

NORTH CAROLINA GENERAL ASSEMBLY



STATE BAR GRIEVANCE REVIEW COMMITTEE

REPORT TO THE 2026 SESSION of the 2025 GENERAL ASSEMBLY OF NORTH CAROLINA

APRIL 1, 2026

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TRANSMITTAL LETTER

April 1, 2026

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TO THE MEMBERS OF THE 2026 REGULAR SESSION
OF THE 2025 GENERAL ASSEMBLY

The STATE BAR GRIEVANCE REVIEW COMMITTEE, respectfully submits the following report to the 2026 Regular Session of the 2025 General Assembly.

Lawrence J. Shaheen (Co-Chair)

Hon. Woody White (Co-Chair)

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COMMITTEE PROCEEDINGS

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The Committee on State Bar Grievance Review Committee met three times after the 2025 Regular Session. The following is a brief summary of the Committee's proceedings. Detailed minutes and information from each Committee meeting are available in the Legislative Library.

November 18, 2025

The first meeting after the 2025 Regular Session was held on Tuesday, November 18, 2025, at 1:00 p.m. in Room 1228 of the Legislative Building, with Woody White, Co-Chair, presiding.

Co-Chair White called the meeting to order and introduced and thanked the sergeants-at-arms. Co-Chair White made introductory remarks reflecting the history of the Committee and future work and briefly covered the agenda for the meeting.

Co-Chair White recognized Jared Simmons, Committee Counsel, to give a presentation on the history of the Committee's work. Mr. Simmons' presented on past legislative actions impacting the North Carolina State Bar, including H869, S.L. 2022-61, and prior findings and recommendations of the Committee.

Co-Chair White invited Joshua Walthall of Boerema Blackton, LLP, to present on recommendations for reform, building on prior recommendations of the Committee in its previous iteration during the previous interim. Mr. Walthall presented to the Committee on the grievance process, including recommendations for (i) allowing the respondent attorney to interact with the grievance committee in writing earlier in the process, (ii) expungement of certain disciplinary actions, (iii) disclosure of certain recommended disciplinary actions to the respondent attorney, and (iv) improvements to the reinstatement process of disbarred attorneys. There was robust discussion between Mr. Walthall and the members of the Committee, including questions by Co-Chair Shaheen, Mr. Branch, and Mr. Williams, regarding these matters. Details of Mr. Walthall's presentation and the resulting discussion are available in the minutes of this meeting.

After Mr. Walthall's presentation, Co-Chair White asked Central Staff to prepare a list of recommendations for the Committee to consider at the next meeting to be voted on for inclusion in the Committee Report.

Co-Chair White introduced Alan Schneider of Cheshire, Parker, Schneider, PLLC, for a presentation on the grievance process before the North Carolina State Bar. Mr. Schneider commended the Committee and the State Bar on its previous work on reforms. Mr. Schneider presented on defense attorney access to investigatory materials before the State Bar and compared other licensing board processes, focusing on the level of access between

the defense counsel and the Office of Counsel. Mr. Schneider also discussed the public nature of the Disciplinary Hearing Commission, and how the DHC's disciplinary actions undertaken are made public. Mr. Schneider stood for Committee questions from Co-Chairs White and Shaheen on questions about the DHC and overall grievance process. Details of Mr. Schneider's presentation and the resulting discussion are available in the minutes of this meeting.

After the presentations, there was Committee discussion regarding both presentations, the collaborative process between the State Bar and the Committee, and communications between the Committee and the North Carolina State Bar leading up to the meeting on that day.

After Committee discussion, public comment was taken with one public member choosing to speak.

With no further business coming before the Committee, Co-Chair White adjourned the meeting.

March 24, 2026

The second meeting after the 2025 Regular Session was held on Tuesday, March 24, 2026, at 1:00 p.m. in Room 1228 of the Legislative Building, with Woody White, Co-Chair, presiding.

Co-Chair White called the meeting to order and introduced and thanked the sergeants-at-arms. The Committee then heard presentations.

Co-Chair White introduced Troy Shelton of Dowling, PLLC, to present six recommendations to reform the North Carolina State Bar. Mr. Shelton covered his law practice and experience, and detailed his recommendations, as follows: (i) the restructure of the Disciplinary Hearing Commission and the posture in which the DHC exists in conjunction with the Office of Counsel; (ii) increase confidentiality in certain Disciplinary Hearing Commission proceedings; (iii) a statute of limitations for grievances to be initiated and acted upon by complainants and the State Bar; (iv) a change in appointment of prosecutorial State Bar Counsel to the Chief Justice of the North Carolina Supreme Court; (v) require the State Bar cover certain transcript costs on appeal; and (vi) fee-shifting flexibility during the disciplinary process and resulting appeals due to agency error. Mr. Shelton's presentation, white paper, and the resulting discussion are available in the minutes of this meeting.

