

From: [Liebman, Brian R](#)
To: lvlahos@ncble.org; [Rules, Oah](#)
Cc: [Ron Baker](#); [Peter Bolac](#)
Subject: RE: [External] Rules Governing Admission to the Practice of Law in North Carolina OAH Submission
Date: Thursday, December 18, 2025 5:42:25 PM
Attachments: [27 NCAC 03 .0501 Draft 1.docx](#)
[27 NCAC 03 .0501 Draft 2.docx](#)

Good afternoon, Lee,

I hope you are well. I have reviewed the rules you submitted on Monday, and have a few questions and concerns about a few of them.

Rule .0301

Rule .0301 attempts to delay the effective date of the amendments to Rules .0501(8) and .0504(9) until November 15, 2027 and May 1, 2028, respectively. Although agencies subject to the Administrative Procedure Act may request a delayed effective date under G.S. 150B-21.3, the State Bar is exempt from the APA, and G.S. 150B-21.3 has no effect. Rather, the State Bar's submissions are governed exclusively by G.S. 150B-21.21, which states in relevant part that "[a] rule submitted to the Codifier of Rules under this section becomes effective on the first day of the month following submission for inclusion in the North Carolina Administrative Code." Thus, both Rules .0501 and .0504—inclusive of the language added by the amendment at issue—must by law specify an effective date of January 1, 2026. I have no authority to enter into the Code a rule that would contradict the language of G.S. 150B-21.21. As such, I cannot enter Rule .0301 into the Code.

That said, I understand that you need to be able to publish and promulgate Rules .0501 and .0504 in advance of the two year buffer required by N.C. Gen. Stat. 84-21. I also note that there are several changes to both rules that do not require a delay. In that light, I'd be willing to offer several alternatives that I believe would meet your needs and comply with the APA. First, would you changing the language of both Rules .0501 and .0504 to note, in the rules themselves, that .0501(8) and .0504(9) apply only to applications received on or after November 15, 2027 and May 1, 2028, respectively? Second, would you consider "double-stacking" Rules .0501 and .0504? By that, I mean adding the changes that do not need to be delayed to the rule, making the effective date January 1, 2026, and appending "(Effective until November 14, 2027)" to the title, then below the History Note, adding a different version of the rule, complete with the delayed changes, and with "(Effective November 15, 2027)" appended to the title. For illustrative purposes, I've attached potential drafts of both options for Rule .0501. Please let me know if either is acceptable to you.

Rules .0501 and .0504

As noted above, N.C. Gen. Stat. 84-24 states that "no change in the educational requirements for admission to the Bar that establishes an additional or greater requirement shall become effective until two years after the date of the adoption of the change." It appears to me that the changes to .0501(8) and .0504(9) would fall squarely into the definition of "an additional or

greater requirement” to the existing educational requirements for admission to the Bar. Can you confirm that these were “adopted” no later than November 15, 2025?

Rule .1002

I also have a concern about Rule .1002, which is styled as an amendment, but functionally repeals the existing rule related to the Multistate Bar Examination and replaces it with the text “Reserved for Future Use.” G.S. 150B-21.18 explicitly requires that “[t]he Codifier must keep superseded rules.” Moreover, 150B-21.21(c) states “[a] rule submitted to the Codifier of Rules under this section must be in the physical form specified by the Codifier of Rules.” That physical form is described in OAH’s rules, specifically 26 NCAC 02. Relevant here, 26 NCAC 02 .0102(13) defines a “Repeal” and states that “[w]hen a rule is repealed, that rule number shall not be used again. The number, rule name, and final history note remain in the Code permanently for publication and reference purposes.” In such situations, we delete the rule text and append “Repealed” to the rule name, but leave the history note in the Code. When and if an agency wants to reuse a repealed rule, they may request a waiver of Rule .0102(13), which is typically granted as long as the new rule pertains to the same subject matter and the original history note is preserved. Thus, would it be agreeable to you for me to enter the repeal into the Code, but instead of changing the title, to append “Repealed”?

As for Rules .0101, .0404, .0503, .0901, .0902, .0903, .0904, .1001, .1003, and .1005, I have reviewed them and they appear to me to comply with G.S. 150B-21.21. I will enter them into the Code with an effective date of January 1, 2026.

Please feel free to reach out to me with any questions or concerns.

Best,
Brian

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Subject: [External] Rules Governing Admission to the Practice of Law in North Carolina OAH Submission

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Good morning,

Please find attached amendments to the Rules Governing Admission to the Practice of Law in North Carolina which have been approved by the North Carolina Supreme Court. I am also attaching a cover letter, a copy of the filed North Carolina Supreme Court Order, and a copy of the submitted Fee Consultation Request for your review. Please let me know if you are unable to open an attachment, or if you may need anything else.

Thank you,
Lee Vlahos

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