

26 NCAC 03 .0119 SECURE LEAVE PERIODS FOR ATTORNEYS

- (a) Any attorney may designate one or more secure leave periods each year as provided in this Rule.
- (b) Length, Number. A secure leave period shall consist of one or more complete calendar weeks. During any calendar year, an attorney's secure leave periods pursuant to this Rule shall not exceed, in the aggregate, three calendar weeks.
- (c) Designation, Effect. To designate a secure leave period an attorney shall file a written designation containing the information required by Paragraph (d) with the Chief Hearings Clerk. The designation shall be filed:
 - (1) no later than 90 days before the beginning of the secure leave period; and
 - (2) before any argument or other proceeding before an administrative law judge has been scheduled for a time during the designated secure leave period.

Upon such filing, the secure leave period so designated shall be deemed allowed without further action by the presiding administrative law judge, and the attorney shall not be required to appear at any argument or other administrative proceeding during that secure leave period.

- (d) Content of Designation. The designation shall contain the following information:
 - (1) the attorney's name, address, telephone number and state bar number;
 - (2) the date of the Monday on which the secure leave period is to begin and of the Friday on which it is to end;
 - (3) the dates of all other secure leave periods during the current calendar year that have previously been designated by the attorney pursuant to this Rule;
 - (4) a statement that the secure leave period is not being designated for the purpose of delaying, hindering or interfering with the timely disposition of any matter in any pending action or proceeding; and
 - (5) a statement that no argument or other proceeding has been scheduled during the designated secure leave period in any matter pending before an administrative law judge in which the attorney has entered an appearance.

*History Note: Authority G.S. 7A-750; 150B-40(c);
Eff. August 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016.*