

**RULES FOR THE ENFORCEMENT
OF THE
NORTH CAROLINA PARALEGAL CODE OF ETHICS AND PROFESSIONAL
RESPONSIBILITY**

**RULE 1
BASIS FOR DISCIPLINE**

Rule 1.1 Disciplinary investigations and proceedings brought under authority of these Rules shall be conducted in accordance with obligations imposed by the North Carolina Paralegal Professional Code of Ethics and Professional Responsibility.

Rule 1.2 Whenever the North Carolina Paralegal Grievance Committee (“Grievance Committee”) learns that a court has initiated an inquiry or proceeding regarding alleged improper or unethical conduct of a paralegal, or unregistered individual wrongfully using the title paralegal, the Grievance Committee may defer to the court and stay its own proceeding pending completion of the court’s inquiry or proceeding. Upon request the Grievance Committee will assist in the court’s inquiry or proceeding.

**RULE 2
DEFINITIONS**

Rule 2.1 Subject to additional definitions contained in other provisions of these rules, the following words and phrases, when used in these rules, will have, unless the context clearly indicates otherwise, the meanings given to them in this rule.

1. Admonition - a written form of discipline imposed in cases in which a paralegal has committed a minor violation of the code.
2. Board – the North Carolina Paralegal Regulation Board.
3. Censure - a written form of discipline more serious than a reprimand issued in cases in which a paralegal has violated one or more provisions of the code and has caused significant harm or potential significant harm to a client, the administration of justice, the profession, or a member of the public, but the misconduct does not require suspension of the paralegal's registration.
4. Code - the North Carolina Paralegal Code of Ethics and Professional Responsibility.
5. Complainant - a person who files a grievance with the Board against a registered paralegal or unregistered individual wrongfully using the title paralegal.
6. Grievance - alleged misconduct.

7. Letter of Caution - communication from the Grievance Committee to a paralegal stating that the past conduct of the paralegal, or unregistered individual wrongfully using the title paralegal, while not the basis for discipline, is unprofessional or not in accord with accepted professional practice.
8. Letter of notice - a communication to a Respondent setting forth the substance of a grievance.
9. Letter of Warning - written communication from the Grievance Committee to a paralegal stating that past conduct of the paralegal, or unregistered individual wrongfully using the title paralegal, while not the basis for discipline, is an unintentional, minor, or technical violation of the Code and may be the basis for discipline if continued or repeated.
10. Petitioner - A Respondent requesting reinstatement of registration.
11. Preliminary hearing - hearing by the Grievance Committee to determine whether probable cause exists.
12. Probable cause - a finding by the Grievance Committee that there is reasonable cause to believe that a paralegal, or unregistered individual wrongfully using the title paralegal, is guilty of misconduct justifying disciplinary action.
13. Quorum - A two-thirds majority of the members of the Grievance Committee/Hearing Committee present at a meeting shall constitute a quorum.
14. Registration - registration under the Paralegal Profession Act or any successor act and the term includes registration or licensure.
15. Reprimand - a written form of discipline more serious than an admonition issued in cases in which a Respondent has violated one or more provisions of the Code and has caused harm or potential harm to a client, the administration of justice, the profession, or a member of the public, but the misconduct does not require a censure.
16. Respondent - a registered paralegal or unregistered individual wrongfully using the title paralegal who has been accused of misconduct or whose conduct is under investigation.
17. Suspension – a temporary revocation of the registration of a paralegal on such terms and for such time as the Hearing Committee may impose.
18. Revocation – a forfeiture of the registration of a paralegal.

RULE 3
STRUCTURE OF GRIEVANCE COMMITTEE

Rule 3.1 The Grievance Committee shall be made up of seven (7) members including the Chair, appointed by the Board.

Rule 3.2 The Board shall appoint a temporary grievance chair in the event of disqualification or absence of the grievance chair.

Rule 3.3 Each member of the Grievance Committee, including any temporary replacement members, shall have demonstrated working knowledge of ethics/professional responsibility-related issues and activities.

Rule 3.4 The Grievance Committee shall represent a cross-section of practice areas and work experience. The following recommendations are made regarding the members of the Grievance Committee.

