

NORTH CAROLINA GENERAL ASSEMBLY
1979 SESSION

CHAPTER 570
SENATE BILL 609

AN ACT TO AMEND CHAPTER 84 OF THE GENERAL STATUTES OF NORTH
CAROLINA RELATING TO THE GOVERNMENT OF THE NORTH CAROLINA
STATE BAR.

The General Assembly of North Carolina enacts:

Section 1. The first sentence of G.S. 84-17 is rewritten to read as follows:

"The government of the North Carolina State Bar is vested in a Council of the North Carolina State Bar hereinafter referred to as the 'Council', which shall be composed of 50 councilors exclusive of officers, except as hereinafter provided, to be appointed or elected as hereinafter set forth, the officers of the North Carolina State Bar, who shall be councilors during their respective terms of office, and each retiring president of the North Carolina State Bar who shall be a councilor for one year from the date of expiration of his term as president, whose term of office expires at the 1973 annual meeting or after."

Sec. 2. The fifth and sixth sentences of G.S. 84-17 are deleted and the following are substituted:

"There shall be one councilor from each judicial district and additional councilors as are necessary to make the total number of councilors 50. The additional councilors shall be allocated and reallocated by the North Carolina State Bar every six years on the basis of the number of the active members of each judicial district bar according to the records of the North Carolina State Bar and in accordance with a formula to be adopted by the North Carolina State Bar, to insure an allocation based on lawyer population of each judicial district bar as it relates to the total number of active members of the State Bar.

In the event a judicial district is divided after any allocation as hereinafter provided, then the total number of councilors shall be increased until the next allocation, so as to provide one councilor for each such district, unless the district has one or more councilors who are members of such judicial district."

Sec. 3. G.S. 84-18 is rewritten to read as follows:

§ 84-18. Terms, election and appointment of councilors. — (a) The terms of councilors are fixed at three years. No councilor may serve more than three successive three-year terms but a councilor may serve an unlimited number of three successive three-year terms provided a three-year period of nonservice intervenes in each instance. This paragraph shall not apply to officers of the State Bar.

All councilors serving at the effective date of these changes shall remain in office and continue to represent their district for the remainder of their term. Those who have already served for 18 months or more shall be eligible for election to two additional three-year terms and be ineligible for election thereafter until a period of three years has expired. Those who have served less than 18 months shall be eligible for election to three consecutive three-year terms and be ineligible for election thereafter until an intervening three-year period has expired.

When a judicial district loses a councilor or is entitled to an additional councilor by virtue of reallocation of councilors as provided in G.S. 84-17 above, or is entitled to a councilor by virtue of the creation of a new district, then the affected judicial districts shall certify to the State Bar Council the identity of that judicial district's authorized councilor or councilors. This

certification shall be made within 90 days of the date the reallocation is made and reported to the judicial districts affected. Until this certification is received, the district shall have no representation on the State Bar Council. In the case of reallocation, the certification shall be made within 90 days.

Any North Carolina State Bar member, other than an inactive member, is eligible to serve as a councilor from the judicial district in which he or she is eligible to vote.

(b) The election and appointment of councilors shall be as follows:

Each judicial district bar, under rules established by the district, shall elect one eligible North Carolina State Bar member for each State Bar Council vacancy in the district. Any vacancy occurring after the election, whether caused by resignation, death or otherwise shall be filled by the judicial district bar in which the vacancy occurs, under rules established by the district. The appointment shall be for the unexpired portion of the term and shall be certified to the State Bar Council by the judicial district bar. Any appointed councilor shall be subject to the terms set forth in paragraph (a) of G.S. 84-18."

Sec. 4. G.S. 84-19 is amended by deleting the punctuation mark ":" after the word "earlier" in the first paragraph, and by substituting the punctuation mark "."; and is further amended by deleting the remainder of the first paragraph, and all of the second.

Sec. 5. G.S. 84-22 is rewritten to read as follows:

"§ 84-22. **Officers and committees of the North Carolina State Bar.** — The officers of the North Carolina State Bar and the Council shall consist of a president, president-elect, vice-president and an immediate past president, who shall be deemed members of the council in all respects. The president, president-elect and vice-president need not be members of the State Bar Council at the time of their election. There shall be a secretary-treasurer who shall also have the title of executive director, but who shall not be a member of the State Bar Council. All officers shall be elected annually by the State Bar Council at an election to take place at the annual meeting of the North Carolina State Bar.

In addition to the committees and commissions as may be specifically established or authorized by law, the North Carolina State Bar may have committees, standing or special, as from time to time the Council of the North Carolina State Bar deems appropriate for the proper discharge of the duties and functions of the North Carolina State Bar. The Council of the North Carolina State Bar shall determine the number of members, composition, method of appointment or election, functions, powers and duties, structure, authority to act, and other matters relating to each committee. Any committee may, at the discretion of the appointing or electing authority, be composed of Council members or members of the North Carolina State Bar who are not members of the Council, or of lay persons, or of any combination."

Sec. 6. G.S. 84-28(b)(1) is rewritten to read as follows:

"(1) Conviction of, or a tender and acceptance of a plea of no contest to, a criminal offense showing professional unfitness."

Sec. 7. G.S. 84-28(d) is rewritten to read as follows:

"(d) Any attorney admitted to practice law in this State, who is convicted of or has tendered and has had accepted, a plea of no contest to, a criminal offense showing professional unfitness, may be suspended from the practice of law, but this suspension shall not take place pending appeal of the conviction."

Sec. 8. The next to the last sentence of G.S. 84-28.1(1) is rewritten to read as follows:

"No member may serve more than a total of seven years or a one-year term and two consecutive three-year terms: Provided, that any member or former member who is designated chairman may serve one additional three-year term in that capacity."

Sec. 9. The first sentence of G.S. 84-37(a) is rewritten to read as follows:

"(a) The Council or any committee appointed by it for that purpose may inquire into and investigate any charges or complaints of unauthorized or unlawful practice of law."

Sec. 10. All laws and clauses of laws in conflict with this act are repealed.

Sec. 11. This act shall become effective January 1, 1980.

In the General Assembly read three times and ratified, this the 15th day of May,
1979.