

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 390
HOUSE BILL 261

AN ACT TO DESIGNATE DISTRICT BARS AS SUBDIVISIONS OF THE NORTH CAROLINA STATE BAR AND TO AMEND THE STATUTES RELATING TO THE DISCIPLINING OF ATTORNEYS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 84-18.1 is amended by changing the catch line to read: "Membership and fees of district bars"; by designating the present section as subsection "(b)"; and by adding a new subsection to read:

"(a) The district bar shall be a subdivision of the North Carolina State Bar and may adopt rules, regulations and bylaws that are not inconsistent with this Article. A copy of any rules, regulations and bylaws that are adopted, along with any subsequent amendments, shall be transmitted to the Secretary- Treasurer of the North Carolina State Bar."

Sec. 2. G.S. 84-28(c)(2) is rewritten to read:

"(2) Suspension for a period not exceeding three years, any portion of which may be stayed for a period not exceeding three years upon reasonable conditions to which the offending attorney consents; or".

Sec. 3. G.S. 84-28(c) is amended by adding a new sentence at the end, to read:

"Any order disbarring or suspending an attorney may impose reasonable conditions precedent to reinstatement."

Sec. 4. Subsection "(c)" of G.S. 84-28.1 is redesignated as "(d)" and a new subsection "(c)" is added to read:

"(c) The disciplinary hearing commission of the North Carolina State Bar, or any committee thereof, acting through its chairman, shall have the power to hold persons, firms or corporations in contempt as provided in Chapter 5A."

Sec. 5. The first paragraph of G.S. 84-32 is designated subsection "(a)" and the second and third paragraphs of G.S. 84- 32 are rewritten to read:

"(b) Whenever any attorney desires to voluntarily surrender his license, he must tender his license and a written resignation to the council. The council, in its discretion, may accept such a tender with or without conditions, or reject such a tender. In the event such a tender is accepted, the council shall either enter an Order of Discipline or refer the matter to the disciplinary hearing commission for hearing in accordance with the rules and regulations prescribed by the council. The hearing committee of the disciplinary hearing commission may enter a final Order of Discipline or, if directed by the council, make a recommendation back to the council. A copy of any Order of

Discipline shall be filed with the Clerk of the Supreme Court and with the clerk of the superior court of the county of residence or prior residence of the licensee or the county in which the attorney maintains an office for the practice of law.

(c) Whenever any attorney has been deprived of his license by suspension or disbarment, the council or the disciplinary hearing commission or the Secretary-Treasurer may, in accordance with rules and regulations prescribed by the council, restore the license upon due notice being given and satisfactory evidence produced of proper reformation of the licentiate and of satisfaction of any conditions precedent to restoration."

Sec. 6. G.S. 84-29 is amended by inserting in the second sentence after the phrase "shall be liable to punishment for contempt either by the council or its committee" the following:

"or a hearing committee of the disciplinary hearing commission through its chairman pursuant to the procedures set out in Chapter 5A."

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1983.