1. One paralegal upon appointment with three to five years of law-related work experience.
2. One paralegal upon appointment with five to ten years of law related work experience.
3. One paralegal upon appointment with over ten years of law related work experience.
4. One Board member.
5. One paralegal manager/supervisor.
6. One lawyer with a minimum of five years of law-related work experience.
7. One lay member.

Rule 3.5 The Grievance Committee Chair shall be appointed by the Board and shall be a paralegal with over 10 years law related experience. To the extent not otherwise precluded by statute, the Chair shall be a voting member, and have the following powers and duties:

1. to supervise the activities of the Grievance and Hearing Committees;
2. to recommend to the Grievance Committee that a grievance be dismissed;
3. to direct a notice to a Respondent;

4. to issue, at the direction and in the name of the Grievance Committee/Hearing Committee, a Letter of Caution, Letter of Warning, an admonition, a reprimand, or a censure to a paralegal, or unregistered individual wrongfully using the title paralegal;
5. to notify a Respondent that a grievance has been dismissed;
6. to call meetings of the Grievance Committee/Hearing Committee;
7. to administer or direct the administration of oaths or affirmations to witnesses;
8. to tax costs of the disciplinary procedures against any Respondent against whom the Grievance Committee imposes discipline, including a minimum administrative cost of \$50.00; and
9. shall designate a Recording Secretary to maintain complete and accurate minutes of all Grievance Committee/Hearing Committee meetings. All such minutes shall be kept confidential until a decision has been made that the matter will be set for hearing as set forth herein.

Rule.3.6 The terms of all members of the Grievance Committee shall be staggered. Of those members initially appointed, a simple majority plus one shall be appointed to a term of one year, and the remaining members shall be appointed to a term of two years. Thereafter, all members of the Grievance Committee shall be appointed to terms of two years.

Rule 3.7 If for any reason the terms of a majority of the Grievance Committee will expire at the same time, members may be appointed to terms of one year to maintain continuity of the Grievance Committee.

RULE 4 GRIEVANCE COMMITTEE POWERS AND DUTIES

Rule 4.1 To the extent not otherwise precluded by statute, the powers and duties of the Grievance Committee shall include, but not be limited to, the following:

1. to call a meeting of the Grievance Committee, based upon a two-thirds majority vote, unless otherwise called by the Chair;
2. to hold preliminary hearings and find probable cause;
3. to dismiss grievances upon a finding of no probable cause;
4. to issue a Letter of Caution to a Respondent in cases wherein misconduct is not established but the activities of the Respondent are unprofessional or not in accord with accepted professional practice. The Letter of Caution will recommend that the

Respondent be more professional in his or her practice in one or more ways which are to be specifically identified;

5. to issue a Letter of Warning to a Respondent in cases wherein no probable cause is found but the Grievance Committee determines that the conduct of the Respondent is an unintentional, minor, or technical violation of the Code. The Letter of Warning will advise the paralegal that he or she may be subject to discipline if such conduct is continued or repeated. The warning will specify in one or more ways the conduct or practice for which the Respondent is being warned.
6. to issue an admonition in cases wherein the Respondent has committed a minor violation of the Code;
7. to issue a reprimand wherein the Respondent has violated one or more provisions of the Code, and has caused harm or potential harm to a client, the administration of justice, the profession, or a member of the public, but the misconduct does not require a censure;
8. to issue a censure in cases wherein the Respondent has violated one or more provisions of the Code and has caused significant harm or potential significant harm to a client, the administration of justice, the profession, or a member of the public, but the misconduct does not require suspension of the Respondent's registration;
9. to hold hearings on grievances alleging misconduct, or petitions seeking a determination of reinstatement, or motions seeking the activation of suspensions which have been stayed, and to conduct proceedings to determine if persons or entities should be held in contempt pursuant to N.C. Gen. Stat. § 84-28.1(b1);
10. to administer or direct the administration of oaths or affirmations to witnesses at hearings;
11. to make findings of fact and conclusions of law;
12. to enter orders dismissing grievances in matters before the Grievance Committee;
13. to tax costs of the disciplinary proceedings against any Respondent against whom discipline is imposed, provided, however, that such costs will not include the compensation of any member of the Grievance Committee or Board;
14. to enter orders reinstating suspended paralegals or denying reinstatement. An order denying reinstatement may include additional sanctions in the event violations of the Hearing Committee's order of suspension are found;
15. to enter orders activating suspensions which have been stayed or continuing the stays of such suspensions.

16. to enter orders suspending or revoking the registration of a paralegal.
17. to consolidate two or more cases in which a subsequent grievance or grievances have been served upon a Respondent within 90 days of the date of service of the first or a preceding grievance.

RULE 5 OPERATION OF COMMITTEE

Rule 5.1 A grievance may be filed with the Board by any person against a registered paralegal or an individual using the title paralegal without a registration. Such grievance must be in writing. Upon receipt of a grievance by the Board, the Board shall forward same to the Chair of the Grievance Committee for the convening of the Grievance Committee to take appropriate action to deal with the grievance.

Rule 5.2 The Grievance Committee shall meet on an as-needed basis to discuss, investigate, adjudicate alleged violations of the Code, or hear motions seeking the activation of suspensions which have been stayed.

Rule 5.3 The Grievance Committee will determine in a preliminary hearing whether there is probable cause to believe that a Respondent is guilty of misconduct justifying disciplinary action. In its discretion, the Grievance Committee may find probable cause regardless of whether the Respondent has been served with a written Letter of notice. The Respondent may waive the necessity of a finding of probable cause with the consent of the counsel and the Chair of the Grievance Committee. In the preliminary hearing, the Grievance Committee may consider such evidence, examine such documents or witnesses, as it deems necessary to determine probable cause.

Rule 5.4 At any preliminary hearing held by the Grievance Committee, a quorum of two-thirds of the members will be required to conduct any business. An affirmative vote of a majority of members present will be necessary to find that probable cause exists. The Chair will not be counted for quorum purposes and will be eligible to vote regarding the disposition of any grievance.

Rule 5.5 If probable cause is found and the Grievance Committee determines that a hearing is necessary, the Chair will mail a Letter of Notice to the Respondent setting a date for a Formal Hearing. If the Grievance Committee finds probable cause but determines that no hearing is necessary, the Chair will send the Respondent a letter of admonition, reprimand, or censure. If no probable cause is found, the grievance will be dismissed or dismissed with a Letter of Warning or a Letter of Caution.

Rule 5.6 If no probable cause is found but it is determined by the Grievance Committee that the conduct of the Respondent is unprofessional or not in accord with accepted professional practice, the Chair of the Grievance Committee may issue a Letter of Caution to the Respondent

recommending that the Respondent be more professional in his or her practice in one or more ways which are to be specifically identified.

Rule 5.7 Letters of Warning

1. If no probable cause is found but it is determined by the Grievance Committee that the conduct of the Respondent is an unintentional, minor, or technical violation of the Code, the Grievance Committee may issue a Letter of Warning to the Respondent. The Letter of Warning will advise the Respondent that he or she may be subject to discipline if such conduct is continued or repeated. The Letter will specify in one or more ways the conduct or practice for which the Respondent is being warned. The Letter of Warning will not constitute discipline of the Respondent.
2. The Board will maintain a copy of the Letter of Warning on file for three years. If relevant, a copy of the Letter of Warning may be offered into evidence in any proceeding filed against the Respondent before the Grievance Committee within three years after the Letter of Warning is issued to the Respondent. In every case filed against the Respondent before the Grievance Committee within three years after the Letter of Warning is issued to the Respondent, the Letter of Warning may be introduced into evidence as an aggravating factor concerning the issue of what disciplinary sanction should be imposed. A copy of the Letter of Warning may be disclosed to the Grievance Committee if another grievance is filed against the Respondent within three years after the Letter of Warning is issued to the Respondent.
3. A copy of the Letter of Warning will be served upon the Respondent in person or by Certified Mail, Return Receipt Requested. A Respondent who cannot, with due diligence, be served by Certified Mail, Return Receipt Requested or personal service shall be deemed served by the mailing of a copy of the Letter of Warning to the Respondent's last known address. Service shall be deemed complete upon deposit of the Letter of Warning in a postpaid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Postal Service. Within 15 days after service the Respondent may refuse the Letter of Warning and request a hearing before the Grievance Committee to determine whether a violation of the Code has occurred. Such refusal and request will be in writing, addressed to the Grievance Committee, and served on the Board by Certified Mail, Return Receipt Requested. The refusal will state that the Letter of Warning is refused. If a refusal and request are not served within 15 days after service upon the Respondent of the Letter of Warning, the Letter of Warning will be deemed accepted by the Respondent. The Chair of the Grievance Committee for good cause shown may grant an extension of time.

