

27 NCAC 01E .0317 HEARING BEFORE THE AUTHORIZED PRACTICE COMMITTEE

The chair of the Authorized Practice Committee shall preside at any hearing concerning the registration of a prepaid legal services plan. The chair shall cause a record of the proceedings to be made. Strict compliance with the North Carolina Rules of Evidence is not required, but the North Carolina Rules of Evidence may be used to guide the committee in the conduct of an orderly hearing. The counsel shall represent the State Bar and may offer witnesses and documentary evidence, may cross-examine adverse witnesses, and may argue the State Bar's position. The plan owner may appear and may be represented by counsel, may offer witnesses and documentary evidence, may cross-examine adverse witnesses, and may argue the plan owner's position. The burden of proof shall be upon the plan owner to establish that the plan meets the definition of a prepaid legal services plan, that all registration fees have been paid, and that the plan has operated and does operate in a manner consistent with all applicable law, with these rules, and with all representations made in its then current registration statement. If the plan owner meets its burden of proof, the initial registration statement, the registration amendment form, or the registration renewal form in question shall be registered. If the plan owner fails to meet its burden of proof, the committee shall recommend to the council that the plan's initial registration statement, registration amendment form, or registration renewal form be denied or revoked.

*History Note: Authority G.S. 84-23; 84-23.1;
Adopted by the Supreme Court: August 23, 2007;
Amendments Approved by the Supreme Court: September 25, 2020;
Rule was transferred from 27 NCAC 01E .0313 on September 25, 2020.*