

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H

1

HOUSE BILL 502

Short Title: Increase State Bar Dues.

(Public)

Sponsors: Representatives Wicker; Balmer, Blue, Cooper, Cromer, Flaherty, Hackney, Hardaway, Kerr, Michaux, Miller, Nesbitt, Rhyne, Sizemore, Stam, S. Thompson, and Watkins.

Referred to: Commerce.

March 8, 1989

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE ANNUAL DUES FOR MEMBERSHIP IN THE NORTH CAROLINA STATE BAR, AND TO MAKE A TECHNICAL CHANGE IN THE DISCIPLINE AND DISBARMENT SECTION OF THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 84-34 reads as rewritten:

"§ 84-34. Membership fees and list of members.

Every active member of the North Carolina State Bar shall, prior to the first day of July of each year, beginning with the year ~~1982~~, 1990, pay to the secretary-treasurer an annual membership fee of ~~ninety dollars (\$90.00)~~, one hundred thirty-five dollars (\$135.00), and every member shall notify the secretary-treasurer of his correct post-office address. All dues for prior years shall be as were set forth in the General Statutes then in effect. The said membership fee shall be regarded as a service charge for the maintenance of the several services prescribed in this Article, and shall be in addition to all fees now required in connection with admissions to practice, and in addition to all license taxes now or hereafter required by law. The said fee shall not be prorated: Provided, that no fee shall be required of an attorney licensed after this Article shall have gone into effect until the first day of January of the calendar year following that in which he shall have been licensed; but this proviso shall not apply to attorneys from other states admitted on certificate. The said fees shall be disbursed by the secretary-treasurer on the order of the council. The secretary-treasurer shall annually, at a time

1 and in a law magazine or daily newspaper to be prescribed by the council, publish an
2 account of the financial transaction of the council in a form to be prescribed by it. The
3 secretary-treasurer shall compile and keep currently correct from the names and post-
4 office addresses forwarded to him and from any other available sources of information a
5 list of members of the North Carolina State Bar and furnish to the clerk of the superior
6 court in each county, not later than the first day of October in each year, a list showing
7 the name and address of each attorney for that county who has not complied with the
8 provisions of this Article. The name of each of the active members who shall be in
9 arrears in the payment of membership fees for one or more calendar years shall be
10 furnished to the presiding judge at the next term of the superior court after the first day
11 of October of each year, by the clerk of the superior court of each county wherein said
12 member or members reside, and the court shall thereupon take such action as is
13 necessary and proper. The names and addresses of such attorneys so certified shall be
14 kept available to the public. The Secretary of Revenue is hereby directed to supply the
15 secretary-treasurer, from his record of license tax payments, with any information for
16 which the secretary-treasurer may call in order to enable him to comply with this
17 requirement.

18 The said list submitted to several clerks of the superior court shall also be submitted
19 to the council of the North Carolina State Bar at its October meeting of each year and it
20 shall take such action thereon as is necessary and proper."

21 Sec. 2. G.S. 84-28(b) reads as rewritten:

22 "(b) The following acts or omissions by a member of the North Carolina State Bar
23 or any attorney admitted for limited practice under G.S. 84-4.1, individually or in
24 concert with any other person or persons, shall constitute misconduct and shall be
25 grounds for discipline whether the act or omission occurred in the course of an attorney-
26 client relationship or otherwise:

- 27 (1) Conviction of, or a tender and acceptance of a plea of no contest to, a
28 criminal offense showing professional unfitness;
- 29 (2) The violation of the ~~Code of Professional Responsibility~~ Rules of
30 Professional Conduct adopted and promulgated by the council of the
31 North Carolina State Bar in effect at the time of the act;
- 32 (3) Knowing misrepresentation of any facts or circumstances surrounding
33 any complaint, allegation or charge of misconduct; failure to answer
34 any formal inquiry or complaint issued by or in the name of the North
35 Carolina State Bar in any disciplinary matter; or contempt of the
36 council or any committee of the North Carolina State Bar."

37 Sec. 3. This act is effective upon ratification.