This report provides statistical data of the activities of the Commission in 2013. For further information please visit the Judicial Standards Commission’s web site at:

INTRODUCTION

The North Carolina Judicial Standards Commission was created in 1973 by virtue of an amendment to Article IV, Section 17 of the Constitution of North Carolina and the enactment of Article 30 of Chapter 7A of the General Statutes. The purpose of the Commission has been repeatedly stated by the Supreme Court, but was first voiced by Justice Exum in *In re Crutchfield*, 289 N.C. 597, 602, 223 S.E.2d 822, 825 (1975):

“[A proceeding before the Judicial Standards Commission] is neither criminal nor civil in nature. It is an inquiry into the conduct of a judicial officer, the purpose of which is not primarily to punish any individual but to maintain due and proper administration of justice in our State's courts, public confidence in its judicial system, and the honor and integrity of its judges.”

The Commission exists as the appropriate agency “for the investigation and resolution of inquiries concerning the qualifications or conduct of any justice or judge of the General Court of Justice” N.C.G.S. §7A-374.1. Jurisdiction was expanded in 2011 to include commissioners and deputy commissioners of the NC Industrial Commission by N.C.G.S. §97.78.1. It receives and investigates complaints of judicial misconduct or disability, institutes disciplinary proceedings, conducts hearings, and recommends appropriate disciplinary action to the North Carolina Supreme Court. The Commission itself can neither censure nor remove. It functions to aid in determining whether a justice or judge is unfit or unsuitable, and it is for the court to actually assess the disciplinary sanctions provided in N.C.G.S. §7A-376. *In re Nowell*, 293 N.C. 235, 237 S.E.2d 246 (1977). Confidentiality of Commission activities was expanded by the General Assembly in 2013 to include all phases of disciplinary hearings. Upon the issuance of a disciplinary sanction by the Court, confidentiality ceases as to the pleadings, recommendation and record.

The Commission also provides formal advisory opinions in response to written requests. The executive director and Commission counsel provide informal advisory opinions upon request and participate in new judge training and continuing judicial education.

The membership of the Commission consists of one Court of Appeals judge, who serves as the chairperson, two superior court judges, and two district court judges, each appointed by the Chief Justice of the Supreme Court; four members of the Bar, elected by the Council of The North Carolina State Bar; and four citizens who are neither judges, active or retired, nor attorneys, two appointed by the Governor, one appointed by the Speaker of the North Carolina House of Representatives and one appointed by the President Pro Tempore of the North Carolina Senate.

ACTIVITIES IN 2013

Inquiries concerning allegations of misconduct are initiated by written complaints from members of the public or opened by the Commission acting on its own motion. 57 such complaints were pending at the beginning of 2013: 50 awaiting initial review or receipt of additional information and 7 under formal investigation. During the year, 235 new complaints were filed or initiated by
the Commission on its own motion. Formal investigations were ordered in 25 complaints. The Commission initiated formal disciplinary proceedings by filing a Statement of Charges in 1 inquiry. The Statement of Charges was subsequently withdrawn following the judge’s acceptance of a Public Reprimand. As indicated below, 28 matters were left pending at the end of 2013: 21 complaints awaiting initial review or the receipt of additional information, 6 complaints under formal investigation and one matter awaiting the filing of a Statement of Charges following and investigative panel’s determination to initiate disciplinary proceedings.

**CASELOAD 2013**

<table>
<thead>
<tr>
<th>Description</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Matters pending 1/1/13</td>
<td>57</td>
</tr>
<tr>
<td>2013 Complaints</td>
<td>235</td>
</tr>
<tr>
<td>Total Workload</td>
<td>292</td>
</tr>
<tr>
<td>Complaints Disposed in 2013</td>
<td>264</td>
</tr>
<tr>
<td>Matters Pending 12/31/13</td>
<td>28</td>
</tr>
</tbody>
</table>

**COMPLAINT DISPOSITION 2013**

- Dismissed After Formal Investigation, 17
- Dismissed After Formal Investigation with Letter of Caution, 7
- Dismissed After Initial Review with Letter of Caution, 1
- Dismissed After Initial Review, 239
- Public Reprimand, 1
- Pending, 28

Complaints involving multiple judicial officials may involve more than one type of disposition.
Some complaints were provided by more than one complainant.

**CATEGORIES OF RESPONDENT JUDGES**

Some complaints named more than one judicial official.
<table>
<thead>
<tr>
<th>Allegation</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abuse of Power</td>
<td>18</td>
</tr>
<tr>
<td>Bias</td>
<td>94</td>
</tr>
<tr>
<td>Campaign conduct</td>
<td>1</td>
</tr>
<tr>
<td>Conflict of Interest</td>
<td>18</td>
</tr>
<tr>
<td>Criminal Conduct</td>
<td>5</td>
</tr>
<tr>
<td>Delay</td>
<td>33</td>
</tr>
<tr>
<td>Demeanor</td>
<td>33</td>
</tr>
<tr>
<td>Denied Fair Hearing</td>
<td>25</td>
</tr>
<tr>
<td>Disability</td>
<td>1</td>
</tr>
<tr>
<td>Ex Parte Communication</td>
<td>33</td>
</tr>
<tr>
<td>Failed Administrative Duty</td>
<td>19</td>
</tr>
<tr>
<td>Fraud/Corruption</td>
<td>8</td>
</tr>
<tr>
<td>Inappropriate Comments</td>
<td>32</td>
</tr>
<tr>
<td>Legal/Procedural Error</td>
<td>176</td>
</tr>
<tr>
<td>Other</td>
<td>14</td>
</tr>
<tr>
<td>Prestige Misuse</td>
<td>4</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>514</strong></td>
</tr>
</tbody>
</table>

