



STATE BAR REVIEW COMMITTEE
January 24, 2024
Room 423 of the Legislative Office Building

The State Bar Review Committee met on Wednesday, January 24, 2024 at 2:30 PM. The meeting was held in Room 423 of the Legislative Office Building. Mr. Woody White, Co-Chairman presiding. Members present included: Mr. Larry Shaheen, Co-Chairman, North Carolina Court Justice Tamara Barringer, Mr. Andrew Heath, Judge Valerie Zachary of the North Carolina Court of Appeals, and Mr. Colon Willoughby.

Co-Chairman White introduced and thanked Mr. Thomas Terry and Mr. Russell Salisbury, House Sergeant-at-Arms, for their service to the committee. Co-Chairman White discussed some housekeeping measures for the benefit of the members of the committee.

Co-Chairman White, in his opening comments, discussed Section 27.11. (b) of the authorizing legislation. He commented that since the State Bar's creation in 1933, ninety-one years ago, it has gone through several iterations of organization, enforcement, oversight, and continuing education structures. As expressed in authorized legislation the role of the committee is: The committee shall review and examine the grievance review process of 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. Co-Chairman White read the six mandates the committee is asked to consider from the authorizing legislation:

1. The grievance process, including the role of the Grievance committee, the review panel, and the Disciplinary Hearing Commission.
2. The right to due process, the right to be heard, and other rights consistent with N.C.G.S. 84-30 of the accused person during the grievance and discipline process.
3. The 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. The role of the North Carolina State Bar Office of Counsel in the grievance process; and
6. Any other area this committee deems concerning or needing improvement.

Over the next few weeks, and no later than April 1, 2024, this committee is tasked with considering, deliberating, and recommending policy changes consistent with those six directives from the legislation.

Co-Chairman White recognized each member of the committee to introduce themselves.

Co-Chairman Lawrence Shaheen spoke first. He thanked the Co-Chairman White for his willingness to lead these meetings and Speaker Moore for his appointment to the committee.

Regarding the committee's charge, Co-Chairman Shaheen, stated that: the role of the Disciplinary Commission in North Carolina is one that requires a very prosecutorial role. Sometimes there is a need for a review of how it works and a need for a check and a balance in order to make sure that the proper procedures are in place to ensure all individuals that come before that commission and the Bar are afforded a fair hearing, due process, and the ability to state their case well without outside forces or outside issues coming in. That process must be viewpoint and content neutral. It must be done in a way where there are not going to be questions about any type of issues of partisanship nor are there issues of concerns about what the individual believes outside of the practice of law. The issues on disciplinary hearings must be focused on the actions of lawyer as a member of the bar and it must be one where the lawyers' actions are the focus of the hearings.

Supreme Court Justice Tamara Barringer spoke briefly, introducing herself and expressing her appreciation for being appointed to this committee. She discussed an interest in the input of different stakeholders and the public as the committee conducts its work.

Court of Appeals Justice Valerie Zachary introduced herself and discussed the common interest of having an effective and fair process.

Colon Willoughby introduced himself and expressed his interest in modernizing the process to make it more effective and transparent in its goal of protection of the public.

Andrew Heath introduced himself and discussed the common interest of having a healthy Bar for the good that it can do for the State.

Marcia Armstrong, Immediate Past President of the State Bar, introduced herself and discussed her professional experience. She expressed her appreciation for being included on the committee and the importance of protecting the public in this process while giving lawyers a fair hearing.

Co-Chairman White introduced himself and discussed his professional experience as a practicing attorney specializing in State and Federal Criminal law for 30 years, licensed in the 4th circuit and the United State Supreme Court, and having worked in more than two dozen counties in this state. He spoke to the importance of the role of an attorney.

Reforming and modernizing are a great honor. Co-Chairman White spoke to the areas the committee should consider in the coming weeks such as ensuring that while we are protecting the public that we are not allowing the public to weaponize things improperly, that we are not allowing the public to use the bar as a weapon against people to cancel and to otherwise curb and influence rights that we have been given under first amendment, etc.

He asked the following questions with regard to modernization and privacy issues: How does the Judicial Standards, the Medical Board, and other states ensure that the public is protected while also ensuring that the membership of this profession is protected?

He asked additional questions of the committee including whether they should discuss expunction. Should that be discussed? Should lawyers that have been disciplined for non-nefarious things have an opportunity for expunction? Should there be posthumous expunctions? In regard to the DHC, how are the members chosen? Should they be chosen as counselors are chosen? Evidentiary hearings at DHC, should there be evidentiary hearing people with experience ruling from a bench and as to admissible and inadmissible evidence? Discovery and pre-DHC access to issues that might pertain to privacy rights of lawyers. He is hopeful that all of these issues and more will be discussed.

Co-Chairman White recognized and thanked the Legislative Services Officer, Paul Coble, and staff for their time and assistance in assembling the staff for the committee. He also acknowledged and thanked the central staff assigned to the committee and informed the committee that the staff are available for research assistance should that be necessary.

The organizational structure of the committee was discussed, and the schedule of meetings was discussed. Co-Chairman White expressed his interest in ensuring the schedule was communicated in a transparent way for the benefit of the public. He also stated that there would be an online portal for public comment. At meetings, he confirmed there would be opportunity for public comment in-person with a three-minute time limit. Work completed by March 18, 2024, allowing central staff to complete and draft legislation to be considered by the General Assembly. The report should include the committees' findings, conclusions, recommendations, and a proposed draft bill. Co-Chairman White expressed his desire for the committee to entertain presentations from various stakeholders during this process. He recognized Carmen Bannon with the Office of Counsel at The State Bar and expressed his hope that she be included in the processes to inform the committee on how their work will impact the Office of Counsel. Ms. Bannon also expressed that her office is available to assist in gathering information from other Bars across various states, if it is desired.

Co-Chairman White recognized one member of the public for comments, Christine Mumma with the Center for Actual Innocence. Ms. Mumma deferred her comments to another date after becoming aware of the various future opportunities for public comment.

Co-Chairman White briefly addressed a few administrative matters in preparation for future meetings and entertained questions on this matter from the committee. Ms. Armstrong passed out copies of a report on the process and procedures for the grievance and disciplinary proceedings at The State Bar. (See Attachment 1). Ms. Bannon was recognized and expressed that her office is available to assist in gathering information from other the Bars of various states, if it is desired.

There being no further business, meeting stands adjourned at 2:58 PM.

Honorable Presiding Chair, Woody White

Sherry Pearson, Committee Clerk
