

May 25, 2004

S 1317. BD. OF LAW EXAMINERS/FEES/ATTY. SOLICITATION. *TO DELAY THE EFFECTIVE DATE OF THE IMPOSITION OF A FEE PAYABLE TO THE STATE BUREAU OF INVESTIGATION BY THE NORTH CAROLINA BOARD OF LAW EXAMINERS FOR CRIMINAL HISTORY RECORDS CHECKS, TO AUTHORIZE THE BOARD OF LAW EXAMINERS TO COLLECT FEES ASSOCIATED WITH CRIMINAL HISTORY RECORDS CHECKS, AND TO STRENGTHEN THE RULES REGARDING WHEN AND UNDER WHAT CIRCUMSTANCES A LAWYER MAY SOLICIT BUSINESS FROM A PROSPECTIVE CLIENT.* Amends GS 84-24 and SL 2002-126, Sec. 29A.12(b), as title indicates. Effective Oct. 1, 2004, enacts new GS 84-23.2, prohibiting a lawyer from soliciting the business of a prospective client if the lawyer knows or reasonably should know that the physical, emotional, or mental state of the individual makes it unlikely that the person would exercise reasonable judgment in employing a lawyer. Presumes that such knowledge exists when a written communication is received within 90 days after incident resulting in personal injury or death. Requires that a lawyer file all written client solicitations with the NC State Bar Council on a quarterly basis and must retain a copy of those solicitation for two years. Grants Council disciplinary jurisdiction violation of section.

Intro. by Rand.

Ref. to Judiciary I

GS 84

June 30, 2004

S 1317. BD. OF LAW EXAMINERS/FEES/ ATTY. SOLICITATION. Intro. 5/25/04. Senate committee substitute makes the following changes to 1st edition. Adds amendment to GS 105-41, increasing privilege license tax on practicing attorneys from \$50 and \$100 and providing that the proceeds from the increase are to be transferred to the NC Public Campaign Financing Fund (which provides public financing for elections for appellate courts); makes increase effective July 1, 2004. Rewrites proposed GS 84-23.2 (limiting attorney solicitations) to prohibit attorneys from sending written communications to prospective clients in civil actions for wrongful death or liability for serious injury within 45 days after event leading to injury or death. Adds new GS 1-13.1 to permit any person who without representation by an attorney enters into agreement for final settlement and release of claim for personal injury or wrongful death, to rescind such agreement during period of ban on attorney solicitation (enacted above) (or any ban enacted by NC State Bar) or for 120 days thereafter.