

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 896

Short Title: State Bar/Appeal/Fee.

(Public)

Sponsors: Representative Haire.

Referred to: Finance.

March 24, 2005

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THE STATE BAR WITH AN APPEAL OF RIGHT FROM
2 FINAL ORDERS OF THE DISCIPLINARY HEARING COMMISSION AND TO
3 INCREASE THE MAXIMUM AMOUNT OF THE ANNUAL MEMBERSHIP
4 FEES FOR MEMBERS OF THE STATE BAR.
5

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 84-28(h) reads as rewritten:

8 "(h) There shall be an appeal of right by either party from any final order of the
9 Disciplinary Hearing Commission imposing admonition, reprimand, censure,
10 suspension, stayed suspension, or disbarment upon an attorney, or involuntarily
11 transferring a member of the North Carolina State Bar to disability inactive status to the
12 North Carolina Court of Appeals. Review by the appellate division shall be upon
13 matters of law or legal inference. The procedures governing any appeal shall be as
14 provided by statute or court rule for appeals in civil cases. A final order which imposes
15 disbarment or suspension for 18 months or more shall not be stayed except upon
16 application, under the rules of the Court of Appeals, for a writ of supersedeas. A final
17 order imposing suspension for less than 18 months or any other discipline except
18 disbarment shall be stayed pending determination of any appeal of right."

19 **SECTION 2.** G.S. 84-34 reads as rewritten:

20 "**§ 84-34. Membership fees and list of members.**

21 Every active member of the North Carolina State Bar shall, prior to the first day of
22 July of each year, pay to the secretary-treasurer an annual membership fee in an amount
23 determined by the Council but not to exceed ~~two hundred dollars (\$200.00)~~, three
24 hundred dollars (\$300.00), and every member shall notify the secretary-treasurer of the
25 member's correct mailing address. Any member who fails to pay the required dues by
26 the last day of June of each year shall be subject to a late fee in an amount determined
27 by the Council but not to exceed thirty dollars (\$30.00). All dues for prior years shall be
28 as were set forth in the General Statutes then in effect. The membership fee shall be
29 regarded as a service charge for the maintenance of the several services authorized by

1 this Article, and shall be in addition to all fees required in connection with admissions to
2 practice, and in addition to all license taxes required by law. The fee shall not be
3 prorated: Provided, that no fee shall be required of an attorney licensed after this Article
4 shall have gone into effect until the first day of January of the calendar year following
5 that in which the attorney was licensed; but this proviso shall not apply to attorneys
6 from other states admitted on certificate. The fees shall be disbursed by the
7 secretary-treasurer on the order of the Council. The secretary-treasurer shall annually, at
8 a time and in a law magazine or daily newspaper to be prescribed by the Council,
9 publish an account of the financial transactions of the Council in a form to be prescribed
10 by it. The secretary-treasurer shall compile and keep currently correct from the names
11 and mailing addresses forwarded to the secretary-treasurer and from any other available
12 sources of information a list of members of the North Carolina State Bar and furnish to
13 the clerk of the superior court in each county, not later than the first day of October in
14 each year, a list showing the name and address of each attorney for that county who has
15 not complied with the provisions of this Article. The name of each of the active
16 members who are in arrears in the payment of membership fees shall be furnished to the
17 presiding judge at the next term of the superior court after the first day of October of
18 each year, by the clerk of the superior court of each county wherein the member or
19 members reside, and the court shall thereupon take action that is necessary and proper.
20 The names and addresses of attorneys so certified shall be kept available to the public.
21 The Secretary of Revenue is hereby directed to supply the secretary-treasurer, from
22 records of license tax payments, with any information for which the secretary-treasurer
23 may call in order to enable the secretary-treasurer to comply with this requirement.

24 The list submitted to several clerks of the superior court shall also be submitted to
25 the Council at its October meeting of each year and it shall take the action thereon that
26 is necessary and proper."

27 **SECTION 3.** Section 2 of this act becomes effective July 1, 2005. The
28 remainder of this act is effective when it becomes law and applies to final orders of the
29 Disciplinary Hearing Commission issued on or after that date.