

What can you do when you retain an attorney and problems arise that cause you to question how well you are being represented? This publication is intended to answer that question. No matter whether the problem is great or small, the North Carolina State Bar is ready to provide assistance.

Where can you turn?

The North Carolina State Bar Client Assistance Program.

The State Bar is the agency that investigates complaints against North Carolina attorneys and, when appropriate, disciplines attorneys who violate the Rules of Professional Conduct. The Client Assistance Program (CAP) was established to assist clients and attorneys in resolving minor problems that develop in the client/attorney relationship and to assist clients when they discover serious attorney misconduct requiring additional investigation.

How does the program work?

Most of the work of the CAP is done over the phone. When you call the State Bar you will be connected with a member of the CAP staff. Please be patient. Because of high number of calls, you will probably be required to leave a voicemail message. Calls are answered in the order they were received and a member of the staff will call you back as soon as possible. Generally, all calls are returned within one business day. A member of the CAP staff will listen to your description of the situation and will suggest the best possible strategy to resolve the problem. If it is in your best interest to resolve the matter quickly and there is no evidence of serious misconduct on the part of the attorney, the CAP staff member may intervene directly by calling or writing to your attorney. If evidence of serious misconduct is presented, you may be asked to file a formal grievance so that an appropriate investigation may be conducted. If you are concerned about the legal fees you have been charged, you will be provided information about the State Bar's Fee Dispute Resolution (mediation) Program.

How do I file a grievance or a petition for mediation of a fee dispute?

Members of the CAP staff are familiar with the rules of professional conduct that attorneys are required to follow. If your complaint involves a serious breach of these rules, the CAP staff will send a grievance form to you. (Forms may also be downloaded from the NC State Bar website at: www.ncbar.gov) When the State Bar receives your complaint, an investigation will be conducted and you will be informed of the outcome. The time needed for an investigation varies greatly based on the facts of the case and the number of grievances under investigation at any particular time. The State Bar also offers a fee dispute resolution program. This program attempts to mediate disputes over legal fees between attorneys and clients at no charge to the public. If you are disputing the amount you owe an attorney, a member of the CAP staff will provide you with the appropriate form to begin the fee dispute resolution process.

What other assistance does the CAP provide?

Attorney Locator. If you have not been in contact with your attorney for some time, the State Bar may be able to help. The State Bar maintains an address database of all licensed attorneys in North Carolina and will provide you with the general information on file regarding how to contact the attorney. The State Bar will also inform you if the attorney is deceased or no longer engaged in the practice of law.

Unauthorized Practice of Law. Generally speaking, all persons engaged in the practice of law in North Carolina must be licensed to do so. This protects the public by ensuring that all those providing legal services are subject to appropriate regulation. If you suspect someone of practicing law without a license, the State Bar will investigate appropriately.

Attorney Discipline. Members of the CAP staff will gladly provide you information regarding public discipline (reprimand, censure, suspension, disbarment) received by any North Carolina licensed attorney.

Client Security Fund. The purpose of the Client Security Fund is to reimburse, in whole or in part in appropriate cases, clients who have suffered financial loss as a result of the dishonest conduct of an attorney. Members of the CAP will provide you with appropriate information and application if you are seeking reimbursement from this fund.

What do these services cost?

Nothing. Services offered by the State Bar are made available to the public at no charge.

How do I contact the State Bar?

You may call or write the State Bar at:

The North Carolina State Bar
208 Fayetteville Street Mall
PO Box 25908
Raleigh, NC 27601

(919) 828-4620

Web address: www.ncbar.gov