

CHAPTER 27-14

DISBARMENT OR SUSPENSION OF ATTORNEYS

27-14-01. Admission to bar revocable. The power to revoke or suspend the certificate of admission of an attorney or counselor at law is vested in the supreme court.

27-14-02. Causes for suspension or revocation of certificate of admission to bar. The certificate of admission to the bar of this state of an attorney and counselor at law may be revoked or suspended by the supreme court if that attorney has:

1. Committed an offense determined by the supreme court to have a direct bearing upon a person's ability to serve the public as an attorney and counselor at law, or the supreme court determines, following conviction of an offense, that the person is not sufficiently rehabilitated under section 12.1-33-02.1;
2. Willfully disobeyed or violated an order of the court requiring the attorney to do or to refrain from doing an act connected with or in the course of the attorney's professional practice;
3. Willfully violated any of the duties of an attorney or counselor at law;
4. Engaged, while attorney general or assistant attorney general of this state, or while employed in the office of the attorney general, in the private practice of the law, or rendered to any person, for pay, profit, and remuneration, any legal services other than those required in performing the duties imposed upon the attorney by virtue of the duties of the attorney's office, but an assistant attorney general may finish any case, proceeding, or legal business in which the assistant attorney general was engaged at the time of the person's appointment, and an attorney general or assistant attorney general with the permission of the attorney general may voluntarily represent indigent clients referred by an organized pro bono program in addition to the regular duties of the attorney's office; such pro bono representation must be at no cost to the state of North Dakota;
5. Appeared, while state's attorney or assistant state's attorney of any county of this state or while an employee in the office of the state's attorney, as an attorney for the defense in any criminal action which it was the attorney's duty to prosecute;
6. Been convicted of any offense mentioned in section 27-13-08, 27-13-09, 27-13-11, or 27-13-12; or
7. Committed any other act which tends to bring reproach upon the legal profession. The enumeration of certain grounds for disbarment or suspension of attorneys at law may not be deemed a limitation upon the general powers of the supreme court to suspend or disbar for professional misconduct.

27-14-03. Reference to state bar board by supreme court. Whenever a verified complaint is made and filed with the clerk of the supreme court charging any member of the bar of this state with conduct warranting that person's disbarment or suspension as an attorney at law and it appears to the court that those charges should be investigated, those charges must be referred to the state bar board with directions to investigate the same.

27-14-04. Investigation by bar board - Witnesses, subpoenas, oaths, testimony. When a complaint charging a member of the bar with misconduct is referred to the state bar board for investigation, each member of such board may:

1. Issue a subpoena commanding any witness to appear at any place within the judicial district in which the witness resides;

2. Administer oaths to witnesses; and
3. Take testimony concerning the charges made in the complaint.

27-14-05. Report by bar board. When the state bar board has completed its investigation of a complaint filed against a member of the bar as provided in section 27-14-04, it shall make a report to the supreme court stating therein its conclusions as to the charges investigated and its recommendations as to further proceedings.

27-14-06. Prosecution by state bar board. Upon receiving the report mentioned in section 27-14-05, the supreme court may order and direct the state bar board to file accusations and begin proceedings for the disbarment, suspension, or other discipline of the accused attorney in accordance with the procedure provided in this chapter, or such other procedure as the court may prescribe. If an order is made directing the bar board to begin such proceedings, it then is the duty of such board to comply therewith and to select and designate an attorney to prosecute the proceeding or to conduct the prosecution by its own members.

27-14-07. Filing of accusations - Answer thereto. Upon the initiation of a disbarment proceeding, counsel charged with the prosecution thereof shall file accusations and cause the same to be served as the court may direct. The accused may plead to the accusations within the time for answer prescribed by the court.

27-14-08. Trial. If a copy of the complaint against the accused has been served upon the accused and the accused has been given an opportunity to be heard, the proceeding, when issue is joined, must be referred by the supreme court for the taking of testimony and the making of findings and recommendations. Upon the filing of such findings and recommendations, or upon the default of the accused, or upon the accused's plea of guilty, the court shall render such judgment as the case may require.

27-14-09. Revocation and suspension. The revocation and suspension of an attorney's certificate of admission to the bar constitutes a forfeiture of that individual's office as an attorney or counselor at law to practice in the courts of this state so long as such revocation or suspension is in effect.

27-14-10. Expenses of prosecution. The expenses incident to the investigation of charges against a member of the bar of this state and to a prosecution of the accused must be paid out of the state bar fund.