After the presentation, Mr. Shelton took questions from the Committee membership, and the Committee discussed whether to amend or adopt Mr. Shelton's recommendations. The Committee, through motion of Justice Barringer, amended Recommendation #4 adjusting the appointment authority of the State Bar Counsel to an entity other than the State Bar,

instead of the Chief Justice. After Committee discussion, the Committee adopted Mr. Shelton's recommendations, as amended.

Co-Chair White invited Joshua Walthall of Boerema Blackton, LLP to present a series of follow-up and refined recommendations to the Committee from his previous presentation. The Committee heard from Mr. Walthall about his four recommendations that were previously put before the Committee at the first meeting. After discussion, the Committee made several amendments to the recommendations, including narrowing the scope of violations that would be eligible for expunction and clarifying that records in possession of the State Bar should be disclosed during the reinstatement process. After the amendments, the Committee moved to adopt the recommendations, as amended.

The Committee took public comment in and heard from several members of the public on process, substantive State Bar issues, and personal anecdotes in the grievance process before the State Bar.

Having no other business before the Committee, Co-Chair White adjourned the Committee.

April 1, 2026

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FINDINGS AND RECOMMENDATIONS

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Recommendation #1 Expungement

The Committee finds that modifications to the disciplinary expungement rules adopted by the State Bar pursuant to Section 2 of S.L. 2024-25 are warranted. Under the current rules of the State Bar, admonitions and reprimands are ineligible for expungement if the discipline involves violation of certain enumerated Rules of Professional Conduct. Additionally, under the current rules of the State Bar, admonitions can be expunged no earlier than 5 years after the effective date of the admonition, and reprimands can be expunged no earlier than 10 years after the effective date of the reprimand.

The Committee recommends that the General Assembly direct the State Bar to amend its rules to do the following: (i) allow the expungement of admonitions and reprimands regardless of the underlying violation, with the exception of violations regarding moral turpitude, intentional dishonesty, or financial malfeasance, of the Rules of Professional Conduct; (ii) change the waiting period for expungement of an admonition to five years after the initiation of a grievance that led to the discipline; and (iii) change the waiting period for expungement of a reprimand to five years after the initiation of a grievance that led to the discipline.

Recommendation #2 Opportunity to Respond

The Committee finds that the current grievance process allows the Grievance Committee to consider alleged rule violations and place those violations in an order of discipline without providing a respondent attorney with an opportunity to respond to those allegations in writing. Giving a respondent attorney this opportunity will enable their counsel to provide them with better representation before the Grievance Committee and promote the interest of fairness in attorney disciplinary proceedings.

The Committee recommends that the General Assembly enact legislation to provide respondent attorneys with an opportunity to respond to each alleged rule violation, in writing, before the rule violation is considered or placed into an order of discipline by the Grievance Committee. The legislation would amend G.S. 84-28. Discipline and disbarment., as necessary, and direct the State Bar to adopt rules to implement this change.

Recommendation #3 Disclosure of Recommended Discipline

The Committee finds that the current grievance process does not require the State Bar's Office of Counsel to inform a respondent attorney of any recommended disciplinary action against the attorney prior to Grievance Committee proceedings. Having knowledge of the recommended disciplinary action before the occurrence of any Grievance Committee

proceedings will help the respondent attorney's counsel be better prepared to address the committee members.

The Committee recommends that the General Assembly enact legislation to require the State Bar's Office of Counsel to disclose any recommended disciplinary action to the respondent attorney prior to Grievance Committee proceedings. The legislation would amend G.S. 84-28. Discipline and disbarment., as necessary, and require the State Bar to adopt rules to implement this change.

Recommendation #4 Improvements to the Reinstatement Process

The State Bar's current process for disbarred attorneys seeking reinstatement contains various requirements. The Committee, in order to more effectively meet the goals of maintaining integrity of the State Bar, ensuring the administration of justice, and protecting the public interest, recommends that the General Assembly enact legislation to amend the reinstatement requirements. Those recommendations include:

- Repeal the requirement that disbarred attorneys seeking reinstatement who have been out of practice seven or more years must retake the Bar Exam in order to qualify for reinstatement. However, those attorneys may still choose to retake the Bar Exam to prove their competence.
- Provide a 45-day time frame in which the State Bar may object after a petition for reinstatement has been filed. If the State Bar does not file an objection in that time frame, reinstatement should be automatic.
- Require all records in possession of the State Bar related to any attorney's petition for reinstatement be turned over to that attorney at least 45 days prior to the first setting of the reinstatement hearing.
- Provide a process that if the Disciplinary Hearing Commission recommends reinstatement, the attorney should be reinstated without needing to appear and obtain approval by the full Commission. If the Commission does not recommend reinstatement, then the attorney should be given the right to appeal to the full Commission.

