

27 NCAC 01B .0105 CHAIR OF THE GRIEVANCE COMMITTEE: POWERS AND DUTIES

(a) The chair of the Grievance Committee will have the power and duty

- (1) to supervise the activities of the counsel;
- (2) to recommend to the Grievance Committee that an investigation be initiated;
- (3) to recommend to the Grievance Committee that a grievance be dismissed;
- (4) to direct a letter of notice to a respondent or direct the counsel to issue letters of notice in such cases or under such circumstances as the chair deems appropriate;
- (5) to issue, at the direction and in the name of the Grievance Committee, a letter of caution, letter of warning, an admonition, a reprimand, or a censure to a member;
- (6) to notify a respondent that a grievance has been dismissed, and to notify the complainant in accordance with Rule .0125 of this subchapter;
- (7) to call meetings of the Grievance Committee;
- (8) to issue subpoenas in the name of the North Carolina State Bar or direct the secretary to issue such subpoenas;
- (9) to administer or direct the administration of oaths or affirmations to witnesses;
- (10) to sign complaints and petitions in the name of the North Carolina State Bar;
- (11) to determine whether proceedings should be instituted to activate a suspension which has been stayed;
- (12) to enter orders of reciprocal discipline in the name of the Grievance Committee;
- (13) to direct the counsel to institute proceedings in the appropriate forum to determine if an attorney is in violation of an order of the Grievance Committee, the commission, or the council;
- (14) to rule on requests for reconsideration of decisions of the Grievance Committee regarding grievances;
- (15) to tax costs of the disciplinary procedures against any defendant against whom the Grievance Committee imposes discipline, including a minimum administrative cost of fifty dollars (\$50.00);
- (16) to dismiss a grievance upon request of the complainant, where it appears that there is no probable cause to believe that the respondent has violated the Rules of Professional Conduct and where counsel consents to the dismissal;
- (17) to dismiss a grievance where it appears that the grievance has not been filed within the time period set out in Rule .0111(f)(4);
- (18) to dismiss a grievance where it appears that the complaint, even if true, fails to state a violation of the Rules of Professional Conduct and where counsel consents to the dismissal;
- (19) to dismiss a grievance where it appears that there is no probable cause to believe that the respondent has violated the Rules of Professional Conduct and where counsel and a member of the Grievance Committee designated by the committee consent to the dismissal;
- (20) to appoint a subcommittee to make recommendations to the council for such amendments to the Discipline and Disability Rules as the subcommittee deems necessary or appropriate;
- (21) to appoint the members of a grievance review panel; and
- (22) to perform such other duties as the council may direct.

(b) Absence of Chair and Delegation of Duties. The president, vice-chair, or a member of the Grievance Committee designated by the president or the chair or vice-chair of the committee may perform the functions, exercise the power, and discharge the duties of the chair or any vice-chair when the chair or a vice-chair is absent or disqualified.

(c) Delegation of Authority. The chair may delegate his or her authority to the president, the vice- chair of the committee, or a member of the Grievance Committee.

History Note: Authority G.S. 84-23;

Readopted Eff. December 8, 1994;

Amendments Approved by the Supreme Court: February 20, 1995; March 6, 1997; October 2, 1997; December 30, 1998; March 3, 1999; February 3, 2000; March 10, 2011; August 23, 2012;

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