

**North Carolina State Bar's Handbook  
for  
Officers of Judicial District Bars**

Updated 2026

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## Essential Duties of District Bar Officers

- Correspond with your district bar councilor(s) to advise of the district bar's position on recent actions proposed by the State Bar Council
- Review district bar bylaws, governing statutes, and governing rules and regulations (see attached governing statutes and rules and regulations)
- Make sure a current copy of the district bar bylaws is on file with the executive director of the State Bar and with the office of the resident superior court judge for your district
- Provide the names and addresses of all officers and members of the Board of Directors (if the bylaws provide for a BOD) to the executive director of the State Bar
- Call and schedule annual and special meetings for purposes of:
  - Electing district bar officers
  - Electing State Bar Councilor(s), upon notification from State Bar that a councilor's term has expired
  - Choosing candidates for submission to the Governor in filling district court judge vacancies
  - Any other official business of the district bar as may come up from time to time, such as amendments of bylaws, imposition of or increase in dues, and other matters requiring formal action by the active members of the bar
  - Any other activities of the district bar, such as CLE, programs/speakers, and volunteer activities/outreach projects undertaken by the district bar
- Appoint board of directors and committee members, as required by bylaws
- Oversee committee responsibilities, including functions of the fee dispute resolution committee and local grievance committee (if any)
- Update roster of district bar membership annually, as requested by State Bar
- Assist State Bar in locating attorneys to serve as law practice trustees in the event of the death, disability, or disbarment of an attorney who has no partners or associates capable of winding down his or her law practice
- Oversee collection of district bar dues
- Report to State Bar any judicial district bar member who is 12 months or more in arrears in payment of district bar dues. Please note: Judicial district bar dues may not exceed \$90.
- Oversee document retention in compliance with the State Archive's policies.
- Oversee expenditures of district bar dues to ensure proper uses of dues
- Submit annual financial reports to the State Bar

## **Statutes Governing District Bar Activities**

G.S. 7A-142 – Vacancies in Office. Recommendation of candidates to fill district court judge vacancy

G.S. 7A-498.7- Public defender offices

G.S. 84-16- Membership and privileges

G.S. 84-17, - Election of State Bar councilor(s)

G.S. 84-18

G.S. 84-18.1- Membership and fees of district bars

G.S. 84-19- Judicial districts definition

G.S. 132-1- Public records defined

G.S. 132-1.1- Confidential communications by legal counsel

G.S. 132-1.2- Confidential information

G.S. 143-318.11- Closed sessions

**Rules and Regulations Governing District Bars 27 N.C. Admin. Code, Subchapters 1A-1D**

27 NCAC 1A, .0800, et seq.- Election and Appointment of State Bar Councilors

27 NCAC 1A, .0900, et seq.- Organization of the Judicial District Bars - District bars must adopt bylaws and submit bylaws to the State Bar Council for approval

27 NCAC 1A, .1000, et seq. - Model Bylaws

27 NCAC 1B, .0200, et seq.- Rules Governing Judicial District Grievance Committees (Any district with more than 100 licensed attorneys may establish a judicial district grievance committee.)

27 NCAC 1D, .0700 et seq.- Fee Dispute Resolution

**SECTION .0800 - ELECTION AND APPOINTMENT OF STATE BAR COUNCILORS**

**27 NCAC 01A .0801 PURPOSE**

The purpose of these Rules is to promulgate fair, open, and uniform procedures to elect and appoint North Carolina State Bar councilors in all judicial district bars. These Rules should encourage a broader and more diverse participation and representation of all attorneys in the election and appointment of councilors.

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

*Readopted Eff. December 8, 1994.*

**27 NCAC 01A .0802 ELECTION - WHEN HELD; NOTICE; NOMINATIONS**

(a) Every judicial district bar, in any calendar year at the end of which the term of one or more of its councilors will expire, shall fill said vacancy or vacancies at an election to be held during that year.

(b) The officers of the district bar shall fix the time and place of such election and shall give to each active member (as defined in G.S. 84-16) of the district bar a written notice thereof. Notice may be sent by email or United States Mail to the email or mailing address on file with the North Carolina State Bar. Such notice shall be sent at least 30 days prior to the date of the election.

(c) The district bar shall submit its written notice by regular mail or email of the election to the North Carolina State Bar, at least six weeks before the date of the election.

(d) The North Carolina State Bar will, at its expense, email these notices to the lawyers in the district bar holding the election using the lawyers' email address on record with the North Carolina State Bar. If a lawyer does not have an email address on record, the notice shall be sent by regular mail to the lawyer's mailing address on record with the North Carolina State Bar.

(e) The notice shall state the date, time and place of the election, give the number of vacancies to be filled, identify how and to whom nominations may be made before the election, and advise that all elections must be by a majority of the votes cast. If the election will be held at a meeting of the bar, the notice will also advise that additional nominations may be made from the floor at the meeting itself. In judicial districts that permit elections by mail or early voting, the notice to members shall advise that nominations may be made in writing directed to the president of the district bar and received prior to a date set out in the notice. Sufficient notice shall be provided to permit nominations received from district bar members to be included on the printed ballots.

*History Note: Authority G.S. 84-18; 84-23;*

*Readopted Eff. December 8, 1994;*

*Amendments Approved by the Supreme Court: November 5, 1999; August 27, 2013; December 14, 2021.*

**27 NCAC 01A .0803 ELECTION - VOTING PROCEDURES**

(a) All nominations made either before or at the meeting shall be voted on by secret ballot.

(b) Cumulative voting shall not be permitted.

(c) Nominees receiving a majority of the votes cast shall be declared elected.

*History Note: Authority G.S. 84-18; 84-23;*

*Readopted Eff. December 8, 1994;*

*Amended Eff. November 5, 1999.*

**27 NCAC 01A .0804 PROCEDURES GOVERNING ELECTIONS BY MAIL**

- (a) Judicial district bars may adopt bylaws permitting elections by mail, in accordance with procedures approved by the N.C. State Bar Council and as set out in this Section.
- (b) Only active members of the judicial district bar may participate in elections conducted by mail.
- (c) In districts which permit elections by mail, the notice sent to members referred to in Rule .0802(e) of this Subchapter shall advise that the election will be held by mail.
- (d) The judicial district bar shall mail a ballot to each active member of the judicial district bar at the member's address of record on file with the North Carolina State Bar. The ballot shall be accompanied by written instructions and shall state when and where the ballot should be returned.
- (e) Each ballot shall be sequentially numbered with a red identifying numeral in the upper right hand corner of the ballot. The judicial district bar shall maintain appropriate records respecting how many ballots were mailed to prospective voters in each election, as well as how many ballots are returned.
- (f) Only original ballots will be accepted. No photocopied or faxed ballots will be accepted.

*History Note: Authority G.S. 84-18; 84-23;*

*Eff. November 5, 1999;*

*Amended Eff. August 23, 2012.*

**27 NCAC 01A .0805 PROCEDURES GOVERNING ELECTIONS BY ELECTRONIC VOTE**

- (a) Judicial district bars may adopt bylaws permitting elections by electronic vote in accordance with procedures approved by the N.C. State Bar Council and as set out in this Section.
- (b) Only active members of the judicial district bar may participate in elections conducted by electronic vote.
- (c) In districts which permit elections by electronic vote, the notice sent to members referred to in Rule .0802(e) of this Subchapter shall advise that the election will be held by electronic vote and shall identify how and to whom nominations may be made before the election. The notice shall explain when the ballot will be available, how to access the ballot, and the method for voting online. The notice shall also list locations where computers will be available for active members to access the online ballot in the event they do not have personal online access.
- (d) Write-in candidates shall be permitted and the instructions shall so state.
- (e) Online balloting procedures must ensure that only one vote is cast per active member of the judicial district bar and that all members have access to a ballot.

*History Note: Authority G.S. 84-18;*

*Eff. August 23, 2012.*

**27 NCAC 01A .0806 PROCEDURES GOVERNING EARLY VOTING**

- (a) Judicial district bars may adopt bylaws permitting early voting for up to 10 business days prior to a councilor election, in accordance with procedures approved by the NC State Bar Council and as set out in this subchapter.
- (b) Only active members of the judicial district bar may participate in early voting.
- (c) In districts that permit early voting, the notice sent to members referred to in Rule .0802(e) of this subchapter shall advise that early voting will be permitted, and shall identify the locations, dates, and hours for early voting. The notice

shall also advise that nominations may be made in writing directed to the president of the district bar and received prior to a date set out in the notice. Sufficient notice shall be provided to permit nominations received from district bar members to be included on the printed ballots.

(d) The notice sent to members referred to in Rule .0802(e) of this subchapter shall be placed in the United States Mail, postage prepaid, at least 30 days prior to the first day of the early voting period.

(e) Write-in candidates shall be permitted during the early voting period and at the election, and the instructions shall so state.

(f) Early voting locations and hours must be reasonably accessible to all active members of the judicial district.

*History Note: Authority G.S. 84-18;  
Adopted Eff. August 27, 2013.*

#### **27 NCAC 01A .0807 VACANCIES**

The unexpired term of any councilor whose office has become vacant because of resignation, death, or any cause other than the expiration of a term, shall be filled within 90 days of the occurrence of the vacancy by an election conducted in the same manner as above provided.

*History Note: Authority G.S. 84-18; 84-23.  
Readopted Eff. December 8, 1994;  
Amended Eff. August 27, 2013; August 23, 2012; November 5, 1999.*

### **SECTION .0900 - ORGANIZATION OF THE JUDICIAL DISTRICT BARS**

#### **27 NCAC 01A .0901 BYLAWS**

(a) Each judicial district bar shall adopt bylaws for its governance subject to the approval of the council.

(b) Each judicial district bar shall submit its current bylaws to the secretary of the North Carolina State Bar for review by the council on or before June 1, 1996.

(c) Pending review by the council, any bylaws submitted to the secretary on behalf of a judicial district bar or which already exist in the files of the secretary shall be deemed official and authoritative.

(d) All amendments to the bylaws of any judicial district bar must be filed with the secretary within 30 days of adoption and shall have no force and effect until approved by the council.

(e) The secretary shall maintain an official record for each judicial district bar containing bylaws which have been approved by the council or for which approval is pending.

*History Note: Authority G.S. 84-4;  
Eff. March 7, 1996.*

#### **27 NCAC 01A .0902 ANNUAL MEMBERSHIP FEE**

If a judicial district bar elects to assess an annual membership fee from its active members pursuant to N.C.G.S. §84-18.1(b), the following procedures shall apply:

(a) Notice to State Bar. The judicial district bar shall notify the North Carolina State Bar of its election to assess an annual membership fee each year at least thirty days prior to mailing to its members the first invoice therefore, specifying the amount of the annual membership fee, the date after which payment will be delinquent, and the amount of any late fee for delinquent payment.