4. In cases in which the Respondent refuses the Letter of Warning, the Chair will set a date for Formal Hearing and mail a notice of same to the Respondent by Certified Mail, Return Receipt Requested.

Rule 5.8 Admonitions and Reprimands

1. If probable cause is found but it is determined by the Grievance Committee that a hearing is not warranted, the Grievance Committee may issue an admonition or reprimand to the Respondent, depending upon the seriousness of the violation of the Code. A record of such admonition or reprimand will be maintained in the office of the Board.
2. A copy of the admonition or reprimand will be served upon the Respondent in person or by Certified Mail, Return Receipt Requested. A Respondent who cannot, with due diligence, be served by Certified Mail, Return Receipt Requested or personal service shall be deemed served by the mailing of a copy of the admonition or reprimand to the Respondent's last known address. Service shall be deemed complete upon deposit of the admonition or reprimand in a postpaid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Postal Service.
3. Within 15 days after service the Respondent may refuse the admonition or reprimand and request a hearing before the Grievance Committee. Such refusal and request will be in writing, addressed to the Grievance Committee, and served upon the Board by Certified Mail, Return Receipt Requested. The refusal will state that the admonition or reprimand is refused.
4. In cases in which the Respondent refuses an admonition or reprimand, the Chair shall set a Hearing date and notify the Respondent of same. If a refusal and request are not served upon the Board within 15 days after service upon the Respondent of the admonition or reprimand, the admonition or reprimand will be deemed accepted by the Respondent. The Chair of the Grievance Committee for good cause shown may grant an extension of time.

Rule 5.9 Censures

1. If probable cause is found and the Grievance Committee determines that the Respondent has violated one or more provisions of the Code and has caused significant harm or significant potential harm to a client, the administration of justice, the profession, or a member of the public, but the misconduct does not require suspension of the Respondent's registration, the Grievance Committee will issue a notice of proposed censure and a proposed censure to the Respondent.
2. A copy of the notice and the proposed censure will be served upon the Respondent in person or by Certified Mail, Return Receipt Requested.

3. A Respondent who cannot, with due diligence, be served by Certified Mail, Return Receipt Requested or personal service shall be deemed served by the mailing of a copy of the notice and proposed censure to the Respondent's last known address. Service shall be deemed complete upon deposit of the notice and proposed censure in a postpaid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Postal Service. The Respondent must be advised that he or she may accept the censure within 15 days after service upon him or her or a formal Hearing will be held by the Grievance Committee.
4. The Respondent's acceptance must be in writing, addressed to the Grievance Committee, and served on the Board by Certified Mail, Return Receipt Requested. Once the Respondent accepts the censure, the discipline becomes final and will be a public document.
5. If the Respondent does not accept the censure, the Chair will set a date for a Hearing and notify the Respondent.

Rule 5.10 Hearing

1. After a finding of probable cause by the Grievance Committee, and if a Hearing is necessary, the Chair will notify the Respondent. Such notice will also contain the time and place determined by the Chair for the hearing to commence. The commencement of the hearing will be initially scheduled not less than 60 nor more than 90 days from the date of service of the notice upon the Respondent. After notice to the Respondent, the Grievance Committee shall convene as a Hearing Committee to hear the proceedings.
2. Within 20 days after the notice of the Hearing, unless upon good cause shown additional time is allowed by the Chair of the Hearing Committee, the Respondent will file a response to the grievance.
3. Failure to file a response admitting, denying or explaining the alleged grievance or asserting the grounds for failing to do so, within the time limited or extended, will be grounds for entry of the Respondent's default and in such case the allegations contained in the notice will be deemed admitted. The Chair will enter the Respondent's default when the fact of default is made to appear by the Respondent's failure to respond. The Hearing Committee will thereupon enter an order, make findings of fact and conclusions of law based on the admissions, and order the discipline deemed appropriate. The Hearing Committee may, in its discretion, hear such additional evidence, as it deems necessary prior to entering the order of discipline. After an order imposing discipline has been entered by the Hearing Committee upon the Respondent's default, and for good cause shown, the Hearing Committee may set aside its entry of default, and the Hearing Committee may set

aside its order of discipline based on the default in accordance with Rule 60(b) of the North Carolina Rules of Civil Procedure.