Recommendation #5: Modification of Disciplinary Hearing Commission

The Committee finds that modifications to the Disciplinary Hearing Commission (DHC) membership would (i) allow for the DHC to be democratically accountable, (ii) ensure a wall of separation between the North Carolina State Bar and the DHC, (iii) separate executive (prosecutorial) power from the judicial power, consistent with the North Carolina Constitution, and (iv) accord with the recommendations of the American Bar Association.

The Committee recommends the General Assembly modify the DHC membership by removing the appointment power of the State Bar and redistributing it between the General Assembly, Governor, and the Chief Justice, and narrows which attorneys are eligible to service on the DHC, consistent with Troy Shelton's presentation to the Committee.

Recommendation #6: Confidentiality in DHC Proceedings

The Committee finds that when disciplinary proceedings before the State Bar move from the grievance phase to the DHC phase, the proceedings transition from confidential to public, sometimes resulting in what would be a private discipline, such as a reprimand, becoming public due to the DHC hearing itself.

The Committee recommends the General Assembly amend the confidentiality rules in G.S. 84-32 to prevent what usually would be a private discipline becoming public by moving to the DHC phase of the grievance process, unless and until a form of public discipline is imposed at the conclusion of the proceeding or of all appellate proceedings, consistent with Troy Shelton's presentation to the Committee.

Recommendation #7: Statute of Limitations

The Committee finds that the lack of a statute of limitations for disciplinary actions results in investigations that result in potential alleged violations unrelated to the original grievance and allows for grievance investigations to continue indefinitely.

The Committee recommends the General Assembly amend Chapter 84 of the General Statutes, consistent with Troy Shelton's presentation to the Committee, to set a time limit for the commencement of proceedings before the State Bar of no longer than four years from the date of the alleged acts or omissions constituting the misconduct, or two years after the date a grievance regarding the misconduct is received by the State Bar, except in cases where the disciplinary proceeding is based on a conviction of, or a tender and acceptable of a guilty plea or no contest to, a felony showing professional unfitness.

Recommendation #8: Appointment Authority of the General Counsel of the State Bar

The Committee finds that the State Bar appointing its own general counsel under G.S. 84-31 creates a comingling of what should be a separation of powers and democratic accountability.

The Committee recommends the General Assembly amend G.S. 84-31 by assigning the prosecutorial appointment of the general counsel of the State Bar to an entity other than the State Bar itself, consistent with Troy Shelton's presentation to the Committee.

Recommendation #9: Paying for Transcripts in Appeals

The Committee finds that the expense of ordering the transcript belonging to the appellant, usually the attorney appealing the disciplinary order entered against them, while the Administrative Procedure Act requires the respective licensing board to pay the costs of the transcript when appealing to superior court, is punitive to licensed attorneys.

The Committee recommends the General Assembly amend the requirement that the appellant pays for the transcripts on appeal and instead considers that the State Bar pay for the costs of those transcripts or reimburses the attorney for the costs of the transcript within 30 days of paying for them, consistent with Troy Shelton's presentation to the Committee.

Recommendation #10: Fee-shifting

The Committee finds that proceedings before the State Bar can be overly broad and lengthy, resulting in large expenses for representation, even if the attorney prevails, and that G.S. 6-19.1 allows for the awarding of attorneys' fees for disciplinary actions before licensing boards is too high of a standard where the licensing board would need to act without substantial justification.

The Committee recommends the General Assembly lower the standard for the awarding of attorney's fees for disciplinary actions before the State Bar, and grant relief to an appealing licensed attorney from an order of discipline for attorney's fees and costs related to or arising out of an agency's errors, consistent with Troy Shelton's presentation to the Committee.

COMMITTEE MEMBERSHIP

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2025-2026

Co-Chairs:

Lawrence J. Shaheen
Hon. Woody White

Public Members:

Hon. Tamara P. Barringer
David F. Branch
Hon. Andrew T. Heath
Hon. Valerie J. Zachary

Ex-Officio:

Kevin G. Williams

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COMMITTEE CHARGE/STATUTORY AUTHORITY

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**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

**SESSION LAW 2023-134
HOUSE BILL 259**

AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE AGENCIES, DEPARTMENTS, AND INSTITUTIONS.

The General Assembly of North Carolina enacts:

...

PART XXVII. General Assembly

...

**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.

...

SECTION 27.11.(k) Subsections (f) and (g) become effective July 1, 2024. The remainder of this section is effective when this act becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025**

**SESSION LAW 2025-4
HOUSE BILL 74**

AN ACT TO MAKE VARIOUS TECHNICAL AND CLARIFYING CHANGES TO THE
CURRENT OPERATIONS APPROPRIATIONS ACT OF 2023 AND TO OTHER
ACTS.

The General Assembly of North Carolina enacts:

...

PART VI. GENERAL GOVERNMENT

...