(b) Accounting to State Bar. No later than thirty days after the end of the judicial district bar's fiscal year, the judicial district bar shall provide the North Carolina State Bar with an accounting of the annual membership fees it collected during such judicial district bar's fiscal year.

(c) Delinquency Date. The date upon which the annual membership fee shall be delinquent if not paid shall be not later than ninety days after, and not sooner than thirty days after, the date of the first invoice for the annual membership fee. The delinquency date shall be stated on the invoice and the invoice shall advise each member that failure to pay the annual membership fee must be reported to the North Carolina State Bar and may result in suspension of the member's license to practice law.

(d) Late Fee. Each judicial district bar may impose, but shall not be required, to impose a late fee of any amount not to exceed fifteen dollars (\$15.00) for non-payment of the annual membership fee on or before the stated delinquency date.

(e) Members Subject to Assessment. Only those lawyers who are active members of a judicial district bar may be assessed an annual membership fee.

(f) Members Exempt from Assessment.

- (1) A person licensed to practice law in North Carolina for the first time by examination is not liable for judicial district bar membership fees during the year in which the person is admitted;
- (2) A person licensed to practice law in North Carolina serving in the United States Armed Forces, whether in a legal or nonlegal capacity, is exempt from judicial district bar membership fees for any year in which the member serves some portion thereof on full-time active duty in military service;
- (3) A lawyer who joins a judicial district bar after the beginning of its fiscal year is exempt from the obligation to pay the annual membership fee for that fiscal year only if the lawyer can demonstrate that he or she previously paid an annual membership fee to another judicial district bar with a fiscal year that runs conterminously, for a period of three (3) months or more, with the fiscal year of the lawyer's new judicial district bar.

(g) Hardship Waivers. A judicial district bar may not grant any waiver from the obligation to pay the judicial district bar's annual membership fee. A judicial district bar may waive the late fee upon a showing of good cause.

(h) Reporting Delinquent Members to State Bar. Three to six months after the delinquency date for the annual membership fee, the judicial district bar shall report to the North Carolina State Bar all of its members who have not paid the annual membership fee or any late fee.

*History Note: Authority G.S. 84-18.1; 84-23;*

*Adopted by the Supreme Court December 20, 2000;*

*Amendments Approved by the Supreme Court: March 6, 2008; April 10, 2014; March 16, 2017.*

#### **27 NCAC 01A .0903 FISCAL PERIOD**

To avoid conflict with the assessment of the membership fees for the North Carolina State Bar, each judicial district bar that assesses a membership fee shall adopt a fiscal year that is not a calendar year. Any judicial district bar that assesses a mandatory membership fee for the first time after December 31, 2013, must adopt a fiscal year that begins July 1 and ends June 30.

*History Note: Authority G.S. 84-18.1; 84-23;  
Adopted Eff. December 20, 2000;  
Amended Eff. April 10, 2014.*

**SECTION .1000 - MODEL BYLAWS FOR USE BY JUDICIAL DISTRICT BARS**

**27 NCAC 01A .1001 NAME**

The name of this District Bar shall be THE DISTRICT BAR OF THE \_\_\_\_\_ JUDICIAL DISTRICT, and shall be hereinafter referred to as the "District Bar".

*History Note: Authority G.S. 84-4;  
Eff. March 7, 1996.*

**27 NCAC 01A .1002 AUTHORITY AND PURPOSE**

The District Bar is formed pursuant to the provisions of G.S. 84 to promote the purposes therein set forth and to comply with the duties and obligations therein or thereunder imposed upon the Bar of this judicial district.

*History Note: Authority G.S. 84-4;  
Eff. March 7, 1996.*

**27 NCAC 01A .1003 MEMBERSHIP**

The members of the District Bar shall consist of two classes: active and inactive.

- (1) Active members: The active members shall be all persons who, at the time of the adoption of these bylaws or any time thereafter:
  - (a) are active members in good standing with the North Carolina State Bar; and
  - (b) reside in the judicial district; or
  - (c) practice in the judicial district and elect to belong to the District Bar as provided in G.S. 84-16.
- (2) Inactive members: The inactive members shall be all persons, who, at the time of the adoption of these bylaws or at any time thereafter:
  - (a) have been granted voluntary inactive status by the North Carolina State Bar; and
  - (b) reside in the judicial district; and
  - (c) elect to participate, but not vote or hold office, in the District Bar by giving written notice to the Secretary of the District Bar.

*History Note: Authority G.S. 84-4;  
Eff. March 7, 1996.*

**27 NCAC 01A .1004 OFFICERS**

The officers of the District Bar shall be a President, a Vice President, and Secretary and/or Treasurer who shall be selected and shall serve for the terms set out herein.

- (1) President: The President serving at the time these bylaws are effective shall continue to serve for a term ending at the next annual meeting following the adoption or effective date of these bylaws. The President for the following term shall be the then current Vice President. Thereafter, the duly

elected Vice President shall automatically succeed to the office of the President for a term of one, two, or three years.

- (2) Vice President: The Vice President serving at the time these bylaws are effective shall continue to serve for a term ending at the next annual meeting following the adoption or effective date of these bylaws, at which time said Vice President shall succeed to the office of the President. Thereafter, the Vice President shall be elected at the annual meeting as hereinafter provided for a term of one, two, or three years.
- (3) Secretary and/or Treasurer: The Secretary and/or the Treasurer serving at the time these bylaws are effective shall each continue to serve in their respective offices until the expiration of the term of that office or until successors are appointed by the President (or be elected by the active members of the District Bar), whichever occurs later. In all other years, the Secretary and/or Treasurer shall be appointed by the President (or be elected by the active members of the District Bar) to serve for a term of one, two, or three years.
- (4) Election: Before (or at) the annual meeting at which officers are to be elected, the Nominating Committee shall submit the names of its nominees for the office of Vice President to the Secretary. Nominations from the floor shall be permitted. If no candidate receives a majority of the votes cast, the candidate with the lowest number of votes shall be eliminated and a run-off election shall immediately be held among the remaining candidates. This procedure shall be repeated until a candidate receives a majority of the votes.
- (5) Duties: The duties of the officers shall be those usual and customary for such officers, including such duties as may from time to time designated by resolutions of the District Bar, the North Carolina State Bar Council or the laws of the State of North Carolina.
- (6) Vacancies: If a vacancy in the office of the Vice President, Secretary-Treasurer occurs, the vacancy will be filled by the Board of Directors, if any, and if there is no Board of Directors, then by the vote of the active members at a special meeting of such members. The successor shall serve until the next annual meeting of the District Bar. If the office of the President becomes vacant, the Vice President shall succeed to the office of the President and the Board of Directors, if any, and if there is no Board of Directors, then by the vote of the active members at a special meeting of such members, will select a new Vice President, who shall serve until the next annual meeting.
- (7) Notification: Within 10 days following the annual meeting, or the filling of a vacancy in any office, the President shall notify the Executive Director of the North Carolina State Bar of the names, email addresses, mailing addresses and telephone numbers of all officers of the District Bar.
- (8) Record of Bylaws: The President shall ensure that a current copy of these bylaws is filed with the office of the Senior Resident Superior Court Judge with the \_\_\_\_\_ Judicial District and with the Executive Director of the North Carolina State Bar.
- (9) Removal from Office: The District Bar, by a two-thirds vote of its active members present at a duly called meeting, may, after due notice and an opportunity to be heard, remove from office any officer

who has engaged in conduct which renders the officer unfit to serve, or who has become disabled, or for other good cause. The office of any officer who, during his or her term of office ceases to be an active member of the North Carolina State Bar shall immediately be deemed vacant and shall be filled as provided in Item (6) of this Rule.

*History Note: Authority G.S. 84-4;  
Eff. March 7, 1996.*

#### **27 NCAC 01A .1005 COUNCILOR**

The district bar shall be represented in the State Bar council by one or more duly elected councilors, the number of councilors being determined pursuant to G.S. 84-17. Any councilor serving at the time of the adoption of these bylaws shall complete the term of office to which he or she was previously elected. Thereafter, elections shall be held as necessary. Nominations shall be made and the election held as provided in G.S. 84-18 and in Section .0800 et seq. of Subchapter 01A of the Rules of the North Carolina State Bar (27 NCAC 01A .0800 et seq.). If more than one council seat is to be filled, separate elections shall be held for each vacant seat. A vacancy in the office of councilor shall be filled as provided by 27 NCAC 01A .0804 of Subchapter 01A of the Rules of the North Carolina State Bar (27 NCAC 01A .0804).

*History Note: Authority G.S. 84-18.1; 84-23;  
Adopted Eff. March 7, 1996;  
Amended Eff. November 5, 1999.*

#### **27 NCAC 01A .1006 ANNUAL MEMBERSHIP FEE**

(a) Each active member of the District Bar shall:

- (1) Pay such annual membership fee, if any, as is prescribed by a majority vote of the active members of the District Bar present and voting at a duly called meeting of the District Bar, provided, however, that such fee may never exceed the amount of the annual membership fee currently imposed by the North Carolina State Bar. Each member shall pay the annual District Bar membership fee at the time and place set forth in the notice thereof mailed to the member by the Secretary-Treasurer; and
- (2) Keep the Secretary-Treasurer notified of the member's current mailing address and telephone number.

(b) The annual membership fee shall be used to promote and maintain the administration, activities and programs of the District Bar.

*History Note: Authority G.S. 84-4;  
Eff. March 7, 1996.*

#### **27 NCAC 01A .1007 MEETINGS**

(a) Annual meetings: The district bar shall meet each \_\_\_\_\_ at a time and place designated by the president. The president, secretary or other officer shall email, mail or deliver written notice of the annual meeting to each active member of the district bar at the member's last known mailing or email address on file with the district bar at least ten days before the date of the annual meeting and shall so certify in the official minutes of the meeting. Notice of the meeting emailed or mailed by the executive director of the North Carolina State Bar shall also satisfy the notice

requirement. Failure to email, mail or deliver the notice as herein provided shall invalidate any action at the annual meeting.

(b) Special meetings: Special meetings, if any, may be called at any time by the president or the vice-president. The president, secretary or other officer shall email, mail or deliver written notice of the special meeting to each active member of the district bar at the member's last known mailing or email address on file with the district bar at least ten days before the date of any special meeting. Such notice shall set forth the time and place for the special meeting and the purpose(s) thereof. Failure to email, mail or deliver the notice shall invalidate any action taken at a special meeting.

