORM AND FILING

- (a) Standing Requirements – To be considered by the State Bar, a grievance must
- (1) allege conduct that, if true, constitutes attorney misconduct in violation of Chapter 84 of the North Carolina General Statutes and/or constitutes a violation of the North Carolina Rules of Professional Conduct; and
 - (2) be filed by a person with standing, defined as:
 - (A) An attorney or judge pursuant to the obligation to report misconduct in accordance with Rule of Professional Conduct 8.3;
 - (B) A judge, attorney, court employee, juror, party, or client in the legal matter that is the subject of the grievance; or
 - (C) A person who has a cognizable interest in or connection with the legal matter or facts alleged in the grievance, or that person's representative.
 - (3) The State Bar may open and investigate a grievance upon its own initiative if it discovers facts that, if true, would constitute attorney misconduct.
 - (4) If the counsel receives information that a member has used or is using illicit substances, the counsel will follow the provisions of Rule .0130 of this Subchapter.
- (b) Grievance Filing Form. The counsel may require that a grievance be reduced to writing and may prepare and require use of standard forms for this purpose.
- (c) The counsel may investigate any allegations of attorney misconduct coming to the counsel's attention.
- (d) Confidential Reports of Attorney Misconduct. The State Bar may keep confidential the identity of an attorney or judge who reports alleged misconduct pursuant to Rule of Professional Conduct 8.3 and who requests to remain anonymous. Notwithstanding the foregoing, the North Carolina State Bar will reveal the identity of a reporting attorney or judge to the respondent when such disclosure is required by law, or by considerations of due process or when identification of the reporting attorney or judge is essential to preparation of the respondent's defense to the grievance or defense to a formal disciplinary complaint.
- (e) The counsel may decline to investigate the following allegations:
- (1) that a member provided ineffective assistance of counsel in a criminal case, unless a court has granted a motion for appropriate relief based upon the member's conduct;
 - (2) that a plea entered in a criminal case was not made voluntarily and knowingly, unless a court granted a motion for appropriate relief based upon the member's conduct;
 - (3) that a member's advice or strategy in a civil or criminal matter was inadequate or ineffective; and
 - (4) that a criminal prosecutor improperly exercised discretion in declining to bring criminal charges.
- (f) Limitation of Grievances.
- (1) There is no time limitation for initiation of any grievance based upon a plea of guilty to a felony or upon conviction of a felony.
 - (2) There is no time limitation for initiation of any grievance based upon allegations of conduct that constitutes a felony, without regard to whether the lawyer is charged, prosecuted, or convicted of a crime for the conduct.
 - (3) There is no time limitation for initiation of any grievance based upon conduct that violates the Rules of Professional Conduct and has been found by a court to be intentional conduct by the lawyer. As used in this Rule, "court" means a state court of general jurisdiction of any state or of the District of Columbia or a federal court.
 - (4) All other grievances must be initiated within six years after the last act giving rise to the grievance.

*History Note: Authority G.S. 84-23;
Readopted Eff. December 8, 1994;
Amendments Approved by the Supreme Court: February 20, 1995; December 30, 1998; October 1, 2003; October 8, 2009; March 19, 2025.*