



PERTINENT LEGISLATION 2022-PRESENT

**NORTH CAROLINA STATE BAR GRIEVANCE REVIEW COMMITTEE
NOVEMBER 18, 2025**

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

**SESSION LAW 2022-61
HOUSE BILL 869**

AN ACT TO CREATE A GRIEVANCE REVIEW PANEL OF THE GRIEVANCE COMMITTEE OF THE NORTH CAROLINA STATE BAR AND TO PRESERVE THE CONFIDENTIALITY OF THE ETHICS PROCESS.

The General Assembly of North Carolina enacts:

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

"§ 84-28. Discipline and disbarment.

...

(c1) There is created a grievance review panel of the Grievance Committee of the North Carolina State Bar. For each review, the chair of the Grievance Committee will appoint a panel consisting of the chair, two vice-chairs, and two other members of the Grievance Committee, including one member of the public. The grievance review panel shall operate pursuant to rules and procedures adopted by the Council and approved by the Supreme Court. Upon a request timely filed by a grievance respondent, the panel shall review a decision by the Grievance Committee that imposes public discipline upon the respondent. The respondent is entitled to be represented by counsel and to appear before and present oral argument to the grievance review panel. The respondent shall not have the right to compel the attendance of witnesses or the production of books, papers, and other writing and documents. The grievance review panel may concur in the decision of the Grievance Committee or may remand the grievance file to the Grievance Committee with its recommendation for a different disposition. Upon remand, the Grievance Committee may affirm its decision or may impose a different disposition of the grievance file. All proceedings of the grievance review panel are confidential. Documents, papers, recordings, electronic records, or other documentary materials in the possession of the grievance review panel are confidential and are not public records within the meaning of Chapter 132 of the General Statutes.

...."

SECTION 1.(b) This section is effective when it becomes law and applies to grievances and proceedings existing on or commenced on or after that date.

SECTION 2. G.S. 84-32.1 reads as rewritten:

"§ 84-32.1. Confidentiality of records.

(a) All documents, papers, letters, recordings, electronic records, or other documentary materials, regardless of physical form or characteristic, in the possession of the State Bar or its staff, employees, legal counsel, councilors, and Grievance Committee advisory members concerning any investigation, inquiry, complaint, disability, or disciplinary matter in connection with the State Bar Grievance Committee, the grievance review panel, the State Bar's Trust Accounting Supervisory Program, or any audit of an attorney trust account shall not be considered public records within the meaning of Chapter 132 of the General Statutes.

...

(e) All documents, papers, letters, recordings, electronic records, or other documentary materials, regardless of physical form or characteristic, in possession of the State Bar or its staff, employees, legal counsel, councilors, or Ethics Committee advisory members concerning any



request for ethics advice shall not be considered public records within the meaning of Chapter 132 of the General Statutes unless the material, with the consent of the inquiring party, appears in a public agenda of the Ethics Committee of the North Carolina State Bar."

SECTION 3. The North Carolina State Bar shall adopt temporary rules to implement this act.

SECTION 4. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 1st day of July, 2022.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 2:07 p.m. this 8th day of July, 2022

**NORTH CAROLINA STATE BAR GRIEVANCE REVIEW COMMITTEE,
DISCIPLINARY HEARING COMMISSION, AND BAR FEES**

SECTION 27.11.(a) Establishment; Composition. – There is created the State Bar Review Committee (Committee). The Committee shall be composed of seven members as follows:

- (1) One member appointed by the President Pro Tempore of the Senate.
- (2) One member appointed by the Speaker of the House of Representatives.
- (3) One member appointed by the Governor.
- (4) Three members appointed by the Chief Justice of the Supreme Court of North Carolina, of which one shall be an Associate Justice of the Supreme Court of North Carolina and one shall be a Judge of the North Carolina Court of Appeals.
- (5) The President of the State Bar serving in that position on the date this section becomes law, who shall serve until the Committee terminates.

SECTION 27.11.(b) Terms; Officers; Vacancies; Quorum. – Members shall serve until the Committee expires in accordance with this section. The members appointed by the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall serve as cochairs for the duration of their terms. The Committee shall meet upon the call of the cochairs. Vacancies shall be filled by the original appointing authority for which the vacancy exists. A majority of the total membership of the Committee shall constitute a quorum of the Committee.

SECTION 27.11.(c) Duties. – The Committee shall review and examine the grievance review process of the North Carolina State Bar conducted in accordance with Article 4 of Chapter 84 of the General Statutes in an effort to improve the effectiveness, fairness, and process of disciplinary and grievance review procedures. The Committee shall review and examine the grievance and complaint process of the North Carolina State Bar, including any rules, procedures, and policies to address the following issues of concern:

- (1) The grievance process, including the role of the Grievance Committee, grievance review panel, and the Disciplinary Hearing Commission.
- (2) Right to due process, right to be heard, and other rights consistent with G.S. 84-30 of the accused person during the grievance and discipline process.
- (3) Sufficiency and thoroughness of the screening, decision making, and review of grievances and complaints.