(c) Notice for meeting to vote on annual membership fee: Notwithstanding the notice periods set forth in paragraphs (a) and (b) of this Rule, the written notice for any meeting at which the active members will vote on whether to impose or increase an annual membership fee shall be emailed, mailed or delivered to each active member of the district bar at the member's last known mailing address on file with the North Carolina State Bar at least 30 days before the date of the meeting.

(d) Quorum: Twenty percent of the active members of the district bar shall constitute a quorum, and a quorum shall be required to take official action on behalf of the district bar.

*History Note: Authority G.S. 84-18.1; 84-23;  
Adopted Eff. March 7, 1996;  
Amended Eff. October 7, 2010.*

#### **27 NCAC 01A .1008 DISTRICT BAR FINANCES**

(a) Fiscal Year: The district bar's fiscal year shall begin on \_\_\_\_\_ and shall end on \_\_\_\_\_.

(b) Duties of treasurer: The treasurer shall maintain the funds of the district bar on deposit, initiate any necessary disbursements and keep appropriate financial records.

(c) Annual financial report: Each \_\_\_\_\_ before the annual meeting, the treasurer shall prepare the district bar's annual financial report for review by the board of directors, if any, and submission to the district bar's annual meeting and the North Carolina State Bar.

(d) District bar checks: All checks written on district bar accounts (arising from the collection of mandatory dues) that exceed five hundred dollars (\$500.00) must be signed by two of the following: (1) the treasurer, (2) any other officer, (3) another member of the board of directors, or (4) the executive secretary/director, if any.

(e) Fidelity bond: If it is anticipated that receipts from membership fees will exceed twenty thousand dollars (\$20,000.00) for any fiscal year, the district bar shall purchase a fidelity bond at least equal in amount to the anticipated annual receipts to indemnify the district bar for losses attributable to the malfeasance of the treasurer or any other member having access to district bar funds.

(f) Taxpayer identification number: The treasurer shall be responsible for obtaining a federal taxpayer identification number for the district bar.

*History Note: Authority G.S. 84-18.1; 84-23;  
Adopted Eff. March 7, 1996;  
Amended Eff. July 22, 1999.*

#### **27 NCAC 01A .1009 PROHIBITED ACTIVITIES**

(a) Prohibited Expenditures: Mandatory District Bar dues, if any, shall not be used for the purchase of alcoholic beverages, gifts to public officials, including judges, charitable contributions, recreational activities or expenses of spouses of District Bar members or officers. However, such expenditures may be made from funds derived entirely from the voluntary contributions of District Bar members.

(b) Political Expenditures: The District Bar shall not make any expenditures to fund political and ideological activities.

(c) Political Activities: The District Bar shall not engage in any political or ideological conduct or activity, including the endorsement of candidates and the taking or advocacy of positions on political issues, referendums, bond elections, and the like, however, the District Bar, and persons speaking on its behalf, may take positions on, or comment upon, issues relating to the regulation of the legal profession and issues or matters relating to the improvement of the quality and availability of legal services to the general public.

*History Note: Authority G.S. 84-4;*

*Eff. March 7, 1996.*

## **27 NCAC 01A .1010 COMMITTEES**

(a) Standing committee(s): The standing committees shall be the Nominating Committee, Pro Bono Committee, Grievance Committee, and Professionalism Committee provided that, with respect to the Grievance Committee, the district meets the State Bar guidelines relating thereto.

(b) Grievance Committee:

- (1) The Grievance Committee shall consist of at least five but not more than thirteen persons appointed by the president to staggered three year terms as provided by the Rules and Regulations of the North Carolina State Bar governing Judicial District Grievance Committees.
- (2) The Grievance Committee shall assist the Grievance Committee of the North Carolina State Bar by receiving grievances, investigating grievances, evaluating grievances, informally mediating disputes, facilitating communication between lawyers and clients and referring members of the public to other appropriate committees or agencies for assistance.
- (3) The Grievance Committee shall operate in strict accordance with the rules and policies of the North Carolina State Bar with respect to district bar grievance committees.

(c) Special Committees: Special committees may be created and appointed by the president.

(d) Nominating Committee:

- (1) The Nominating Committee shall be appointed by the officers (or the board of directors) of the district bar and shall consist of at least three active members of the district bar who are not officers or directors of the district bar.
- (2) The Nominating Committee shall meet as necessary for the purpose of nominating active members of the district bar as candidates for officers and councilor(s) and the board of directors, if any.
- (3) The Nominating Committee members shall serve one-year terms beginning on \_\_\_\_\_ and ending on \_\_\_\_\_.

- (4) Any active member whose name is submitted for consideration for nomination to any office or as a councilor must have indicated his or her willingness to serve if selected.

(e) Pro Bono Committee:

- (1) The Pro Bono Committee shall consist of at least five active members of the district bar appointed by the president.
- (2) The Pro Bono Committee shall meet at least once each quarter and shall have the duty of encouraging members of the district bar to provide pro bono legal services. The committee shall also develop programs whereby attorneys not involved in other volunteer legal service programs may provide pro bono legal service in their areas of concentration and practice.
- (3) The members of the Pro Bono Committee shall serve one-year terms commencing on \_\_\_\_\_.

(f) Professionalism Committee:

- (1) The Professionalism Committee shall consist of the three immediate past presidents of the district bar or such other members of the district bar as shall be appointed by the president.
- (2) The purpose of the Professionalism Committee shall be the promotion of professionalism and thereby the bolstering of public confidence in the legal profession. The committee may further enhance professionalism through CLE programs and, when appropriate, through confidential peer intervention in association with the Professionalism Support Initiative (PSI) which is sponsored and supported by the Chief Justice's Commission on Professionalism. The PSI effort is to investigate and informally assist with client-lawyer, lawyer-lawyer, and lawyer-judge relationships to ameliorate disputes, improve communications, and repair relationships. The Professionalism Committee shall have no authority to discipline any lawyer or judge, or to force any lawyer or judge to take any action. The committee shall not investigate or attempt to resolve complaints of professional misconduct cognizable under the Rules of Professional Conduct and shall act in accordance with Rules 1.6(c) and 8.3 of the Rules of Professional Conduct. The committee shall consult and work with the Chief Justice's Commission on Professionalism when appropriate.

*History Note: Authority G.S. 84-18.1; 84-23;*

*Adopted Eff. March 7, 1996;*

*Amendments Approved by the Supreme Court: March 6, 2002; March 6, 2008; September 25, 2019.*

**27 NCAC 01A .1011 BOARD OF DIRECTORS OR EXECUTIVE COMMITTEE**

(a) Membership of Board: A Board of Directors consisting of at least \_\_\_\_\_ active members of the District Bar shall be elected. At all times, the Board of Directors shall include at least one director from each county in the Judicial District. The Board of Directors serving when these bylaws become effective shall continue to serve until the following annual meeting. Beginning on \_\_\_\_\_ immediately after the effective date of these bylaws, the President shall appoint an initial Board of Directors who shall serve three-year terms commencing on \_\_\_\_\_, except that the terms of the initial members of the Board shall be staggered at one-year intervals to

ensure continuity and experience. To effect the staggered initial terms, the President will determine which of the initial members shall serve terms of less than three years.

The State Bar Councilor (or Councilors) from the judicial district shall be an ex officio member (or members) of the District Bar Board of Directors or Executive Committee.

(b) Terms of Directors: After the initial staggered terms of the Board of Directors expire, successors shall be elected by the active members at the annual District Bar meeting, as set out in Rule .1004 (d) of this Section, and Paragraphs (c ) and (d) of this Rule. Following the completion of the initial staggered terms, the directors shall serve three-year terms beginning on \_\_\_\_\_ following their election.

(c) Designated and At-Large Seats in Multi-County Districts: In multi-county districts, one seat on the Board of Directors shall be set aside and designated for each county in the district. Only active members of the District Bar who reside or work in the designated county may be elected to a designated county seat. All other seats on the Board of Directors shall be at-large seats which may be filled by any active member of the District Bar.

(d) Elections: When one or more seats on the Board of Directors become vacant, an election shall be held at the annual meeting of the District Bar. Except as otherwise provided herein, the election shall be conducted as provided for in Rule .1004(d) of this Section. The candidates receiving the highest number of votes cast will be elected, regardless of whether any of the candidates received a majority of the votes cast, provided that designated seats will be filled by the candidates receiving the highest number of votes who live or work in the designated county, regardless of whether any of the candidates received a majority of the votes cast.

(e) Vacancies: If a vacancy occurs on the Board of Directors, the President (or the Board of Directors) shall appoint a successor who shall serve until the next annual meeting of the District Bar. If the vacancy occurs in a designated seat for a particular county within the district, the successor will be selected from among the active members of the District Bar who live or work in the designated county.

(f) Duties of Board of Directors: The Board of Directors shall have the responsibilities described Rules .1004(f) and .1007(c) of this Section. The Board of Directors shall also consult with the officers regarding any matters of District Bar business or policy arising between meetings and may act for the District Bar on an emergency basis if necessary, provided that any such action shall be provisional pending its consideration by the District Bar at its next duly called meeting. The Board of Directors may not impose on its own authority any sort of fee upon the membership.

*History Note: Authority G.S. 84-4;*

*Eff. March 7, 1996.*

## **27 NCAC 01A .1012 AMENDMENT OF THE BYLAWS**

The membership of the District Bar, by a \_\_\_\_\_ (majority, two-thirds, etc.) vote of the active members present at any duly called meeting at which there is a quorum present and voting throughout, may amend these bylaws in ways not inconsistent with the constitution of the United States, the policies and rules of the North Carolina State Bar and the laws of the United States and North Carolina.

*History Note: Authority G.S. 84-4;*

*Eff. March 7, 1996.*

## **27 NCAC 01A .1013 SELECTION OF NOMINEES FOR DISTRICT COURT JUDGE**

Unless otherwise required by law, the following procedures shall be used to determine the nominees to be recommended to the Governor pursuant to G.S. 7A-142 for vacant district court judgeships in the judicial district.

(a) Meeting for Nominations: The nominees shall be selected by secret, written ballot of those members present at a meeting of the district bar called for this purpose. Fifteen (15) days notice of the meeting shall be given, by mail, to the last known address of each district bar member. Alternatively, if a bylaw permitting elections by mail is adopted by the district bar, the procedures set forth in the bylaw and in Rule .0804 of Subchapter 01A of the Rules of the North Carolina State Bar (27 NCAC 01A .0804), shall be followed.