Complaints may contain more than one allegation.
FIVE YEAR COMPARATIVE ANALYSIS

<table>
<thead>
<tr>
<th>Year</th>
<th>Pending from Previous Years</th>
<th>New</th>
<th>Pending at Year End</th>
<th>Pending after Initial Review</th>
<th>Dismissed After Formal Investigation</th>
<th>Dismissed After Formal Investigation</th>
<th>Private Letter of Caution</th>
<th>Public Reprimand</th>
<th>Statement of Charges Filed</th>
<th>Stipulated Dismissal</th>
<th>Hearing Conducted</th>
<th>Dismissed After Hearing</th>
<th>Recommendation For Discipline Filed</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>57</td>
<td>235</td>
<td>28</td>
<td>239</td>
<td>25</td>
<td>17</td>
<td>8</td>
<td>1</td>
<td>1+</td>
<td>0</td>
<td>0</td>
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<tr>
<td>2012</td>
<td>41</td>
<td>312</td>
<td>57</td>
<td>260</td>
<td>30</td>
<td>20</td>
<td>14</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>2011</td>
<td>22</td>
<td>282</td>
<td>41</td>
<td>241</td>
<td>20</td>
<td>9</td>
<td>9≠</td>
<td>3</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>2010</td>
<td>25</td>
<td>241</td>
<td>22</td>
<td>220</td>
<td>21</td>
<td>12</td>
<td>7</td>
<td>1</td>
<td>0</td>
<td>1(4)±</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2009</td>
<td>47</td>
<td>279</td>
<td>25</td>
<td>259</td>
<td>25</td>
<td>19</td>
<td>11</td>
<td>4</td>
<td>3(8)</td>
<td>2(3)*</td>
<td>2(4)</td>
<td>1</td>
<td>1(3)</td>
</tr>
<tr>
<td>Total</td>
<td>192</td>
<td>1349</td>
<td>173</td>
<td>1219</td>
<td>121</td>
<td>77</td>
<td>49</td>
<td>11</td>
<td>6</td>
<td>3</td>
<td>4</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Avg</td>
<td>38.4</td>
<td>269.8</td>
<td>36.4</td>
<td>243.8</td>
<td>24.2</td>
<td>15.4</td>
<td>9.8</td>
<td>2.2</td>
<td>1.2</td>
<td>0.6</td>
<td>0.8</td>
<td>0.2</td>
<td>0.6</td>
</tr>
</tbody>
</table>

* number in ( ) indicates total number of complaints addressed

* dismissed due to death of the respondent judge

± dismissed due to removal of the respondent judge

≠ a letter of caution was issued in one matter, while other issues remained under investigation

+ withdrawn following the judge’s acceptance of a public reprimand

2013 ANNUAL REPORT
## APPENDIX A

**PAST AND PRESENT MEMBERS OF THE JUDICIAL STANDARDS COMMISSION**

### Judges Appointed by the Chief Justice

<table>
<thead>
<tr>
<th>Court of Appeals</th>
<th>Superior Court</th>
<th>District Court</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hon. Walter E. Brock</td>
<td>Hon. George M. Fountain</td>
<td>Hon. E. D. Kuykendall, Jr.</td>
</tr>
<tr>
<td>Hon. Edward B. Clark</td>
<td>Hon. W. Douglas Albright</td>
<td>Hon. C. Walter Allen</td>
</tr>
<tr>
<td>Hon. Clifton E. Johnson</td>
<td>Hon. Robert D. Lewis</td>
<td>Hon. W. S. Harris, Jr.</td>
</tr>
<tr>
<td>Hon. John C. Martin *</td>
<td>Hon. Paul L. Jones</td>
<td>Hon. Rebecca B. Knight</td>
</tr>
<tr>
<td></td>
<td>Hon. Tanya T. Wallace *</td>
<td>Hon. Alexander Lyerly *</td>
</tr>
<tr>
<td></td>
<td>Hon. Cy A. Grant *</td>
<td>Hon. Rebecca Blackmore *</td>
</tr>
</tbody>
</table>

### Attorneys Elected by the State Bar Council

- Mr. Emerson T. Sanders
- Mr. Harold K. Bennett
- Mr. Robert G. Sanders
- Mr. Jerome B. Clark, Jr.
- Mr. E. K. Powe
- Mr. Rivers D. Johnson, Jr.
- Mr. Louis J. Fisher, Jr.
- Mr. William K. Davis
- Mr. Z. Creighton Brinson
- Mr. Charles M. Davis
- Mr. Ronald Barbee
- Mr. William O. King
- Mr. Steven Michael
- Mr. Dudley Humphrey
- Mr. L.P. Hornthal, