

# NORTH CAROLINA JUDICIAL STANDARDS COMMISSION

IMPARTIALITY | INDEPENDENCE | INTEGRITY

*established in 1973*

## OUR MISSION

The North Carolina Judicial Standards Commission reviews and investigates allegations of misconduct or disability made against judges and justices of the North Carolina General Court of Justice and commissioners and deputy commissioners of the North Carolina Industrial Commission. The Commission also provides education and training for judges and commissioners across the state and advises them on their obligations under the North Carolina Code of Judicial Conduct.

The Judicial Standards Commission was established in 1973 and acts as an arm of the Supreme Court of North Carolina to ensure the impartiality, independence, and integrity of the Judicial Branch through:

- Consideration and investigation of citizen complaints that a judge violated the Code of Judicial Conduct
- In appropriate cases, and after a disciplinary hearing before the Commission, recommendation to the Supreme Court to take public disciplinary action against a judge for misconduct
- Advice and training for judges regarding their obligations under the Code of Judicial Conduct

By discharging these duties fairly and impartially, and by increasing awareness on the part of both the judiciary and the public as to the ethical obligations of judges under the Code of Judicial Conduct, the Commission works to protect the integrity of the judicial process and to preserve public confidence in state judicial proceedings.

## OUR MEMBERSHIP

To exercise its important duties, the Commission is comprised of 13 members, including judges, attorneys, and citizens. Each member, with the exception of the chair, serves a single six-year term. Members are appointed by the Judicial Branch, the State Bar, the General Assembly, and the Governor. The Chief Justice appoints a judge of the Court of Appeals to serve as chair of the Commission, along with two superior court judges and two district court judges. The North Carolina State Bar appoints four attorneys with at least 10 years of experience and elected by the State Bar Council. The Governor appoints two citizens and the North Carolina General Assembly appoints two citizens — one on recommendation of the President Pro Tempore of the Senate and one on recommendation of the Speaker of the House.



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PUBLIC  
CONFIDENCE  
IN THE  
ADMINISTRATION  
OF JUSTICE IN  
NORTH CAROLINA  
DEMANDS THAT OUR  
JUDGES BE HELD  
TO THE HIGHEST  
ETHICAL STANDARDS  
AND HAVE ACCESS  
TO ADVICE AND  
EDUCATION.

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— JUDGE WANDA G. BRYANT, CHAIR  
JUDICIAL STANDARDS COMMISSION

## WHO DOES THE COMMISSION ASSIST?

- Citizens seeking to report incidents of alleged judicial misconduct
- Justices and judges of the General Court of Justice, including emergency and retired recalled judges, seeking ethics advice, training, and counseling
- Commissioners and deputy commissioners of the Industrial Commission seeking ethics advice, training, and counseling
- Individuals or organizations seeking information about the ethical obligations of judges and judicial officers in North Carolina

## JURISDICTION

The Commission has jurisdiction to consider complaints against judges of the General Court of Justice, which consists of state district, superior, and appellate court judges and justices. In 2011, the General Assembly added the offices of commissioner and deputy commissioner of the Industrial Commission to the Commission's jurisdiction. The Commission is not authorized to consider complaints against administrative law judges, federal judges, magistrates, district attorneys, clerks of court, court employees or personnel, or private attorneys.

## AUTHORITY OF COMMISSION

The Commission reviews and investigates complaints of judicial misconduct that would violate the Code of Judicial Conduct or would otherwise constitute grounds for discipline under G.S. 7A-376(b) (willful misconduct in office, willful and persistent failure to perform the judge's duties, habitual intemperance, conviction of a crime involving moral turpitude, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute). The Commission may also investigate allegations of physical or mental incapacity that interferes with the performance of the judge's duties. All Commission investigations and proceedings are confidential.

In appropriate circumstances, and after a full investigation and a hearing, the Commission may recommend disciplinary action to the Supreme Court of North Carolina. Such recommended discipline may include public reprimand, censure, suspension, or removal from office. The Supreme Court may adopt, modify, or reject the Commission's recommendations in whole or in part. In cases where the misconduct does not rise to the level where disciplinary action is to be recommended, the Commission may issue private letters of caution to individuals under inquiry. These private letters of caution are recorded in a judge's permanent disciplinary file, but are confidential and are not public records.

## ADVISORY OPINIONS AND EDUCATIONAL PROGRAMS

The Commission also provides an important service to judges, justices, commissioners, and deputy commissioners by issuing both formal and informal advisory opinions as to whether certain conduct, if undertaken, would violate the Code of Judicial Conduct. The Commission chair and staff also take part in educational programs for judges, attorneys, and other interested parties relating to the Code of Judicial Conduct and the work of the Commission.



### IMPARTIALITY

Remain open-minded and fair in evaluating every complaint and making every disciplinary decision or recommendation

### INDEPENDENCE

Make every decision without outside influence or pressure

### INTEGRITY

Treat every complainant, witness, and judge with respect, patience, honesty, and professionalism

## OUR NUMBERS

### 2018 WORKLOAD STATISTICS

362	Complaints Considered
59	Preliminary Investigations Authorized
16	Formal Investigations Authorized
8	Private Letters of Caution Issued
6	Statements of Charges Authorized
3	Supreme Court Disciplinary Decisions
6	Cases Pending Hearing in 2019

### 2018 ETHICS ADVICE AND TRAINING

350	Written Informal Opinions in 2018
10	Published Formal Opinions 2014-2018
8-10	Training programs for judges and court personnel annually

## OUR STAFF

The Commission has a staff of four Judicial Branch employees — the executive director, Commission counsel, an investigator, and an administrative assistant.

## OUR FUNDING

The Commission is funded through appropriations to the Judicial Branch and receives administrative and technical support from the North Carolina Administrative Office of the Courts.