(b) Candidates: Persons who want to be considered for the vacancy shall notify the President in writing five (5) days prior to the meeting at which the election will be conducted or, if the election is by mail, five days prior to the mailing of the ballots.

(c) Voting: Each district bar member eligible to vote pursuant to G.S. 7A-142 may vote for up to five (5) candidates. Cumulative voting is prohibited. Proxy voting is prohibited.

(d) Submission to Governor: The five candidates receiving the highest number of votes shall be the nominees to fill the vacancy on the district court and their names, and vote totals, shall be transmitted to the governor. In the event of a tie for fifth place, the names of those candidates involved in the tie shall be transmitted to the governor together with the names of the four candidates receiving the highest number of votes.

*History Note: Authority G.S. 7A-142; 84-18.1; 84-23;*

*Adopted Eff. February 27, 2003;*

*Amended Eff. March 6, 2014.*

## **SECTION .0200 - RULES GOVERNING JUDICIAL DISTRICT GRIEVANCE COMMITTEES**

### **27 NCAC 01B .0201 ORGANIZATION OF JUDICIAL DISTRICT GRIEVANCE COMMITTEES**

#### **(a) Judicial Districts Eligible to Form District Grievance Committees**

(1) Membership Requirements for Establishing a District Grievance Committee - Any judicial district which has more than 100 licensed attorneys as determined by the North Carolina State Bar's records may establish a judicial district grievance committee (hereafter, "district grievance committee") pursuant to the rules and regulations set out herein. A judicial district with fewer than 100 licensed attorneys may establish a district grievance committee with consent of the Council of the North Carolina State Bar.

(2) Multi-District Grievance Committees - One or more judicial districts, including those with fewer than 100 licensed attorneys, may also establish a multi-district grievance committee, as set out in Rule .0201(b)(2) below. Such multi-district grievance committees shall be subject to all of the rules and regulations set out herein and all references to district grievance committees in these rules shall also apply to multi-district grievance committees.

#### **(b) Creation of District Grievance Committees**

(1) Meeting Establishing a District Grievance Committee and Certification - A judicial district may establish a district grievance committee at a duly called meeting of the judicial district bar, at which a quorum is present, upon the affirmative vote of a majority of the active members present. Within

30 days of the election, the president of the judicial district bar shall certify in writing the establishment of the district grievance committee to the secretary of the North Carolina State Bar.

- (2) Meeting Establishing a Multi-District Grievance Committee and Certification - A multi-district grievance committee may be established by affirmative vote of a majority of the active members of each participating judicial district present at a duly called meeting of each participating judicial district bar, at which a quorum is present. Within 30 days of the election, the chairperson of the multi-district grievance committee shall certify in writing the establishment of the district grievance committee to the secretary of the North Carolina State Bar. The active members of each participating judicial district may adopt a set of bylaws not inconsistent with these rules by majority vote of the active members of each participating judicial district present at a duly called meeting of each participating judicial district bar, at which a quorum is present. The chairperson of the multi-district grievance committee shall promptly provide a copy of any such bylaws to the secretary of the North Carolina State Bar.

(c) Appointment of District Grievance Committee Members

- (1) Members of District Committees - Each district grievance committee shall be composed of not fewer than five nor more than 21 members, all of whom shall be active members in good standing both of the judicial district bar to which they belong and of the North Carolina State Bar. In addition to the attorney members, each district grievance committee may also include one to five public members who have never been licensed to practice law in any jurisdiction. Public members shall not perform investigative functions regarding grievances but in all other respects shall have the same authority as the attorney members of the district grievance committee.
- (2) Chairperson - The chairperson of the district grievance committee shall be selected by the president of the judicial district and shall serve at his or her pleasure. Alternatively, the chairperson may be selected and removed as provided in the district bar bylaws.
- (3) Selection of Attorney and Public Members - The attorney and public members of the district grievance committee shall be selected by and serve at the pleasure of the president of the judicial district bar and the chairperson of the district grievance committee. Alternatively, the district grievance committee members may be selected and removed as provided in the district bar bylaws.
- (4) Term and Replacement of Members - The members of the district grievance committee, including the chairperson, shall be appointed for staggered three-year terms, except that the president and chairperson shall appoint some of the initial committee members to terms of less than three years, to effectuate the staggered terms. No member shall serve more than one term, without first having rotated off the committee for a period of at least one year between three-year terms. Any member who resigns or otherwise becomes ineligible to continue serving as a member shall be replaced by appointment by the president of the judicial district bar and the chairperson of the committee or as provided in the district bar bylaws as soon as practicable.

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

*Readopted Eff. December 8, 1994;*

*Amended Eff. October 7, 2010.*

**27 NCAC 01B .0202 JURISDICTION & AUTHORITY OF DISTRICT GRIEVANCE COMMITTEES**

(a) District Grievance Committees are Subject to the Rules of the North Carolina State Bar - The district grievance committee shall be subject to the rules and regulations adopted by the Council of the North Carolina State Bar.

(b) Grievances Filed With District Grievance Committee - A district grievance committee may investigate and consider grievances filed against attorneys who live or maintain offices within the judicial district and which are filed in the first instance with the chairperson of the district grievance committee. The chairperson of the district grievance committee will immediately refer to the State Bar any grievance filed locally in the first instance which

- (1) alleges misconduct against a member of the district grievance committee;
- (2) alleges that any attorney has embezzled or misapplied client funds; or
- (3) alleges any other serious violation of the Rules of Professional Conduct which may be beyond the capacity of the district grievance committee to investigate.

(c) Grievances Referred to District Grievance Committee - The district grievance committee shall also investigate and consider such grievances as are referred to it for investigation by the counsel of the North Carolina State Bar.

(d) Grievances Involving Fee Disputes

- (1) Notice to Complainant of Fee Dispute Resolution Program - If a grievance filed initially with the district bar consists solely or in part of a fee dispute, the chairperson of the district grievance committee shall notify the complainant in writing within 10 working days of receipt of the grievance that the complainant may elect to participate in the North Carolina State Bar Fee Dispute Resolution Program. If the grievance consists solely of a fee dispute, the letter to the complainant shall follow the format set out in Rule .0208 of this subchapter. If the grievance consists in part of matters other than a fee dispute, the letter to the complainant shall follow the format set out in Rule .0209 of this subchapter. A respondent attorney shall not have the right to elect to participate in fee arbitration.
- (2) Handling Claims Not Involving Fee Dispute - Where a grievance alleges multiple claims, the allegations not involving a fee dispute will be handled in the same manner as any other grievance filed with the district grievance committee.
- (3) Handling Claims Not Submitted to Fee Dispute Resolution by Complainant - If the complainant elects not to participate in the State Bar's Fee Dispute Resolution Program, or fails to notify the chairperson that he or she elects to participate within 20 days following mailing of the notice referred to in Rule .0202(d)(1) above, the grievance will be handled in the same manner as any other grievance filed with the district grievance committee.
- (4) Referral to Fee Dispute Resolution Program - Where a complainant timely elects to participate in fee dispute resolution, the chairperson of the district grievance committee shall refer the portion of the grievance involving a fee dispute to the State Bar Fee Dispute Resolution Program for resolution. If the grievance consists entirely of a fee dispute, and the complainant timely elects to participate in fee dispute resolution, no grievance file will be established.

- (e) Authority of District Grievance Committees - The district grievance committee shall have authority to
- (1) assist a complainant who requests assistance to reduce a grievance to writing;
  - (2) investigate complaints described in Rule .0202(b) and(c) above by interviewing the complainant, the attorney against whom the grievance was filed and any other persons who may have relevant information regarding the grievance and by requesting written materials from the complainant, respondent attorney, and other individuals;
  - (3) explain the procedures of the district grievance committee to complainants and respondent attorneys;
  - (4) find facts and recommend whether or not the State Bar's Grievance Committee should find that there is probable cause to believe that the respondent has violated one or more provisions of the Revised Rules of Professional Conduct. The district grievance committee may also make a recommendation to the State Bar regarding the appropriate disposition of the case, including referral to the Lawyer Assistance Program pursuant to Rule .0112(j) or to a program of law office management training approved by the State Bar;
  - (5) draft a written report stating the grounds for the recommended disposition of a grievance assigned to the district grievance committee;
  - (6) notify the complainant and the respondent attorney where the district grievance committee recommends that the State Bar find that there is no probable cause to believe that the respondent has violated the Rules of Professional Conduct. Where the district grievance committee recommends that the State Bar find that there is probable cause to believe that the respondent has violated one or more provisions of the Rules of Professional Conduct, the committee shall notify the respondent attorney of its recommendation and shall notify the complainant that the district grievance committee has concluded its investigation and has referred the matter to the State Bar for final resolution. Where the district grievance committee recommends a finding of no probable cause, the letter of notification to the respondent attorney and to the complainant shall follow the format set out in Rule .0210 of this subchapter. Where the district grievance committee recommends a finding of probable cause, the letter of notification to the respondent attorney shall follow the format set out in Rule .0211 of this subchapter. The letter of notification to the complainant shall follow the format set out in Rule .0212 of this subchapter;
  - (7) maintain records of grievances investigated by the district grievance committee for at least one year from the date on which the district grievance committee makes its final recommendation regarding a grievance to the State Bar.

*History Note: Authority G.S. 84-23;  
Readopted Eff. December 8, 1994;  
Amendments Approved by the Supreme Court: March 3, 1999; December 20, 2000; August 23, 2007; September 25, 2019.*

**27 NCAC 01B .0203 MEETINGS OF THE DISTRICT GRIEVANCE COMMITTEES**

(a) Notice of Meeting - The district grievance committee shall meet at the call of the chairperson upon reasonable notice, as often as is necessary to dispatch its business and not less than once every 60 days, provided the committee has grievances pending.

(b) Confidentiality - The district grievance committee shall meet in private. Discussions of the committee, its records and its actions shall be confidential. The names of the members of the committee shall not be confidential.

(c) Quorum - A simple majority of the district grievance committee must be present at any meeting in order to constitute a quorum. The committee may take no action unless a quorum is present. A majority vote in favor of a motion or any proposed action shall be required for the motion to pass or the action to be taken.

(d) Appearances by Complainants and Respondents - No complainant nor any attorney against whom a grievance has been filed may appear before the district grievance committee, present argument to or be present at the committee's deliberations.

