

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL DRS45544-NB-164

Short Title: State Bar/Investigation/Atty. Fees. (Public)

Sponsors: Senators Lee, Fitch, and Britt (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW FOR THE AWARD OF REASONABLE ATTORNEYS' FEES FOR
3 LICENSEES OF THE NORTH CAROLINA STATE BAR IF NOT DISCIPLINED AFTER
4 A HEARING AND TO REDUCE STATE BAR MEMBERSHIP FEES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1.(a) G.S. 84-28 reads as rewritten:

7 "§ 84-28. Discipline and disbarment.

8 ...

9 (d2) An attorney who is the respondent in an action before the Disciplinary Hearing
10 Commission or the Grievance Committee and found to have not committed acts or omissions
11 constituting misconduct under this section shall be awarded reasonable attorneys' fees incurred
12 in that action before the North Carolina State Bar. This subsection applies only to complaints
13 heard before the Disciplinary Hearing Commission and grievances heard before the Grievance
14 Committee in which probable cause is found and a hearing is necessary or when a hearing is
15 requested before the Grievance Committee by the respondent. This subsection shall not apply to
16 complaints or grievances (i) dismissed, (ii) dismissed with a letter of warning or a letter of
17 caution, or (iii) settlements entered into between the North Carolina State Bar and the attorney
18 to conclude an action.

19"

20 SECTION 1.(b) G.S. 84-34 reads as rewritten:

21 "§ 84-34. Membership fees and list of members.

22 Every active member of the North Carolina State Bar shall, prior to the first day of July of
23 each year, pay to the secretary-treasurer an annual membership fee in an amount determined by
24 the Council but not to exceed ~~three hundred dollars (\$300.00)~~, two hundred fifty dollars
25 (\$250.00) and every member shall notify the secretary-treasurer of the member's correct mailing
26 address. Any member who fails to pay the required dues by the last day of June of each year shall
27 be subject to a late fee in an amount determined by the Council but not to exceed thirty dollars
28 (\$30.00). All dues for prior years shall be as were set forth in the General Statutes then in effect.
29 The membership fee shall be regarded as a service charge for the maintenance of the several
30 services authorized by this Article, and shall be in addition to all fees required in connection with
31 admissions to practice, and in addition to all license taxes required by law. The fee shall not be
32 prorated: Provided, that no fee shall be required of an attorney licensed after this Article shall
33 have gone into effect until the first day of January of the calendar year following that in which
34 the attorney was licensed; but this proviso shall not apply to attorneys from other states admitted
35 on certificate. The fees shall be disbursed by the secretary-treasurer on the order of the Council.
36 The secretary-treasurer shall annually, at a time and in a law magazine or daily newspaper to be



1 prescribed by the Council, publish an account of the financial transactions of the Council in a
2 form to be prescribed by it. The secretary-treasurer shall compile and keep currently correct from
3 the names and mailing addresses forwarded to the secretary-treasurer and from any other
4 available sources of information a list of members of the North Carolina State Bar and furnish to
5 the clerk of the superior court in each county, not later than the first day of October in each year,
6 a list showing the name and address of each attorney for that county who has not complied with
7 the provisions of this Article. The name of each of the active members who are in arrears in the
8 payment of membership fees shall be furnished to the presiding judge at the next term of the
9 superior court after the first day of October of each year, by the clerk of the superior court of
10 each county wherein the member or members reside, and the court shall thereupon take action
11 that is necessary and proper. The names and addresses of attorneys so certified shall be kept
12 available to the public. The Secretary of Revenue is hereby directed to supply the
13 secretary-treasurer, from records of license tax payments, with any information for which the
14 secretary-treasurer may call in order to enable the secretary-treasurer to comply with this
15 requirement.

16 The list submitted to several clerks of the superior court shall also be submitted to the Council
17 at its October meeting of each year and it shall take the action thereon that is necessary and
18 proper."

19 **SECTION 1.(c)** The North Carolina State Bar shall adopt temporary rules to
20 implement this section.

21 **SECTION 2.** This act becomes effective October 1, 2022, and applies to licenses
22 issued, renewed, or revoked on or after that date.