- (4) The selection, composition, and role of the grievance review panel of the Grievance Committee and the Disciplinary Hearing Commission.
- (5) Role of the North Carolina State Bar Office of Counsel in the grievance process.
- (6) Any other area the Committee deems concerning or needing improvement.

SECTION 27.11.(d) Compensation; Allowance. – Members of the Committee shall receive subsistence and travel allowances in accordance with G.S. 120-3.1, 138-5, and 138-6, as appropriate. The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Committee in its work. Upon direction of the Legislative Services Commission, the Directors of Legislative Assistants of the Senate and of the House of Representatives shall assign clerical staff to the Committee. The expenses for clerical employees shall be borne by the Committee.

SECTION 27.11.(e) Report. – By April 1, 2024, the Committee shall submit a report to the Joint Legislative Commission on Governmental Operations containing any legislative recommendations to address and alleviate the concerns listed in subsection (c) of this section of the grievance review process. The report shall also contain any potential improvements and changes in oversight of the North Carolina State Bar. The Committee shall expire upon submitting the report under this subsection.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

SESSION LAW 2024-25
SENATE BILL 790

AN ACT TO REQUIRE THE NORTH CAROLINA STATE BAR TO PROVIDE CERTAIN INFORMATION TO A RESPONDENT ATTORNEY WHEN DISCIPLINARY ACTION HAS BEEN RECOMMENDED, TO ALLOW A RESPONDENT ATTORNEY TO ADDRESS THE GRIEVANCE COMMITTEE AND TO HEAR THE OFFICE OF COUNSEL'S PRESENTATION TO THE COMMITTEE, TO IMPLEMENT A VEXATIOUS CONDUCT STANDARD FOR COMPLAINANTS FILING GRIEVANCES BEFORE THE NORTH CAROLINA STATE BAR, TO DEFINE A STANDING REQUIREMENT FOR THE FILING OF GRIEVANCES, TO DIRECT THE NORTH CAROLINA STATE BAR TO ADOPT RULES TO IMPLEMENT AN EXPUNGEMENT PROCESS FOR CERTAIN DISCIPLINARY ACTIONS, AND TO ALLOW THE NORTH CAROLINA STATE BAR TO ADOPT RULES TO IMPLEMENT THIS ACT, AS RECOMMENDED BY THE STATE BAR REVIEW COMMITTEE.

The General Assembly of North Carolina enacts:

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

"§ 84-28. Discipline and disbarment.

(a) Any attorney admitted to practice law in this State is subject to the disciplinary jurisdiction of the Council under such rules and procedures as the Council shall adopt as provided in G.S. 84-23.

(a1) If the North Carolina State Bar serves a letter of notice alleging attorney misconduct upon a respondent attorney, the North Carolina State Bar shall, upon the request of the respondent attorney, provide the respondent attorney with a complete copy of the complaint, including supporting materials submitted with the complaint. For complaints submitted by an attorney or judge pursuant to the obligation to report misconduct in accordance with the Rules of Professional Conduct, the North Carolina State Bar may redact the complainant's identifying information.

(a2) If the North Carolina State Bar's Office of Counsel recommends disciplinary action against a respondent attorney, the North Carolina State Bar shall, pursuant to rules adopted by the Council, provide the attorney with the following:

(1) All non-privileged, non-work product material and financial audits provided to the Grievance Committee in the respondent attorney's matter, and any evidence in the North Carolina State Bar's possession which indicates the respondent attorney did not engage in the alleged misconduct, or a certification that no such evidence is in the North Carolina State Bar's possession. The materials provided pursuant to this section shall be provided at least 30 days prior to the Grievance Committee's consideration of the Office of Counsel's recommendation.

(2) An opportunity to address the Grievance Committee or a subcommittee thereof and to hear the Office of Counsel's presentation of the factual basis for its recommendation.

...



(h) There shall be an appeal of right by either party from any final order of the Disciplinary Hearing Commission to the North Carolina Court of Appeals. Review by the appellate division shall be upon matters of law or legal inference. The procedures governing any appeal shall be as provided by statute or court rule for appeals in civil cases. A final order which imposes disbarment or suspension for 18 months or more shall not be stayed except upon application, under the rules of the Court of Appeals, for a writ of supersedeas. A final order imposing suspension for less than 18 months or any other discipline except disbarment shall be stayed pending determination of any appeal of right.

...."

SECTION 1.(b) G.S. 84-28.1(b) reads as rewritten:

"(b) The disciplinary hearing commission of the North Carolina State Bar, or any committee of the disciplinary hearing commission, may hold hearings in discipline, incapacity and disability matters, make findings of fact and conclusions of law after these hearings, enter orders necessary to carry out the duties delegated to it by the Council, and tax the costs to an attorney who is disciplined or is found to be incapacitated or ~~disabled~~.disabled, and comply with the requirements of this Chapter."

SECTION 1.(c) Article 4 of Chapter 84 of the General Statutes is amended by adding a new section to read:

"§ 84-28.3. Vexatious complainants.