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

*Readopted Eff. December 8, 1994.*

#### **27 NCAC 01B .0204 PROCEDURE UPON INSTITUTION OF A GRIEVANCE**

(a) Receipt of Grievance - A grievance may be filed by any person against a member of the North Carolina State Bar. Such grievance must be in writing and signed by the complaining person. A district grievance committee may, however, investigate matters which come to its attention during the investigation of a grievance, whether or not such matters are included in the original written grievance.

(b) Acknowledgment of Receipt of Grievance from State Bar - The chairperson of the district grievance committee shall send a letter to the complainant within 10 working days of receipt of the grievance from the State Bar, acknowledging that a grievance file has been set up. The acknowledgment letter shall include the name of the district grievance committee member assigned to investigate the matter and shall follow the format set out in Rule .0213 of this subchapter. A copy of the letter shall be sent contemporaneously to the office of counsel of the State Bar.

(c) Notice to State Bar of Locally Filed Grievances

(1) Where a grievance is filed in the first instance with the district grievance committee, the chairperson of the district grievance committee shall notify the office of counsel of the State Bar of the name of the complainant, respondent attorney, file number and nature of the grievance within 10 working days of receipt of the grievance.

(2) The chairperson of the district grievance committee shall send a letter to the complainant within 10 working days of receipt of the grievance, acknowledging that a grievance file has been set up. The acknowledgment letter shall include the name of the district grievance committee member assigned to investigate the matter and shall follow the format set out in Rule .0213 of this subchapter.

(3) Grievances filed initially with the district grievance committee shall be assigned a local file number which shall be used to refer to the grievance. The first two digits of the file number shall indicate the year in which the grievance was filed, followed by the number of the judicial district, the letters GR, and ending with the number of the file. File numbers shall be assigned sequentially during the

calendar year, beginning with the number 1. For example, the first locally filed grievance set up in the 10th judicial district in 1994 would bear the following number: 9410GR001.

(d) Assignment to Investigating Member - Within 10 working days after receipt of a grievance, the chairperson shall appoint a member of the district grievance committee to investigate the grievance and shall forward the relevant materials to the investigating member. The letter to the investigating member shall follow the format set out in Rule .0214 of this subchapter.

(e) Investigation of the Grievance

- (1) The investigating member shall attempt to contact the complainant as soon as possible but no later than 15 working days after receiving notice of the assignment. If the initial contact with the complainant is made in writing, the letter shall follow the format set out in Rule .0215 of this subchapter.
- (2) The investigating member shall have the authority to contact other witnesses or individuals who may have information about the subject of the grievance, including the respondent.
- (3) The failure of the complainant to cooperate shall not cause a grievance to be dismissed or abated. Once filed, grievances shall not be dismissed or abated upon the request of the complainant.

(f) Letter of Notice to Respondent Attorney and Responses

- (1) Within 10 working days after receipt of a grievance, the chairperson of the district grievance committee shall send a copy of the grievance and a letter of notice to the respondent attorney. The letter to the respondent attorney shall follow the form set out in Rule .0216 of this subchapter and shall be sent by U.S. Mail to the attorney's last known address on file with the State Bar. The letter of notice shall request the respondent to reply to the investigating attorney in writing within 15 days after receipt of the letter of notice.
- (2) A substance of grievance will be provided to the district grievance committee by the State Bar at the time the file is assigned to the committee. The substance of grievance will summarize the nature of the complaint against the respondent attorney and cite the applicable provisions of the Rules of Professional Conduct, if any.
- (3) The respondent attorney shall respond in writing to the letter of notice from the district grievance committee within 15 days of receipt of the letter. The chairperson of the district grievance committee may allow a longer period for response, for good cause shown.
- (4) If the respondent attorney fails to respond in a timely manner to the letter of notice, the chairperson of the district grievance committee may seek the assistance of the State Bar to issue a subpoena or take other appropriate steps to ensure a proper and complete investigation of the grievance. District grievance committees do not have authority to issue a subpoena to a witness or respondent attorney.
- (5) Unless necessary to complete its investigation, the district grievance committee should not release copies of the respondent attorney's response to the grievance to the complainant. The investigating attorney may summarize the response for the complainant orally or in writing.

(g) District Grievance Committee Deliberations

- (1) Upon completion of the investigation, the investigating member shall promptly report his or her findings and recommendations to the district grievance committee in writing.
- (2) The district grievance committee shall consider the submissions of the parties, the information gathered by the investigating attorney and such other material as it deems relevant in reaching a recommendation. The district grievance committee may also make further inquiry as it deems appropriate, including investigating other facts and possible violations of the Rules of Professional Conduct discovered during its investigation.
- (3) The district grievance committee shall make a determination as to whether or not it finds that there is probable cause to believe that the respondent violated one or more provisions of the Rules of Professional Conduct.

(h) Report of Committee's Decision

- (1) Upon making a decision in a case, the district grievance committee shall submit a written report to the office of counsel, including its recommendation and the basis for its decision. The original file and grievance materials of the investigating attorney shall be sent to the State Bar along with the report. The letter from the district bar grievance committee enclosing the report shall follow the format set out in Rule .0217 of this subchapter.
- (2) The district grievance committee shall submit its written report to the office of counsel no later than 180 days after the grievance is initiated or received by the district committee. The State Bar may recall any grievance file which has not been investigated and considered by a district grievance committee within 180 days after the matter is assigned to the committee. The State Bar may also recall any grievance file for any reason.
- (3) Within 10 working days of submitting the written report and returning the file to the office of counsel, the chairperson of the district grievance committee shall notify the respondent attorney and the complainant in writing of the district grievance committee's recommendation, as provided in Rule .0202(d)(6) of this subchapter.

*History Note:* Authority G.S. 84-23;  
 Readopted Eff. December 8, 1994.

**27 NCAC 01B .0205 RECORD KEEPING**

The district grievance committee shall maintain records of all grievances referred to it by the State Bar and all grievances initially filed with the district grievance committee for at least one year. The district grievance committee shall provide such reports and information as are requested of it from time to time by the State Bar.

*History Note:* Authority G.S. 84-23;  
 Readopted Eff. December 8, 1994.

**27 NCAC 01B .0206 MISCELLANEOUS**

(a) Assistance and Questions - The office of counsel, including the staff attorneys and the grievance coordinator, are available to answer questions and provide assistance regarding any matters before the district grievance committee.

(b) Missing Attorneys - Where a respondent attorney is missing or cannot be located, the district grievance committee shall promptly return the grievance file to the office of counsel for appropriate action.

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

*Readopted Eff. December 8, 1994.*

**27 NCAC 01B .0207 CONFLICTS OF INTEREST**

(a) No district grievance committee shall investigate or consider a grievance which alleges misconduct by any current member of the committee. If a file is referred to the committee by the State Bar or is initiated locally which alleges misconduct by a member of the district grievance committee, the file will be sent to the State Bar for investigation and handling within 10 working days after receipt of the grievance.

(b) A member of a district grievance committee shall not investigate or participate in deliberations concerning any of the following matters:

- (1) alleged misconduct of an attorney who works in the same law firm or office with the committee member;
- (2) alleged misconduct of a relative of the committee member;
- (3) a grievance involving facts concerning which the committee member or a partner or associate in the committee member's law firm acted as an attorney.

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

*Readopted Eff. December 8, 1994.*

**27 NCAC 01B .0208 LETTER TO COMPLAINANT WHERE LOCAL GRIEVANCE ALLEGES FEE DISPUTE ONLY**

John Smith

Anywhere, N.C.

Re: Your complaint against Jane Doe

Dear Mr. Smith:

The district grievance committee has received your complaint against the above-listed attorney. Based upon our initial review of the materials which you submitted, it appears that your complaint involves a fee dispute. Accordingly, I would like to take this opportunity to notify you of the North Carolina State Bar Fee Dispute Resolution Program. The program is designed to provide citizens with a means of resolving disputes over attorney fees at no cost to them and without going to court. A pamphlet which describes the program in greater detail is enclosed, along with an application form.

If you would like to participate in the fee dispute resolution program, please complete and return the form to me within 20 days of the date of this letter. If you decide to participate, no grievance file will be opened and the district bar grievance committee will take no other action against the attorney.

If you do not wish to participate in the fee dispute resolution program, you may elect to have your complaint investigated by the district grievance committee. If we do not hear from you within 20 days of the date of this letter, we will assume that you do not wish to participate in fee dispute resolution, and we will handle your complaint like any other grievance. However, the district grievance committee has no authority to attempt to resolve a fee dispute

between an attorney and his or her client. Its sole function is to investigate your complaint and make a recommendation to the North Carolina State Bar regarding whether there is probable cause to believe that the attorney has violated one or more provisions of the Rules of Professional Conduct which govern attorneys in this state.

Thank you for your cooperation.

Sincerely yours,  
Chairperson  
District Bar Grievance Committee

cc: PERSONAL & CONFIDENTIAL  
Director of Investigations,  
The N.C. State Bar

*History Note: Authority G.S. 84-23;  
Readopted Eff. December 8, 1994;  
Amended Eff. August 23, 2007.*

**27 NCAC 01B .0209 LETTER TO COMPLAINANT WHERE LOCAL GRIEVANCE ALLEGES FEE DISPUTE AND OTHER VIOLATIONS**

John Smith  
Anywhere, N.C.

Re: Your complaint against Jane Doe

Dear Mr. Smith:

The district grievance committee has received your complaint against the above-listed attorney. Based upon our initial review of the materials which you submitted, it appears that your complaint involves a fee dispute as well as other possible violations of the rules of ethics. Accordingly, I would like to take this opportunity to notify you of the North Carolina State Bar Fee Dispute Resolution Program. The program is designed to provide citizens with a means of resolving disputes over attorney fees at no cost to them and without going to court. A pamphlet which describes the program in greater detail is enclosed, along with an application form.

If you would like to participate in the fee dispute resolution program, please complete and return the form to me within 20 days of the date of this letter. If you decide to participate, the fee dispute resolution committee will handle those portions of your complaint which involve an apparent fee dispute.

If you do not wish to participate in the fee dispute resolution program, you may elect to have your entire complaint investigated by the district grievance committee. If we do not hear from you within 20 days of the date of this letter, we will assume that you do not wish to participate in fee dispute resolution, and we will handle your entire complaint like any other grievance. However, the district grievance committee has no authority to attempt to resolve a fee dispute between an attorney and his or her client. Its sole function is to investigate your complaint and make a recommendation to the North Carolina State Bar regarding whether there is probable cause to believe that the attorney has violated one or more provisions of the Rules of Professional Conduct which govern attorneys in this state.

Thank you for your cooperation.

