

1 admitted and licensed member of the Bar of North Carolina in good
2 standing.

3 (4) A statement that the state in which the attorney is regularly admitted to
4 practice grants like privileges to members of the Bar of North Carolina
5 in good standing.

6 (5) A statement to the effect that the attorney has associated and is
7 personally appearing in the proceeding, with an attorney who is a
8 resident of this State and is duly and legally admitted to practice in the
9 General Court of Justice of North Carolina, upon whom service may
10 be had in all matters connected with the legal proceedings, or any
11 disciplinary matter, with the same effect as if personally made on the
12 foreign attorney within this State.

13 (6) A statement accurately disclosing a record of all that attorney's
14 disciplinary history. Discipline shall include (i) public discipline by
15 any court or lawyer regulatory organization, and (ii) revocation of any
16 pro hac vice admission.

17 Compliance with the foregoing requirements does not deprive the court of the
18 discretionary power to allow or reject the application."

19 **SECTION 2.** G.S. 84-23 reads as rewritten:

20 "**§ 84-23. Powers of Council.**

21 Subject to the superior authority of the General Assembly to legislate thereon by
22 general law, and except as herein otherwise limited, the Council is hereby vested, as an
23 agency of the State, with the authority to regulate the professional conduct of licensed
24 attorneys. Among other powers, the Council shall administer this Article; take actions
25 that are necessary to ensure the competence of lawyers; formulate and adopt rules of
26 professional ethics and conduct; investigate and prosecute matters of professional
27 misconduct; grant or deny petitions for reinstatement; resolve questions pertaining to
28 membership status; arbitrate disputes concerning legal fees; certify legal specialists;
29 determine whether a member is disabled; and formulate and adopt procedures for
30 accomplishing these purposes. The Council or any committee thereof, including the
31 Client Security Fund and the Disciplinary Hearing Commission or any committee
32 thereof, shall have the authority to subpoena financial records of any licensed attorneys,
33 attorneys whose licenses have been suspended, or disbarred attorneys, relating to any
34 account into which client or fiduciary funds have been deposited. The Council may
35 publish an official journal concerning matters of interest to the legal profession and may
36 acquire, hold, rent, encumber, alienate, and otherwise deal with real or personal
37 property in the same manner as any private person or corporation, subject only to the
38 approval of the Governor and the Council of State as to the acquisition, rental,
39 encumbering, leasing and sale of real property. The Council is authorized and
40 empowered in its discretion to utilize the services of the Purchase and Contract Division
41 of the Department of Administration for the procurement of personal property, in
42 accordance with the provisions of Article 3 of Chapter 143 of the General Statutes; and
43 to do all things necessary in the furtherance of the purposes of this Article as are not
44 prohibited by law."

1 **SECTION 3.** G.S. 84-28.1(a) reads as rewritten:

2 "(a) There shall be a disciplinary hearing commission of the North Carolina State
3 Bar which shall consist of ~~15~~20 members. ~~Ten~~Twelve of these members shall be
4 members of the North Carolina State Bar, and shall be appointed by the Council. The
5 other ~~five~~eight shall be citizens of North Carolina not licensed to practice law in this or
6 any other state, ~~three~~four of whom shall be appointed by the Governor, ~~one~~two by the
7 General Assembly upon the recommendation of the President Pro Tempore of the
8 Senate in accordance with G.S. 120-121, and ~~one~~two by the General Assembly upon
9 the recommendation of the Speaker of the House of Representatives in accordance with
10 G.S. 120-121. The Council shall designate one of its appointees as chair and another as
11 vice-chair. The chair shall have actively practiced law in the courts of the State for at
12 least 10 years. Except as set out herein, the terms of members of the commission are set
13 at three years commencing on the first day of July of the year of their appointment. The
14 Council, the Governor, and the General Assembly respectively, shall appoint members
15 to fill unexpired terms when vacancies are created by resignation, disqualification,
16 disability or death, except that vacancies in appointments made by the General
17 Assembly may also be filled as provided by G.S. 120-122. No member may serve more
18 than a total of seven years or a one-year term and two consecutive three-year terms:
19 Provided, that any member or former member who is designated chair may serve one
20 additional three-year term in that capacity. No member of the Council may be appointed
21 to the commission."

22 **SECTION 4.** This act becomes effective July 1, 2003.