(a) The chair of the Grievance Committee may designate a person a vexatious complainant if the complainant has initiated grievances to the North Carolina State Bar alleging attorney misconduct that even if proven, would fail to constitute a violation of the Rules of Professional Conduct, or if available evidence conclusively disproves the allegations, in a manner and volume that amounts to an abuse of the bar disciplinary process. An "abuse of the bar disciplinary process" includes inappropriate, repetitive, or frivolous actions or communications by the complainant, but goes beyond conduct that is merely contentious or unsuccessful. The North Carolina State Bar will mail a notice of the designation to the complainant at the complainant's last known address. If the complainant does not request review of the designation pursuant to subsection (b) of this section, the designation by the chair of the Grievance Committee shall be final and not subject to further review.

(b) A complainant designated as vexatious may seek review of the designation by filing a request for review with the chair of the Disciplinary Hearing Commission within 30 days of the mailing of the notice issued under subsection (a) of this section. The Office of Counsel may file a response to the complainant's request for review. Based upon the written submissions by the complainant and the Office of Counsel, the chair of the Disciplinary Hearing Commission may either uphold or vacate the designation. Notwithstanding subsection (h) of G.S. 84-28, a designation as vexatious under this section shall be final and conclusive and not subject to review or reversal.

(c) The Office of Counsel may decline to review and process any subsequent grievances from a person designated as vexatious, unless the grievance is submitted with a verification signed by the complainant that the allegations are true under the penalty of perjury, and the grievance is submitted on the complainant's behalf by a member of the North Carolina State Bar who (i) has an active license, (ii) is not currently designated as a vexatious complainant, and (iii) is not currently the respondent in a pending grievance investigation or the defendant in a disciplinary proceeding. If the vexatious complainant is an attorney licensed to practice law in this State, the grievance must be submitted on the vexatious complainant's behalf by a member of the North Carolina State Bar who (i) has an active license, (ii) is not designated as a vexatious complainant, and (iii) is not currently the respondent in a pending grievance investigation or the defendant in a disciplinary proceeding."

SECTION 1.(d) Article 4 of Chapter 84 of the General Statutes is amended by adding a new section to read:

"§ 84-28.4. Standing requirements to file grievance.

(a) To be considered by the North Carolina State Bar, a grievance must allege conduct that, if true, constitutes attorney misconduct by violation of this Chapter or under the Rules of Professional Conduct and be filed by any of the following:

- (1) An attorney or judge pursuant to their obligation to report misconduct in accordance with the Rules of Professional Conduct.
- (2) A judge, attorney, court staff member, juror, party, or client in the legal matter that is the subject of the grievance.
- (3) A person who has a cognizable interest in or connection to the legal matter or facts alleged in the grievance, or that person's representative.

(b) The North Carolina State Bar shall have the ability to open and investigate grievances upon its own initiative, if facts alleging attorney misconduct are discovered by the North Carolina State Bar."

SECTION 1.(e) The North Carolina State Bar may adopt rules to implement this section.

SECTION 2.(a) The North Carolina State Bar shall adopt temporary rules to implement an expungement process for certain disciplinary actions against respondent attorneys by the State Bar by October 31, 2024, and permanent rules by January 31, 2025. The North Carolina State Bar shall follow the recommendations by the State Bar Review Committee in drafting these rules.

SECTION 2.(b) G.S. 84-23(a) reads as rewritten:

"(a) The Council is vested, as an agency of the State, with the authority to regulate the professional conduct of licensed lawyers and State Bar certified paralegals. Among other powers, the Council shall administer this Article; take actions that are necessary to ensure the competence of lawyers and State Bar certified paralegals; formulate and adopt rules of professional ethics and conduct; investigate and prosecute matters of professional misconduct; expunge disciplinary actions; grant or deny petitions for reinstatement; resolve questions pertaining to membership status; arbitrate disputes concerning legal fees; certify legal specialists and paralegals and charge fees to applicants and participants necessary to administer these certification programs; determine whether a member is disabled; maintain an annual registry of interstate and international law firms doing business in this State; and formulate and adopt procedures for accomplishing these purposes. The Council may do all things necessary in the furtherance of the purposes of this Article that are not otherwise prohibited by law."

SECTION 3. This act is effective August 1, 2024, and applies to grievances filed on or after that date.

In the General Assembly read three times and ratified this the 20th day of June, 2024.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 3:38 p.m. this 28th day of June, 2024

**NORTH CAROLINA STATE BAR GRIEVANCE REVIEW
COMMITTEE EXTENSION**

SECTION 6.4. Section 27.11 of S.L. 2023-134 reads as rewritten:

"NORTH CAROLINA STATE BAR GRIEVANCE REVIEW COMMITTEE

"SECTION 27.11.(a) Establishment; Composition. – There is created the State Bar Review Committee (Committee). The Committee shall be composed of seven members as follows:

- (1) One member appointed by the President Pro Tempore of the Senate.
- (2) One member appointed by the Speaker of the House of Representatives.
- (3) One member appointed by the Governor.

- (4) Three members appointed by the Chief Justice of the Supreme Court of North Carolina, of which one shall be an Associate Justice of the Supreme Court of North Carolina and one shall be a Judge of the North Carolina Court of Appeals.
- (5) The President of the State ~~Bar serving in that position on the date this section becomes law, who shall serve until the Committee terminates.~~ Bar or his or her designee.