Sincerely yours,  
Chairperson  
District Bar Grievance Committee

cc: PERSONAL & CONFIDENTIAL  
Director of Investigations  
The N.C. State Bar

*History Note: Authority G.S. 84-23;  
Readopted Eff. December 8, 1994;  
Amended Eff. August 23, 2007.*

**27 NCAC 01B .0210 LETTER TO COMPLAINANT/RESPONDENT WHERE DISTRICT  
COMMITTEE RECOMMENDS FINDING OF NO PROBABLE CAUSE**

John Smith  
Anywhere, N.C.

Re: Your complaint against Jane Doe  
Our File No.

Dear Mr. Smith:

The district grievance committee has completed its investigation of your grievance. Based upon its investigation, the committee does not believe that there is probable cause to find that the attorney has violated any provisions of the Rules of Professional Conduct. The committee will forward a report with its recommendation to the North Carolina State Bar Grievance Committee. The final decision regarding your grievance will be made by the North Carolina State Bar Grievance Committee. You will be notified in writing of the State Bar's decision.

If you have any questions or wish to communicate further regarding your grievance, you may contact the North Carolina State Bar at the following address:

The North Carolina State Bar  
Grievance Committee  
P.O. Box 25908  
Raleigh, N.C. 27611

Neither I nor any member of the district grievance committee can give you any advice regarding any legal rights you may have regarding the matters set out in your grievance. You may pursue any questions you have regarding your legal rights with an attorney of your choice.

Thank you very much for your cooperation.

Sincerely yours,  
Chairperson  
District Grievance Committee

cc: PERSONAL AND CONFIDENTIAL  
Respondent Attorney  
PERSONAL AND CONFIDENTIAL  
Director of Investigations  
The N.C. State Bar

*History Note: Authority G.S. 84-23;  
Readopted Eff. December 8, 1994.*

**27 NCAC 01B .0211 LETTER TO RESPONDENT WHERE DISTRICT COMMITTEE  
RECOMMENDS FINDING OF PROBABLE CAUSE**

Ms. Jane Doe  
Anywhere, N.C.

Re: Grievance of John Smith  
Our File No.

Dear Ms. Doe:

The district grievance committee has completed its investigation of Mr. Smith's grievance and has voted to recommend that the North Carolina State Bar Grievance Committee find probable cause to believe that you violated one or more provisions of the Rules of Professional Conduct. Specifically, the [] district grievance committee found that there is probable cause to believe that you may have violated [set out brief description of rule allegedly violated and pertinent facts].

The final decision in this matter will be made by the North Carolina State Bar Grievance Committee and you will be notified in writing of the State Bar's decision. The complainant has been notified that the district grievance committee has concluded its investigation and that the grievance has been sent to the North Carolina State Bar for final resolution, but has not been informed of the district committee's specific recommendation.

If you have any questions or wish to communicate further regarding this grievance, you may contact the North Carolina State Bar at the following address:

The North Carolina State Bar  
Grievance Committee  
P.O. Box 25908  
Raleigh, N.C. 27611  
Tel. 919-828-4620

Thank you very much for your cooperation.

Sincerely yours,  
Chairperson  
District Grievance Committee

cc: PERSONAL AND CONFIDENTIAL  
Director of Investigations  
The N.C. State Bar

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

*Readopted Eff. December 8, 1994.*

**27 NCAC 01B .0212 LETTER TO COMPLAINANT WHERE DISTRICT COMMITTEE  
RECOMMENDS FINDING OF PROBABLE CAUSE**

John Smith  
Anywhere, N.C.

Re: Your complaint against Jane Doe  
Our File No.

Dear Mr. Smith:

The district grievance committee has completed its investigation of your grievance and has forwarded its file to the North Carolina State Bar Grievance Committee in Raleigh for final resolution. The final decision in this matter will be made by the North Carolina State Bar Grievance Committee and you will be notified in writing of the State Bar's decision.

If you have any questions or wish to communicate further regarding your grievance, you may contact the North Carolina State Bar at the following address:

The North Carolina State Bar  
Grievance Committee  
P.O. Box 25908  
Raleigh, N.C. 27611

Neither I nor any member of the district grievance committee can give you any advice regarding any legal

rights you may have regarding the matters set out in your grievance. You may pursue any questions you have regarding your legal rights with an attorney of your choice.

Thank you very much for your cooperation.

Sincerely yours,  
Chairperson  
District Grievance Committee

cc: PERSONAL AND CONFIDENTIAL  
Respondent Attorney  
PERSONAL AND CONFIDENTIAL  
Director of Investigations  
The N.C. State Bar

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

*Readopted Eff. December 8, 1994.*

**27 NCAC 01B .0213 LETTER TO COMPLAINANT ACKNOWLEDGING GRIEVANCE**

John Smith  
Anywhere, N.C.

Re: Your complaint against Jane Doe

Our File No. []

Dear Mr. Smith:

I am the chairperson of the [] district grievance committee. Your grievance against [respondent attorney] [was received in my office]\[has been forwarded to my office by the North Carolina State Bar] on [date]. I have assigned [investigator's name], a member of the [] district grievance committee, to investigate your grievance. []'s name, address and telephone number are as follows: [].

Please be sure that you have provided all information and materials which relate to or support your complaint to the [] district grievance committee. If you have other information which you would like our committee to consider, or if you wish to discuss your complaint, please contact the investigating attorney by telephone or in writing as soon as possible.

After []'s investigation is complete, the [] district grievance committee will make a recommendation to the North Carolina State Bar Grievance Committee regarding whether or not there is probable cause to believe that [respondent attorney] violated one or more provisions of the Rules of Professional Conduct. Your complaint and the results of our investigation will be sent to the North Carolina State Bar at that time. The [] district grievance committee's recommendation is not binding upon the North Carolina State Bar Grievance Committee, which will make the final determination. You will be notified in writing when the [] district grievance committee's investigation is concluded.

Neither the investigating attorney nor any member of the [] district grievance committee can give you any legal advice or represent you regarding any underlying legal matter in which you may be involved. You may pursue any questions you have about your legal rights with an attorney of your own choice.

Thank you very much for your cooperation.

Sincerely yours,

[] Chairperson

[] District Grievance Committee

cc: PERSONAL AND CONFIDENTIAL  
Director of Investigations  
The N.C. State Bar

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

*Readopted Eff. December 8, 1994.*

**27 NCAC 01B .0214 LETTER TO INVESTIGATING ATTORNEY ASSIGNING GRIEVANCE**

James Roe

[] District Grievance Committee Member

Anywhere, N.C.

Re: Grievance of John Smith against Jane Doe

Our File No. []

Dear Mr. Roe:

Enclosed you will find a copy of the grievance which I recently received regarding the above-captioned matter. Please investigate the complaint and provide a written report with your recommendations by [deadline].

Thank you very much.

Sincerely yours,

[] Chairperson

[] District Grievance Committee

cc: PERSONAL AND CONFIDENTIAL

Director of Investigations

The N.C. State Bar

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

*Readopted Eff. December 8, 1994.*

**27 NCAC 01B .0215 LETTER TO COMPLAINANT FROM INVESTIGATING ATTORNEY**

John Smith

Anywhere, N.C.

Re: Your complaint against Jane Doe

Our File No. []

Dear Mr. Smith:

I am the member of the [] district grievance committee assigned to investigate your grievance against [respondent attorney]. It is part of my job to ensure that you have had a chance to explain your complaint and that the [] district grievance committee has copies of all of the documents which you believe relate to your complaint.

If you have other information or materials which you would like the [] district grievance committee to consider, or if you would like to discuss this matter, please contact me as soon as possible.

If you have already fully explained your complaint, you do not need to take any additional action regarding your grievance. The [] district grievance committee will notify you in writing when its investigation is complete. At that time, the matter will be forwarded to the North Carolina State Bar Grievance Committee in Raleigh for its final decision. You will be notified in writing of the North Carolina State Bar's decision.

Thank you very much for your cooperation.

Sincerely yours,

[] Investigating Member

[] District Grievance Committee

cc: PERSONAL AND CONFIDENTIAL

Chairperson, [] District Grievance Committee

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

*Readopted Eff. December 8, 1994.*

**27 NCAC 01B .0216 LETTER OF NOTICE TO RESPONDENT ATTORNEY**

Ms. Jane Doe

Anywhere, N.C.

Re: Grievance of John Smith

Our File No. []

Dear Ms. Doe:

Enclosed you will find a copy of a grievance which has been filed against you by [complainant] and which was received in my office on [date]. As chairperson of the [] district grievance committee, I have

asked [investigating attorney], a member of the committee, to investigate this grievance. Please file a written response with [investigating attorney] within 15 days from receipt of this letter. Your response should provide a full and fair disclosure of all of the facts and circumstances relating to the matters set out in the grievance.

Thank you.

Sincerely yours,

Chairperson

District Grievance Committee

cc: PERSONAL AND CONFIDENTIAL

Investigating member

District Grievance Committee

PERSONAL AND CONFIDENTIAL

Director of Investigations

N.C. State Bar

PERSONAL AND CONFIDENTIAL

Complainant

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

*Readopted Eff. December 8, 1994.*

**27 NCAC 01B .0217 LETTER TRANSMITTING COMPLETED FILE TO NORTH CAROLINA STATE**

**BAR**

Director of Investigations

N.C. State Bar

P.O. Box 25908

Raleigh, N.C. 27611

Re: Grievance of John Smith

File No.

Dear Director:

The  district grievance committee has completed its investigation in the above-listed matter. Based upon our investigation, the committee determined in its opinion that there is/is not probable cause to believe that the respondent violated one or more provisions of the Rules of Professional Conduct for the reasons set out in the enclosed report.

We are forwarding this matter for final determination by the North Carolina State Bar Grievance Committee along with the following materials:

1. The original grievance of [complainant].
2. A copy of the file of the investigating attorney.
3. The investigating attorney's report, which includes a summary of the facts and the reason(s) for the committee's decision.

Please let me know if you have any questions or if you need any additional information. Thank you.