**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 Commission terminates.~~Bar or his or her designee.

...

"SECTION 27.11.(c1) Additional Duties. – In addition to the duties described in subsection (c) of this section, the Committee may review any other aspect or area of the North Carolina State Bar the Committee deems concerning, needing improvement, or necessary in fulfilling its duties under this section.

...

"SECTION 27.11.(e) ~~Report.~~ Expiration. – ~~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 (e) 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.~~The Committee shall expire on December 31, 2026.

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LEGISLATIVE PROPOSALS

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SUPPORTING DOCUMENTATION

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November 18, 2025

Call to Order and Introductory
Remarks Woody White, Presiding Co-Chair
Larry Shaheen, Co-Chair

Introduction of Committee Members

Committee Charge
Jared Simmons, Staff Attorney, Legislative Drafting Division

Presentations:

A Brief Overview of the Previous Work of the Committee
Jared Simmons, Staff Attorney, Legislative Drafting Division

Grievance and DHC Processes
Joshua Walthall, Boerema Blackton, LLP

Implementation of Grievance Procedure Law Changes
Alan Schneider, Cheshire, Parker, Schneider, PLLC

Committee Discussion

Public Comment

Adjournment

Meeting Documents

[NCGA Final State Bar Review Committee Report – March 2024](#)

[North Carolina State Bar Grievance Review Committee History](#)

[Grievance and DHC Processes Memo](#)

[State Bar Pertinent Legislation](#)

March 24, 2026

Call to Order and Introductory Remarks

Woody White, Presiding Co-Chair

Larry Shaheen, Co-Chair

Presentations:

Recommendations for the Grievance and DHC Processes

Troy D. Shelton, Dowling, PLLC

Recommendations for Reforming the North Carolina State Bar

Joshua Walthall, Boerema Blackton, LLP

Committee Discussion

Public Comment

Adjournment

Meeting Documents

[March 22, 2026, Letter to the State Bar Grievance Review Committee](#)

[Walthall Recommendations](#)

[Attorney Regulatory Authorities Chart](#)

[Shelton – Presentation](#)

[Shelton Bar Reform Memorandum](#)

Public Comments Received by the Committee



State Bar Grievance Review Committee Public Comments Report - LINC

Date Submitted	Name	Address	County	Email	Comments
10/30/2025 01:40 PM	Charles McConnell	55 Cugees Ln, Waynesville, North Carolina 28786	Haywood	oldprairiehouse@yahoo.com	Griffin should be disbarred for the disgraceful act of trying to overturn the will of the voters in the recent state supreme court election. When did cheating like trying to steal an election become acceptable to you? To very many of us, his actions are completely not acceptable. And we vote.
11/25/2025 03:21 PM	Mrs. Andrea Capua	208 Apple Blossom Lane, Boone, NC 28607	Watauga	andrea@capualaw.com	I served on State Bar Council for 9 years, the Grievance Committee for 8 years, and the first Grievance Review Committee (in 2024). I am shocked that anyone would suggest the decisions made by the Staff and/or Councilors in this system are politically motivated. In fact, I would say it was the extreme opposite. We <u>actually go</u> out of our way to avoid discussions of politics with each other out of respect. In the 9 years that I served, I knew very little about my colleagues' political affiliations and never once heard any political references during meetings. The State Bar Council is comprised of lawyers coming from all corners of our state, from diverse communities and practice backgrounds. It breeds a culture of respect among us and fellow lawyers. Decisions on someone's license and livelihood were never taken lightly during my tenure. Personally, I never knew anything about political affiliation when making decisions and didn't care. What I did care about was the public that we serve and whether actions by fellow lawyers crossed unethical lines with knowledge and without remorse. I have always trusted and been proud of our legal system. I am supportive of having a review process. However, requiring State Bar Councilors and Staff to disclose political affiliations, under the guise of diversity, goes <u>to</u> far and feels like an insult and an attempt to further drag our profession into the political fray. Please do not <u>compromise</u> what is already a fair process that operates in good faith.



State Bar Grievance Review Committee Public Comments Report - LINC

Date Submitted	Name	Address	County	Email	Comments
03/23/2026 11:38 AM	Mr. Eddie Winstead	1094 Wilkins Drive, Sanford, NC 27330	Lee	eddie@winsteadfeindel.com	<p>Mr. Shelton's plan will result in the total politization of the Bar Grievance apparatus. DHC members will not be "democratically accountable". They will be politically accountable. "Every member is controlled by a person elected by the public", which means controlled by a politician. Likewise, having the Bar Counsel appointed by the Chief Justice renders Bar Counsel subject to the political whims of the Chief Justice. The entire framework for the changes proposed by Mr. Shelton ring more of politics than fairness.</p> <p>As far as selecting DHC members, I have no issue with prohibiting former Council members and Bar Counsel employees from serving.</p>

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