4. The initial hearing date as set by the Chair above may be reset by the Chair, and said initial hearing or reset hearing may be continued by the Chair of the Hearing Committee for good cause shown.
5. After a hearing has commenced, no continuances other than an adjournment from day-to-day will be granted, except to await the filing of a controlling decision of an appellate court, by consent of all parties, or where extreme hardship would result in the absence of a continuance.
6. The Respondent will appear in person before the Hearing Committee at the time and place named by the Chair. The hearing will be open to the public except that for good cause shown the Chair of the Hearing Committee may exclude from the hearing room all persons except the parties, counsel, and those engaged in the hearing. No hearing will be closed to the public over the objection of the Respondent. The Respondent will, except as otherwise provided by law, be competent and compellable to give evidence for either of the parties. The Respondent may be represented by counsel, who will enter an appearance according to the North Carolina Rules of Civil Procedure.
7. Proceedings before a Hearing Committee will conform as nearly as practicable with requirements of the North Carolina Rules of Civil Procedure and for trials of non-jury civil causes in the superior courts except as otherwise provided herein.
8. The Hearing Committee will have the power to subpoena witnesses and compel their attendance, and to compel the production of books, papers, and other documents deemed necessary or material to any hearing. Such process will be issued in the name of the Hearing Committee by its Chair. Both parties have the right to invoke the powers of the Hearing Committee with respect to compulsory process for witnesses and for the production of books, papers, and other writings and documents.
9. In any hearing admissibility of evidence will be governed by the rules of evidence applicable in the superior court of the state at the time of the hearing. The Chair of the Hearing Committee will rule on the admissibility of evidence, subject to the right of any member of the Hearing Committee to question the ruling. If a member of the Hearing Committee challenges a ruling relating to admissibility of evidence, the question will be decided by majority vote of the Hearing Committee.
10. If the Hearing Committee finds that the charges of misconduct are not established by clear, cogent, and convincing evidence, it will enter an order dismissing the grievance. If the Hearing Committee finds that the charges of misconduct are established by clear, cogent, and convincing evidence, the Hearing Committee will

enter an order of discipline. In either instance, the Hearing Committee will file an order which will include the Hearing Committee's findings of fact and conclusions of law.

11. The Chair will ensure that a complete record is made of the evidence received during the course of all hearings before the Hearing Committee as provided by N. C. Gen. Stat. § 7A-95 for trials in the superior court. The chair will preserve the record of the evidence.
12. If the charges of misconduct are established, the Hearing Committee will then consider any evidence relevant to the discipline to be imposed, including the record of all previous misconduct for which the Respondent has been disciplined in this state or any other jurisdiction and any evidence in aggravation or mitigation of the offense.
13. The Hearing Committee may consider aggravating factors in imposing discipline in any disciplinary case, including but not limited to the following factors:
 - a) prior disciplinary offenses;
 - b) dishonest or selfish motive;
 - c) a pattern of misconduct;
 - d) multiple offenses;
 - e) bad faith obstruction of the disciplinary proceedings by intentionally failing to comply with rules or orders of the disciplinary agency;
 - f) submission of false evidence, false statements, or other deceptive practices during the disciplinary process;
 - g) refusal to acknowledge wrongful nature of conduct;
 - h) vulnerability of victim;
 - i) substantial experience in the practice of law;
 - j) indifference to making restitution;
 - k) issuance of a Letter of Warning to the Respondent within the three years immediately preceding the filing of the grievance.
14. The Hearing Committee may consider mitigating factors in imposing discipline in any disciplinary case, including but not limited to the following factors:

- a) absence of a prior disciplinary record;
- b) absence of a dishonest or selfish motive;
- c) personal or emotional problems;
- d) timely good faith efforts to make restitution or to rectify consequences of misconduct;
- e) full and free disclosure to the Hearing Committee or cooperative attitude toward proceedings;
- f) inexperience in the paralegal profession;
- g) character or reputation;
- h) physical or mental disability or impairment;
- i) delay in disciplinary proceedings through no fault of the Respondent;
- j) interim rehabilitation;
- k) imposition of other penalties or sanctions;
- l) remorse;
- m) remoteness of prior offenses.