Sincerely yours,

Chairperson

District Grievance Committee

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

*Readopted Eff. December 8, 1994.*

## *Keller v. State Bar of California* Memorandum

From: Ashley Payne Ratliff, NC State Bar Agency Attorney and District Bar Liaison  
Date: May 2024

### **Summary of Legal Background**

Keller v. State Bar of California, 496 U.S. 1 (1990) found that a mandatory state bar can require membership and dues but could not use those dues to finance ideological or political speech; doing so could be a violation of the 1<sup>st</sup> Amendment rights of members. “The State Bar’s use of petitioners’ compulsory dues to finance political and ideological activities with which petitioners disagree violates their First Amendment right of free speech when such expenditures are not necessarily or reasonably incurred for the purpose of regulating the legal profession or improving the quality of legal services.” *Keller*, 496 U.S. at 2. If a bar chose to publish or promote non-germane speech, it must create a mechanism where its members could challenge the fees being used to promote the objectionable ideological or political speech. *Keller* did not give specifics on what would or would not be germane instead stating “[c]ompulsory dues may not be expended to endorse or advance a gun control or nuclear weapons freeze initiative; at the other end of the spectrum petitioners have no valid constitutional objection to their compulsory dues being spent for activities connected with disciplining members of the Bar or proposing ethical codes for the profession.” *Id.* at 16. *Keller* relied on the analysis in Abood v. Detroit Bd. of Ed., 431 U.S. 209 (1977) which dealt with unions using funds for ideological and political speech but Janus v. Am. Fed’n of State, Cnty., & Mun. Emps., Council 31, 585 U.S. 878 (2018) later overruled *Abood* bringing up the question of whether the foundation of *Keller* was still sound. The Supreme Court has yet to clarify how this may or may not affect *Keller* but since *Janus*, many cases have been filed questioning *Keller*. The consensus of circuit courts is that *Keller* is still binding but the spectrum of what is germane is much less clear.

### **Current Status of Keller Challenges**

The current status of *Keller* challenges has a nuanced spectrum but circulates around reoccurring themes. These themes include what can be promoted or published on social media and in bar journals, legislative agendas, and initiatives and programs. Discussion also appears on what safeguards should be put in place by state bars to ensure adherence to *Keller* and whether the exclusion of any germane speech is a strict standard or is there a de minimis exception.

#### *Social media and Bar Journals*

McDonald v. Longley, 4 F.4th 229 (5th Cir. 2021), a case where Texas attorneys filed suit claimed violations of their 1<sup>st</sup> Amendments by their bar association, discussed a general acceptance for ‘bar journals’ which include information such as notices regarding disciplinary proceedings, announcements of evidentiary and procedural rules, and public sanctions. *McDonald* also affirms the inclusion of articles “devoted to legal matters” and the affairs of that Bar. The court’s reasoning relied on the articles having varying viewpoints and including a disclaimer stating the Bar does not endorse any of those viewpoints. The 10<sup>th</sup> Circuit Court through Schell v. Chief Just. & Justs. of Oklahoma Supreme Ct., 11 F.4th 1178 (10th Cir. 2021), where an Oklahoman attorney filed suit against his bar association for 1<sup>st</sup> amendment and *Keller* violations, held similar sentiments while giving more specific examples of articles that are germane. Those articles’ subjects include encouraging members of a bar to warn the public about allowing politics to influence the judicial system, responding to criticism on the state’s process of selecting judges, and advocating for the role of attorneys in the state legislature. The Court’s reasoning was that promotion of the public’s view of the judicial system and the importance of attorney roles in advising and interpreting legislation qualified these articles as germane. *Schell*, 11 F.4<sup>th</sup> at 1193. In

Pomeroy v. Utah State Bar, 598 F. Supp. 3d 1250 (D. Utah 2022), a Utah attorney claimed violations of her 1<sup>st</sup> and 14<sup>th</sup> amendment rights citing both journal articles, posts on social media, and lobbying activities. The District Court, when reviewing motions to dismiss took viewpoints in a light favorable to the plaintiff finding her claims plausible but later found for the Utah State Bar in motions for summary judgment [*Pomeroy v. Utah State Bar*, 2:21-cv-00219-TC-JCB (D. Utah Apr. 25, 2024)]. In the summary judgement order, the court provides details about each individual claim and its reasoning, finding all but one claim to be germane. The

germane articles included: an article debating the role of the Utah Supreme Court regulating the practice of law; an article about the Bar's commitment to promote diversity among the Board of Bar Commissioners and membership; an article on reducing drug prices, alleviating the opioid crisis, and solutions for attorneys; an article on cryptocurrency's critiques and defenses; an article about a World War II -era Japanese internment camp which gave its history and informed attorneys on the consequences of litigation and judicial opinions; and a few other topics. The social media claims found to be germane included two LinkedIn posts; one about new legislation and the other about the American Bar Association inviting people to participate in a 21-day Native American heritage Equity Habit-Building Challenge syllabus. *Id.* The district court's reasoning behind these holdings takes a permissive approach that seems to only require any degree of connection to providing information or education that an attorney may need to know in their practice. This court only draws a line when discussing an article about the electoral system and Constitutional scheme for a presidential election. The court notes that this topic is less likely to affect any attorney's practice and considers the context and timing of the article being published shortly after the 2016 Presidential Election. *Id.*

Boudreaux v. Louisiana State Bar Ass'n, 86 F.4th 620, 632 (5th Cir. 2023) gives a stricter view. In *Boudreaux*, an attorney found issue when a Louisiana State Bar tweeted another organization's article on debt relief via the Bar's twitter account. The court found this fell short of the standard of speech, pertaining to either regulating the legal profession or improving the quality of legal services. "It is not clear how merely reading the article would improve a lawyer's practice. The article just details the burden that debt can impose on a young lawyer and then highlights the Administration's and the American Bar Association's efforts to enact loan forgiveness.<sup>9</sup> If anything, the thrust of the article is backhanded support for student-debt relief, a nakedly political position." *Boudreaux*, 86 F.4th at 634. *Boudreaux* had a similar reasoning when analyzing a social media posting around wellness, suggesting the health benefits of walnuts. Although there is an argument that a healthy lawyer adds to the quality of legal services, they were concerned that "if bar associations may opine, advise, and inform on anything that they deem is generally conducive to attorney health and wellness, there is no limiting principle." *Boudreaux* 86 F.4th at 632.

#### *Legislative Agendas*

*McDonald* gave examples of both germane and non-germane legislative efforts. The 5th Circuit notes that lobbying for legislation regarding the functioning of the court system and laws governing the activities of lawyers are expressly germane, but lobbying for or against issues that affect those individuals outside the legal profession are non-germane. The non-germane legislative agendas in *McDonald* included lobbying to amend the definition of marriage, creating legal civil unions and changes to family law such as changes to grandparent's rights and child custody laws, and lobbying for changes to Texas substantive laws designed to benefit low-income Texans. *Pomeroy* also included facts pertaining to two lobbying claims. It held that lobbying against an proposed legislation affecting the attorney general's ability to invoke a potential conflict of interest was germane because it would have altered the ethical regulations governing the practice of law. Lobbying against an act proposing a new tax on services was also found to be germane because the Bar limited its actions to only the effects the tax would have on legal services. *Pomeroy v. Utah State Bar*, 2:21-cv-00219-TC-JCB (D. Utah Apr. 25, 2024).

#### *Initiatives and Programs*

The 5th Circuit Court has been the primary court to publish opinions with analysis on how certain programs and initiatives should fall within the germane spectrum. In *McDonald* diversity initiatives and most access to justice initiatives were both found to be germane. The Texas State Bar had various diversity initiatives through their Office of Minority Affairs (OMA). The Court held that the nature of the diversity initiatives may be ideological and controversial but germane nonetheless because "[t]hey are aimed at 'creating a fair and equal legal profession for minority, women, and LGBT attorneys,' which is a form of regulating the legal profession. And the Bar contends that those initiatives 'help to build and maintain the public's trust in the legal profession and the judicial process as a whole,' which is an improvement in the quality of legal services." *McDonald*, 4 F.4th at 249. The Court did qualify this holding in *Boudreaux* when discussing the use of a LGBTQ+ flag during pride month on the State Bar's website. "LSBA can promote inclusion of LGBT individuals in the legal profession—we held that Texas could do that, even if was controversial. But the LSBA may not promote LGBT causes generally, with no connection to the legal profession." Boudreaux, 86 F.4th at 636.

Findings for the ‘access to justice’ initiatives were not as straightforward, but the court found most of the activities to be germane. The reasoning in *McDonald* for finding most ‘access to justice’ initiatives germane rested on them adding to the quality of legal services. Issue arose where, as noted above, activities included lobbying for changes to Texas substantive law designed to benefit low-income Texans. *McDonald*, 4 F.4th at 251. These initiatives from the Texas State Bar were part of their Legal Access Division and Access to Justice Commission. Texas State Bar also had a Bar directory of volunteer and resource opportunities, and the Bar also imposed a legal services fee that supported pro bono work. The court held “[t]hat is germane to both regulating the legal profession and improving the quality of legal services” because (1) they provide legal counsel to Texans who cannot afford it and who would be forced to proceed pro se which improves the quality of legal services available to low-income Texans (2) such initiatives also aid Texas courts by decreasing the number of *pro se* litigants and the administrative burdens those litigants place on Texas courts. *Id.* at 250. The Court also noted that the main concern by the plaintiffs was that the choice in legal aid organizations implied an opinion on the issue of immigration. “[T]here is no reason to believe that facilitating lawyers’ representation of aliens in navigating immigration laws constitutes an endorsement of any particular viewpoint about those statutes *Id.* at 251. The 5<sup>th</sup> Circuit again qualified their reasoning in *Boudreaux* by noting that it is important that programs and initiatives relate to the Bar’s character as a legal organization. *Boudreaux* found the promotion of community engagement opportunities, specifically postings about a Christmas and Halloween charity drive and a Catholic mass dedicated to those in the legal profession to be non-germane speech. “If the LSBA wishes to engage in charitable activities and give back to the community, it should do so. But those efforts must be germane, and they generally are not germane unless they involve the LSBA’s character as a legal organization rather than a generic organization or a collective of charity-minded individuals.” *Boudreaux*, 86 F.4th at 634. This claim is similar to the Utah State Bar promotion of the ABA inviting people to participate in a 21 day Native American heritage Equity Habit-Building Challenge syllabus, although the court’s findings are different; holding this to be germane because it was an “optional event that fosters growth, learning, and community in the legal profession.” The court in *Pomeroy* cites *Boudreaux*’s district court decision in 2022 for this finding but the 5<sup>th</sup> Circuit overturned it in 2023.

*McDonald* also discussed CLE programs ran by the Bar noting that CLE offerings “help regulate the legal profession and improve the quality of legal service” and “assist attorneys in fulfilling requirements designed to ensure that they maintain the requisite knowledge to be competent practitioners” therefore meeting germane standards. *McDonald*, 4 F.4th at 251. The question of where ideologically charged CLEs fall was answered by affirming that those may occur but are not a violation if the greater CLE program contains a varied catalog and specific CLEs include a disclaimer that the content is not endorsed by the Bar. *Id.* at 251, 252.

