

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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HOUSE BILL 869  
Second Edition Engrossed 5/12/21  
Senate Judiciary Committee Substitute Adopted 6/14/22  
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Short Title: State Bar Grievance Process/Ethics Records.

(Public)

Sponsors:

Referred to:

May 5, 2021

A BILL TO BE ENTITLED

AN ACT TO CREATE A GRIEVANCE REVIEW PANEL OF THE GRIEVANCE COMMITTEE OF THE NORTH CAROLINA STATE BAR AND TO PRESERVE THE CONFIDENTIALITY OF THE ETHICS PROCESS.

The General Assembly of North Carolina enacts:

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

"§ 84-28. **Discipline and disbarment.**

...

(c1) There is created a grievance review panel of the Grievance Committee of the North Carolina State Bar. For each review, the chair of the Grievance Committee will appoint a panel consisting of the chair, two vice-chairs, and two other members of the Grievance Committee, including one member of the public. The grievance review panel shall operate pursuant to rules and procedures adopted by the Council and approved by the Supreme Court. Upon a request timely filed by a grievance respondent, the panel shall review a decision by the Grievance Committee that imposes public discipline upon the respondent. The respondent is entitled to be represented by counsel and to appear before and present oral argument to the grievance review panel. The respondent shall not have the right to compel the attendance of witnesses or the production of books, papers, and other writing and documents. The grievance review panel may concur in the decision of the Grievance Committee or may remand the grievance file to the Grievance Committee with its recommendation for a different disposition. Upon remand, the Grievance Committee may affirm its decision or may impose a different disposition of the grievance file. All proceedings of the grievance review panel are confidential. Documents, papers, recordings, electronic records, or other documentary materials in the possession of the grievance review panel are confidential and are not public records within the meaning of Chapter 132 of the General Statutes.

...."

**SECTION 1.(b)** This section is effective when it becomes law and applies to grievances and proceedings existing on or commenced on or after that date.

**SECTION 2.** G.S. 84-32.1 reads as rewritten:

"§ 84-32.1. **Confidentiality of records.**

(a) All documents, papers, letters, recordings, electronic records, or other documentary materials, regardless of physical form or characteristic, in the possession of the State Bar or its staff, employees, legal counsel, councilors, and Grievance Committee advisory members concerning any investigation, inquiry, complaint, disability, or disciplinary matter in connection



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1 with the State Bar Grievance Committee, the grievance review panel, the State Bar's Trust  
2 Accounting Supervisory Program, or any audit of an attorney trust account shall not be  
3 considered public records within the meaning of Chapter 132 of the General Statutes.

4 ...

5 (e) All documents, papers, letters, recordings, electronic records, or other documentary  
6 materials, regardless of physical form or characteristic, in possession of the State Bar or its staff,  
7 employees, legal counsel, councilors, or Ethics Committee advisory members concerning any  
8 request for ethics advice shall not be considered public records within the meaning of Chapter  
9 132 of the General Statutes unless the material, with the consent of the inquiring party, appears  
10 in a public agenda of the Ethics Committee of the North Carolina State Bar."

11 **SECTION 3.** The North Carolina State Bar shall adopt temporary rules to implement  
12 this act.

13 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes  
14 law.