

From: [Snyder, Ashley B](#)
To: vlahos@ncble.org
Cc: [Rules, Oah](#); rogeraaskew@outlook.com; [Brown, Andrew D](#); [Rhonda Price](#)
Subject: RE: [External] Rules Governing Admission to the Practice of Law - OAH submission
Date: Tuesday, January 21, 2025 3:20:45 PM

Thank you, Lee. I will move forward with publishing .0702. I confirm withdrawal of 27 NCAC 03C .0301. Please look for final proofs this week from Dana McGhee, our publications coordinator.

Ashley Snyder
Codifier of Rules
Office of Administrative Hearings
(984) 236-1941

From: Lee Vlahos <vlahos@ncble.org>
Sent: Tuesday, January 21, 2025 11:31 AM
To: Snyder, Ashley B <ashley.snyder@oah.nc.gov>
Cc: Rules, Oah <oah.rules@oah.nc.gov>; rogeraaskew@outlook.com; Brown, Andrew D <andrew.d.brown2@nccourts.org>; Rhonda Price <RPrice@ncble.org>
Subject: RE: [External] Rules Governing Admission to the Practice of Law - OAH submission

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Good morning, Ashley,

I hope you are well. Thank you for your email. Rule 27 NCAC 01C .0105 sets forth the specific educational requirements for applicants seeking admission to practice law in North Carolina. This rule is contained within the Rules of the North Carolina State Bar. The process of approval of law schools is determined by the North Carolina State Bar, not the Board of Law Examiners.

As to proposed Rule 27 NCAC 03C .0301, the Board will withdraw the submission of this rule. The Board is aware that the proposed Rules Governing the Admission to the Practice of Law in North Carolina submitted on January 7, 2025, for inclusion in the North Carolina Administrative Code will become effective as provided by law.

Best regards,
Lee

Lee A. Vlahos
Executive Director

From: Snyder, Ashley B <ashley.snyder@oah.nc.gov>

Sent: Thursday, January 16, 2025 4:59 PM

To: Lee Vlahos <lvlahos@ncble.org>

Cc: Rules, Oah <oah.rules@oah.nc.gov>; rogeraaskew@outlook.com; Brown, Andrew D <andrew.d.brown2@nccourts.org>

Subject: RE: [External] Rules Governing Admission to the Practice of Law - OAH submission

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Lee,

Thank you for the response. I look forward to your update on the fee consults once they are submitted.

For the two-year delay for educational requirements, thank you for pointing me to rule 27 NCAC 01C .0105. That is very helpful. I just have one question. Filed rule .0702 requires law schools be approved by the Council of the North Carolina State Bar. Rule 27 NCAC 01C .0105 requires approval by the ABA. Are these two separate approvals or is Rule .0702 referring to the process established in 27 NCAC 01C .0105 as the approval process for the Council of the North Carolina State Bar?

Regarding the effective date, the 2018 effective date would not have been an issue if these rules were filed within 30 days of being entered upon the Supreme Court's minutes back in 2018 as required by G.S. 150B-21.21 and G.S. 84-21(b). The issue arises because these rules were not filed at that time. Now, the 2018 effective date language in .0301 would impose a retroactive effective date for these rules.

Your email asserts the Supreme Court "approved" this effective date. The language in the attachments to your filing show the Supreme Court determined it was "not inconsistent with Article 4, Chapter 84" and the rule was then "entered upon the minutes of the Supreme Court." The relevant statutory provision is in G.S. 150B, not in Article 4, Chapter 84. Instead, G.S. 150B-21.21(d) is housed within G.S. 150B, Article 4 which govern "Publication of the Code and Register." It is my duty as Codifier to compile rules into the Administrative Code in compliance with the statutory requirements set forth in G.S. 150B, Article 4. One such requirement is the effective date of rules filed pursuant to G.S. 150B-21.21. The effective date is the first of the month following filing. As a result, I cannot enter the requested effective date of June 30, 2018 into the Code.

Thanks,

Ashley Snyder

Codifier of Rules

Office of Administrative Hearings

(984) 236-1941

From: Lee Vlahos <lvlahos@ncble.org>

Sent: Thursday, January 16, 2025 11:49 AM

To: Snyder, Ashley B <ashley.snyder@oah.nc.gov>

Cc: Rules, Oah <oah.rules@oah.nc.gov>; rogeraaskew@outlook.com; Brown, Andrew D <andrew.d.brown2@nccourts.org>

Subject: RE: [External] Rules Governing Admission to the Practice of Law - OAH submission

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Good morning, Ashley,

I hope you are well. I apologize for the delay in responding to your email. The Board will submit a fee consultation request for Rules 27 NCAC 03 .0402, .0403, .0404, .0502, and .0504. I will forward a copy to you upon submission.

In response to your question regarding the two-year delay for educational requirements, the Board believes that the two-year waiting period is not applicable to this unique situation because Rule 27 NCAC 1C .0105, which is already in the Administrative Code, addresses the educational requirements for applicants seeking admission to practice law in North Carolina and Section .0700 of the Board's rules are not changing. The Board's current rule .0702 requires applicants to have graduated or prove that they will graduate within thirty days after the bar examination, from a law school approved by the Council of the North Carolina State Bar. Rule 27 NCAC 1C .0105 *Approval of Law Schools* sets forth the specific educational requirements for applicants seeking admission in North Carolina.

Regarding the June 30, 2018 effective date provided in Rule .0301, the Board's rules were amended in 2018 in conjunction with the adoption of the Uniform Bar Examination in North Carolina. As the Board's current rules were re-adopted by the North Carolina State Bar Council and approved by the North Carolina Supreme Court and entered upon the Court's minutes without modification or alteration, that date appears in the rule. The Board's rules have been recorded upon the minutes of the North Carolina Supreme Court and publicly available in the North Carolina Reporter and on the Board's website for many years.