## **Conclusion**

The spectrum that Keller alludes to continues to be parsed and questioned. The consensus with the circuit courts is that speech specific to the legal profession is usually safe but any activity that lends itself to the greater community or does not have clear parameters should be avoided. Good intentions that influence the greater community are not usually accepted unless there is a specific benefit to the practice of law and the court system.

## Retention Guidelines

As a state agency, the North Carolina State Bar must comply with the provisions regarding records retention in Chapters 121 (Archives and History) and 132 (Public Records) of the General Statutes. These laws mandate that public records be retained and then disposed of in accordance with the functional schedules of the Archives and Records Section of the North Carolina Division of Historical Resources.

As subdivisions of the North Carolina State Bar, judicial district bars must comply with applicable record retention requirements. The State Archives Functional Schedule can be found here: <https://archives.ncdcr.gov/government/state-government-agencies/functional-schedule>.

Here is an example of the required retention for some items: [Please note that this list is not exhaustive.]

<b>District Bar Functional Schedule Master List</b>		
<b>Item Description</b>	<b>Functional Schedule Record #</b>	<b>Functional Schedule Retention</b>
<b>Minutes</b>	635.P	PERMANENT
<b>Officer's Correspondence File</b>	633.P	PERMANENT
<b>Administrator or Executive Director's Correspondence File</b>	133.A	PERMANENT
<b>Executive Committee Meeting File</b>	635.P	PERMANENT
<b>Public Records Requests</b>	1527.2	RETAIN UNTIL: Complete PLUS: 2 Y THEN: Destroy*
<b>Contracts: documents negotiated with vendors and firms concerning services, equipment, property, and other obligations; includes all document references within contract and relevant correspondence</b>	1232.3, 1232.1	RETAIN UNTIL: Expiration or supersession PLUS: 3 years THEN: Destroy unless documenting license and copyright provisions then 1 year
<b>Financial reports</b>	521.2	RETAIN UNTIL: Fiscal year close PLUS: 2 years THEN: Destroy*
<b>Records concerning transaction report showing all dues (membership, interstate, etc.) posted to members' accounts by State Bar identification number.</b>	521.2	RETAIN UNTIL: Fiscal year close PLUS: 2 years THEN: Destroy*
<b>Records concerning the application for and maintenance of membership</b>	1325.75	RETAIN UNTIL: Received PLUS: 75 years THEN: Destroy
<b>Annual Report</b>	142.A	Send to State Bar: If printed Report: mail 2 print copies AND email an electronic copy, b) if no print run of Report: email 1 electronic copy
<b>Social media sites and other websites containing routine content; also includes comments and private messaging</b>	1515.5	RETAIN UNTIL: Posted/Received PLUS: 5 Y THEN: Destroy
<b>Grievance Committee Files</b>	1335, 635	Submit all files to Office of Counsel of the State Bar AND RETAIN for 3 years.

For all records retention inquiries, contact Ashley Ratliff, Agency Attorney at [aratliff@ncbar.gov](mailto:aratliff@ncbar.gov).

### **Defense of District Bar Grievance Committee Members Policy**

It is the policy of the North Carolina State Bar to provide a defense for any member of a duly constituted district bar grievance committee who is subject to a legal claim, provided the matters at issue arose during the course of, and within the scope of, the member's official duties.

Additionally, it is the policy of the North Carolina State Bar to provide representation to any such committee member in resisting legal processes—such as subpoenas—seeking confidential information related to the investigation of any grievance or claim of disability.

## SEEKING DISTINGUISHED SERVICE AWARD NOMINATIONS

The John B. McMillan Distinguished Service Award program honors current and retired members of the North Carolina State Bar throughout the state who have demonstrated exemplary service to the legal profession. Such service may be evidenced by a commitment to the principles and goals stated in the Preamble to the Rules of Professional Conduct, for example: furthering the public's understanding of and confidence in the rule of law and the justice system; working to strengthen legal education; providing civic leadership to ensure equal access to our system of justice for all those who, because of economic or social barriers, cannot afford or secure adequate legal counsel; seeking to improve the administration of justice and the quality of services rendered by the legal profession; promoting diversity and diverse participation within the legal profession; providing professional services at no fee or a reduced fee to persons of limited means or to public service or charitable groups or organizations; encouraging and counseling peers by providing advice and mentoring; and fostering civility among members of the bar.

Awards will be presented in recipients' districts, usually at a meeting of the district bar. The State Bar Councilor from the recipient's district will participate in introducing the recipient and presenting the certificate. Recipients of the Distinguished Service Award will also be recognized in the State Bar Journal and honored at the State Bar's annual meeting in Raleigh. Members of the bar are encouraged to nominate colleagues who have demonstrated outstanding service to the profession. As president of your district bar, please encourage members of your district to nominate worthy individuals.

The nomination can be found here: <https://www.ncbar.gov/media/130771/dsa-nomination-form.pdf>, and nominations are reviewed quarterly.

Please direct questions to Brit McInnis at the State Bar office in Raleigh, [bmcinnis@ncbar.gov](mailto:bmcinnis@ncbar.gov).

**Councilor Election Notice Template**

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***The North Carolina State Bar  
MEMORANDUM***

FROM:  
TO:  
RE: Election Notice for State Bar Council  
DATE:

All active members of the \_\_ Judicial District, as reflected on the official records of the North Carolina State Bar, are requested to take notice that an election will be held to fill \_\_ seats on the State Bar Council effective \_\_\_\_\_. Two of the seats are currently held by \_\_\_\_\_, who are not eligible for re-election.

The following incumbents are eligible for re-election: \_\_\_\_\_.

The election will be held [virtually/in-person]. [Insert rules, procedures, and/or locations pursuant to your bylaws for the election]

Under the Rules of the State Bar, the election must be by majority of the votes cast. In the event that no candidate receives a majority, you will receive notice of a run-off election.

\*\*

## Notice for Election of Nominees for District Court Judge Template

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[Date]

To: Members of the [Judicial District Number] Judicial District Bar

From: [President's Name], President

Re: Notice of Election for Nominees to Fill Judicial Vacancies Pursuant to N.C. Gen. Stat. § 7A-142, 27 NCAC 01A.1013, and Article XI of the Bylaws of the [Judicial District Number]

Judicial District Bar

This is formal notice of an election meeting of the [Judicial District Number] Judicial District Bar to be held on [Day, Date, Year] at [Time] at [Location] for the purpose of selecting nominees for [number] District Court Judge vacancy(ies). This election is being held in accordance with applicable state law and local bar bylaws following the recent judicial vacancy(ies).

The Bar will select, by separate written ballots, five nominees for each vacant seat. The names of the nominees will be forwarded to the Governor of North Carolina, who will appoint one individual to fill each vacancy.

### 1. Location of the Election Meeting

The meeting will be held at [Facility Name and Address or Description].

### 2. Declaration of Candidacy

Any member of the [Judicial District Number] Judicial District Bar who wishes to be considered as a candidate for one or more of the judicial seats must notify the President in writing no later than [Deadline Date].

Written notice of candidacy should be delivered or mailed to:

[President's Name], President

[Judicial District Number] Judicial District Bar

c/o [Executive Director or Administrator's Name, if applicable]

[Address Line 1]

[City, State, ZIP]

### 3. Candidate Speeches

At approximately [Time], each candidate will be allowed up to [Number] minutes to address the members present. Voting will be allowed before, during, and after the speeches to accommodate members' schedules. However, members are encouraged to listen to the candidates' presentations.

#### 4. Candidate Information

In accordance with the guidelines adopted by the local Bench-Bar Committee and approved by the Board of Directors of the [Local or District Bar Name], candidates are encouraged to submit a brief statement outlining their personal and professional qualifications.

These statements, along with guidelines for submission and the minimum qualifications adopted by the Bench-Bar Committee, will be posted on the Bar's website ([Insert Website URL]) in advance of the election to assist members in evaluating the candidates. Participation in this process is voluntary.

Information on submission procedures is attached to this notice.

#### 5. Voting Process

Each voting member of the [Judicial District Number] Judicial District Bar is entitled to vote for up to five candidates per vacant seat. Ballots marked for more than five candidates per seat will be disqualified.

Voting is restricted to attorneys who:

- Are licensed to practice law in North Carolina
- Are resident members in good standing of the [Judicial District Number] Judicial District Bar
- Are present at the meeting

Voting will be conducted by secret written ballot and will begin at [Start Time], before the meeting is formally called to order. Voting will continue until [End Time]. Ballots will be counted immediately following the close of voting.

#### 6. Announcement of Results

After the meeting, the names of the top five vote-getters for each vacancy—along with the number of votes received by each—will be submitted to the Governor of North Carolina.

Members of the Bar will be notified of the nominees via email, and the results will also be posted on the Bar's website and/or included in the next Bar newsletter or publication.

Please make every effort to attend and participate in this important election meeting. Thank you for your continued commitment to the administration of justice in our judicial district.

Sincerely,  
[President's Name]  
President  
[Judicial District Number] Judicial District Bar



## Bar Council Election Ballot Template

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### *North Carolina State Bar Council Election*

[Date]

To: All Active Members of the [Name of Judicial District or County] Bar  
From: [Bar President's Name], [Judicial District or County] Bar President

Subject: Ballot Instructions for State Bar Councilor Election – Please Read Carefully  
Return this ballot by mail or hand-delivery. Do not duplicate.

Pursuant to 27 N.C.A.C. 1A, Section .0800 of the Rules of the North Carolina State Bar, we are conducting an election by mail to fill [number] vacancies in the office of State Bar Councilor(s).

Some current Councilors are not eligible or are not seeking re-election. Others may be eligible and have indicated their intent to seek re-election.

A prior notice invited nominations from members of the Bar. The individuals listed on the accompanying ballot have been nominated in accordance with those procedures and are now submitted to you for a vote.

Instructions for Voting:

Indicate your preferences by voting for up to [maximum number] candidates. Any ballot showing more than [maximum number] selections will be disqualified. You may cast only one vote per nominee.

Return Ballot To:

[Name of Election or Return Address (e.g., State Bar Council Election)]

[Street Address]

[City, State ZIP]\*\*

All ballots must be received by [Deadline Date]. Tabulations will begin at [Time] on that date.

*North Carolina State Bar Council Election*  
*This Is a numbered ballot. Only original numbered ballot will be counted.*

,+ **YOU MAY VOTE FOR SIX (6) OF THE FOLLOWING:**

\_\_\_\_\_ Name

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Name

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_