15. In any case in which a period of suspension is stayed upon compliance by the Respondent with conditions, the Hearing Committee will retain jurisdiction of the matter until all conditions are satisfied. If, during the period the stay is in effect, the Grievance Committee receives information tending to show that a condition has been violated, the Grievance Committee may, with the consent of the Chair of the Grievance Committee, file a motion in the cause specifying the violation and seeking an order requiring the Respondent to show cause why the stay should not be lifted and the suspension activated for violation of the condition. The Chair will also serve a copy of any such motion upon the Respondent. The Chair of the Grievance Committee will also schedule a time and a place for a hearing and notify the Respondent of the time and place for the hearing. After such a hearing, the Hearing Committee may enter an order lifting the stay and activating the suspension, or any portion thereof, and taxing the Respondent with the costs, if it finds that the Respondent has violated a condition. If the Hearing Committee finds that the condition has not been violated, then it will enter an order continuing the stay. In

any event, the Hearing Committee will include in its order findings of fact and conclusions of law in support of its decision.

16. All reports and orders of the Hearing Committee will be signed by the members of the Hearing Committee, or by the Chair of the Hearing Committee on behalf of the Hearing Committee, and will be filed with the Board. The copy to the Respondent will be served by Certified Mail, Return Receipt Requested or personal service. A Respondent who cannot, with due diligence, be served by Certified Mail, Return Receipt Requested or personal service shall be deemed served by the mailing of a copy of the order to the Respondent 's last known address. Service by mail shall be deemed complete upon deposit of the report or order enclosed in a postpaid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Postal Service.
17. The Hearing Committee may rule on a matter based on the parties' written submissions or may, in its discretion, permit the parties to present oral argument.
18. Upon the final determination of a disciplinary proceeding wherein discipline is imposed, one of the following actions will be taken:
 - a) Admonition - An admonition will be prepared by the Chair of the Grievance Committee. The admonition will be served upon the Respondent.
 - b) Reprimand - The Chair of the Grievance Committee, will file an order of reprimand with the Board, and will forward a copy to any complainant. The reprimand will be served upon the Respondent.
 - c) Censure, suspension, or revocation of registration - The Chair of the Hearing Committee will file the censure, order of suspension, or revocation of registration with the Board, who will record the order on the judgment docket of the Board and will forward a copy to the complainant. The censure, order of suspension, or revocation of registration will be served upon the Respondent. An order of censure, order of suspension, or revocation of registration imposed by the Hearing Committee will be a public document.

Rule 5.11 Reinstatement After Suspension or Revocation of Registration

1. No person who has had his or her registration revoked may have his or her registration restored but upon order of the Hearing Committee after the filing of a verified petition for reinstatement and the holding of a hearing before the Hearing Committee as provided herein. No such hearing will commence until security for the costs of such hearing has been deposited with the Board in an amount not to exceed \$500.00.

2. No one may petition for reinstatement until the expiration of at least five years from the effective date of the revocation of registration.
3. The Petitioner will have the burden of proving by clear, cogent, and convincing evidence that:
 - a) not more than six months or less than 60 days before filing the petition for reinstatement, a notice of intent to seek reinstatement has been published by the Petitioner in an official publication of the North Carolina State Bar. The notice will inform members of the Bar about the application for reinstatement and will request that all interested individuals file notice of their opposition or concurrence with the Board within 60 days after the date of publication;
 - b) not more than six months or less than 60 days before filing the petition for reinstatement, the Petitioner has notified the complainant(s) in the disciplinary proceeding which led to the revocation of registration of the notice of intent to seek reinstatement. The notice will specify that each complainant has 60 days from the date of publication in which to raise objections or support the petition;
 - c) the Petitioner has reformed and presently possesses the moral qualifications required for registration in this state taking into account the gravity of the misconduct which resulted in the order of revocation including but not limited to formal examination by the Board and evidence of compliance with continuing education requirements;
 - d) permitting the Petitioner to resume the practice of the use of the title paralegal within the state will not be detrimental to the integrity and standing of the profession, to the administration of justice, or to the public interest, taking into account the gravity of the misconduct which resulted in the order of revocation;
 - e) the Petitioner's citizenship has been restored if the Petitioner has been convicted of or sentenced for the commission of a felony;
 - f) the Petitioner has complied with all applicable orders of the Grievance Committee;
 - g) the Petitioner has not used the term paralegal during the period of registration revocation;
 - h) the Petitioner has not engaged in any conduct during the period of revocation constituting grounds for discipline;
 - i) the Petitioner understands the current Code. Participation in continuing legal education programs in ethics and professional responsibility for each of the three years preceding the petition date may be considered on the issue of the

