

§ 84-28.3. Vexatious complainants.

(a) The chair of the Grievance Committee may designate a person a vexatious complainant if the complainant has initiated grievances to the North Carolina State Bar alleging attorney misconduct that even if proven, would fail to constitute a violation of the Rules of Professional Conduct, or if available evidence conclusively disproves the allegations, in a manner and volume that amounts to an abuse of the bar disciplinary process. An "abuse of the bar disciplinary process" includes inappropriate, repetitive, or frivolous actions or communications by the complainant, but goes beyond conduct that is merely contentious or unsuccessful. The North Carolina State Bar will mail a notice of the designation to the complainant at the complainant's last known address. If the complainant does not request review of the designation pursuant to subsection (b) of this section, the designation by the chair of the Grievance Committee shall be final and not subject to further review.

(b) A complainant designated as vexatious may seek review of the designation by filing a request for review with the chair of the Disciplinary Hearing Commission within 30 days of the mailing of the notice issued under subsection (a) of this section. The Office of Counsel may file a response to the complainant's request for review. Based upon the written submissions by the complainant and the Office of Counsel, the chair of the Disciplinary Hearing Commission may either uphold or vacate the designation. Notwithstanding subsection (h) of G.S. 84-28, a designation as vexatious under this section shall be final and conclusive and not subject to review or reversal.

(c) The Office of Counsel may decline to review and process any subsequent grievances from a person designated as vexatious, unless the grievance is submitted with a verification signed by the complainant that the allegations are true under the penalty of perjury, and the grievance is submitted on the complainant's behalf by a member of the North Carolina State Bar who (i) has an active license, (ii) is not currently designated as a vexatious complainant, and (iii) is not currently the respondent in a pending grievance investigation or the defendant in a disciplinary proceeding. If the vexatious complainant is an attorney licensed to practice law in this State, the grievance must be submitted on the vexatious complainant's behalf by a member of the North Carolina State Bar who (i) has an active license, (ii) is not designated as a vexatious complainant, and (iii) is not currently the respondent in a pending grievance investigation or the defendant in a disciplinary proceeding. (2024-25, s. 1(c).)