Best regards,

Lee

Lee A. Vlahos
Executive Director

From: Snyder, Ashley B <ashley.snyder@oah.nc.gov>

Sent: Thursday, January 9, 2025 11:45 AM

To: Lee Vlahos <lvlahos@ncble.org>

Cc: Rules, Oah <oah.rules@oah.nc.gov>; pbolac@ncbar.gov; rogeraaskew@outlook.com; Ashley Ratliff <aratliff@ncbar.gov>; Brown, Andrew D <andrew.d.brown2@nccourts.org>

Subject: RE: [External] Rules Governing Admission to the Practice of Law - OAH submission

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Good morning, Lee,

Thank you for your response. These rules have never existed in the Code and therefore the fees have not existed. The earliest these rules, including the fees they contain, can be effective is the first of the month following filing. G.S. 150B-21.21(d). Pursuant to G.S. 12-3.1 and 150B-21.19(5), the rules containing fees will be delayed pending satisfaction of the fee consultation requirement with the Joint Legislative Commission on Governmental Operations. I will notify legislative staff of the failure to consult and copy you all on that email.

The rules that will be delayed for containing fees without evidence of a fee consult are: 27 NCAC 03 .0402, .0403, .0404, .0502, and .0504.

I have two additional questions related to this filing. First, will you please provide a written explanation of your position regarding the two-year delay for educational requirements in G.S. 84-24? Pursuant to the statute, any establishment of an additional or greater educational requirement shall be delayed by two years. Section .0700 of these Rules establishes new educational requirements because they are new rules. Can you please explain your argument to the contrary?

Second, 27 NCAC 03 .0301 attempts to make these rules retroactively effective to June 30, 2018. Pursuant to G.S. 150B-21.21, these rules are to be effective the first of the month after filing. This rule circumvents the plain language and the intent of that statutory change – to make rules publicly available in the Code when they are in effect. Please point me to your statutory authority for this retroactive effective date.

Thank you,

Ashley Snyder
Codifier of Rules
Office of Administrative Hearings
(984) 236-1941

From: Lee Vlahos <lvlahos@ncble.org>

Sent: Thursday, January 9, 2025 8:18 AM

To: Snyder, Ashley B <ashley.snyder@oah.nc.gov>

Cc: Rules, Oah <oah.rules@oah.nc.gov>; pbolac@ncbar.gov; rogeraaskew@outlook.com; Ashley Ratliff <aratliff@ncbar.gov>

Subject: RE: [External] Rules Governing Admission to the Practice of Law - OAH submission

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Good morning, Ashley,

I hope you are well. I apologize for my delay in responding to your email. The Board has not submitted a request for a fee consultation. Respectfully, the Board's position is that a fee consultation request is not necessary for the initial inclusion of the Board's rules into the North Carolina Administrative Code, as the rules do not establish new fees or increase existing fees. Also, as we previously discussed, the rules submitted to the Office of Administrative Hearings are not new. They contain no changes to existing fees.

G.S. 12-3.1 requires that an agency submit a request for consultation to the Joint Legislative Commission on Governmental Operations for rules that establish or increase a fee. Additionally, G.S. 150B-21.19(5) provides that to be acceptable for inclusion in the North Carolina Administrative Code, a rule must "have complied with the provisions of G.S. 12-3.1, if the rule establishes a new fee or increases an existing fee."

Given the statutes cited above and the Board's position regarding the fee consultation, the Board respectfully requests that the Office of Administrative Hearings move forward with codification of the Board's rules into the Administrative Code. If you have any questions or concerns, please let me know.

Best,
Lee

Lee A. Vlahos
Executive Director

From: Snyder, Ashley B <ashley.snyder@oah.nc.gov>
Sent: Tuesday, January 7, 2025 3:16 PM
To: Lee Vlahos <lvlahos@ncble.org>
Cc: Rules, Oah <oah.rules@oah.nc.gov>; pbolac@ncbar.gov; Ashley Ratliff <aratliff@ncbar.gov>; Danielle Cayford <dcayford@NCBLE.ORG>
Subject: RE: [External] Rules Governing Admission to the Practice of Law - OAH submission

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Good afternoon, Lee,

I received your filing, and I am reviewing. I see some of these rules contain fees. Will you please submit evidence of the fee consultation required by G.S. 12-3.1?

Thanks,

Ashley Snyder
Codifier of Rules
Office of Administrative Hearings
(984) 236-1941

From: Rules, Oah <oah.rules@oah.nc.gov>
Sent: Tuesday, January 7, 2025 12:46 PM
To: Snyder, Ashley B <ashley.snyder@oah.nc.gov>
Subject: FW: [External] Rules Governing Admission to the Practice of Law - OAH submission

From: Lee Vlahos <vlahos@ncble.org>
Sent: Tuesday, January 7, 2025 12:42 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: pbolac (<pbolac@ncbar.gov> <pbolac@ncbar.gov>; aratliff@ncbar.gov; Danielle Cayford <dcayford@NCBLE.ORG>
Subject: [External] Rules Governing Admission to the Practice of Law - OAH submission

You don't often get email from vlahos@ncble.org. [Learn why this is important](#)

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Good afternoon,

Please find attached the Rules Governing Admission to the Practice of Law in North Carolina which have been re-adopted by the North Carolina State Bar Council, and approved by the North Carolina Supreme Court and re-entered upon the Court's minutes. I am also attaching a cover letter and the filed NC Supreme Court orders for your review. Please let me know if you are unable to open an attachment, or if you need anything else.

Thank you,
Lee Vlahos

Lee A. Vlahos
Executive Director
North Carolina Board of Law Examiners
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