Petitioner's understanding of the Code. Such evidence creates no presumption that the Petitioner has met the burden of proof established by this section.

4. Verified petitions for reinstatement of registration will be filed with the Board. Upon receipt of the petition, the Board will transmit the petition to the Chair of the Hearing Committee. The Chair will within 14 days schedule a time and place for a hearing to take place within 60 to 90 days after the filing of the petition. The Chair will notify the Petitioner of the time and place of the hearing, which will be conducted in accordance with the North Carolina Rules of Civil Procedure for non-jury trials insofar as possible and the rules of evidence applicable in superior court.
5. Within 30 days after the conclusion of the hearing, the Hearing Committee will file a report containing its findings, conclusions, and recommendations with the Board. The recommendation of the Hearing Committee to allow or deny reinstatement will be deemed final.

Rule 5.12 Reciprocal Discipline

All members who have been disciplined in any other jurisdiction for a violation of the Rules of Professional Conduct in effect in such jurisdiction will inform the Board of such action in writing no later than 30 days after entry of the order of discipline. Failure to make the report required in this section may subject the registration to professional discipline in North Carolina.

RULE 6 CONFLICTS AND CONFIDENTIALITY

Rule 6.1 If any member of the Grievance/Hearing Committee has a conflict of interest with the Charging Party, the Responding Party, or the allegations of misconduct, that member shall not take part in any hearing or deliberations concerning those allegations. If the absence of that member creates a lack of a quorum for the Grievance/Hearing Committee, a temporary replacement for the member shall be appointed by the Board.

Rule 6.2 All discussions and correspondence of the Grievance/Hearing Committee shall be kept confidential until a decision has been made that the matter will be set for hearing as set forth herein.

COMMENTARY

The Alliance for Paralegal Professional Standards (“APPS”) determined that Rules of Enforcement should serve as a counterpart to the North Carolina Paralegal Code of Ethics and Professional Responsibility. Like the Ethics Committee, the Enforcement Committee reviewed many existing paralegal and attorney ethical codes.

In order to maintain neutrality, the Paralegal Regulation Board will appoint a seven-member Grievance Committee separate from itself to oversee discipline of violations of the North Carolina Code of Ethics and Professional Responsibility. The Grievance Committee may recommend that a grievance be dismissed, issue notices, Letters of Caution, Letters of Warning, admonition, reprimand or censure to a paralegal or non-registered individual wrongfully using the title paralegal.

Not all grievances will have merit and violations will vary in degree of seriousness; therefore, it was determined that Code violations will fall into three categories:

- (1) A violation that is unintentional or a minor or technical violation will result in a Letter of Warning informing an individual that he or she may be subject to discipline if the violation is continued or repeated;
- (2) A violation that is more serious may require a hearing to determine probable cause and may result in an admonition or reprimand; and,
- (3) A violation that causes significant harm will require a hearing and may result in censure or suspension or revocation of registration. Before a determination is made that sanctions are necessary, the Grievance Committee will consider any aggravating and mitigating factors that contributed to such violation.

In order to preserve the civil rights of individuals, only proceedings that result in censure, suspension or revocation will be recorded on the judgment docket of the Board. All other forms of discipline will be kept in the records of the Grievance Committee; however, all hearings will be open to the public.

If an individual is censured, suspended or has his or her registration revoked, he or she will not be allowed to apply for reinstatement for at least five years from the date of the sanction. The individual must have participated in continuing legal education in ethics and professional responsibility for each of the three years preceding the petition for reinstatement.