

27 NCAC 01B .0108 CHAIRPERSON OF THE HEARING COMMISSION: POWERS AND DUTIES

(a) The chairperson of the Disciplinary Hearing Commission of the North Carolina State Bar will have the power and duty:

- (1) to receive complaints alleging misconduct and petitions alleging the disability of a member filed by the counsel; petitions requesting reinstatement of license by members who have been involuntarily transferred to disability inactive status, suspended, or disbarred; motions seeking the activation of suspensions which have been stayed; and proposed consent orders of disbarment;
- (2) to assign three members of the commission, consisting of two members of the North Carolina State Bar and one nonlawyer to hear complaints, petitions, motions, and post-hearing motions pursuant to Rule .0109 of this subchapter. The chairperson will designate one of the attorney members as chairperson of the hearing panel. No panel member who hears a disciplinary matter may serve on the panel which hears the attorney's reinstatement petition. The chairperson of the commission may designate himself or herself to serve as one of the attorney members of any hearing panel and will be chairperson of any hearing panel on which he or she serves. Post-hearing motions filed pursuant to Rule .0109 of this Subchapter will be considered by the same hearing panel assigned to the original trial proceeding. Hearing panel members who are ineligible or unable to serve for any reason will be replaced with members selected by the commission chairperson;
- (3) to set the time and place for the hearing on each complaint or petition;
- (4) to subpoena witnesses and compel their attendance and to compel the production of books, papers, and other documents deemed necessary or material to any hearing. The chairperson may designate the secretary to issue such subpoenas;
- (5) to consolidate, in his or her discretion for hearing, two or more cases in which a subsequent complaint or complaints have been served upon a defendant within ninety days of the date of service of the first or a preceding complaint;
- (6) to enter orders disbarring members by consent;
- (7) to enter an order suspending a member pending disposition of a disciplinary proceeding when the member has been convicted of a serious crime or has pled no contest to a serious crime and the court has accepted the plea;
- (8) to review decisions by the Chair of the State Bar's Grievance Committee to designate a complainant as vexatious and to enter orders upholding or vacating the designation;
- (9) to receive and rule upon petitions to expunge orders of the Commission that imposed admonition, reprimand, or censure;
- (10) to receive and rule upon petitions to seal orders of the Commission that imposed a stayed suspension.

(b) The vice-chairperson of the Disciplinary Hearing Commission may perform the function of the chairperson in any matter when the chairperson is absent or disqualified.

History Note: Authority G.S. 84-23;
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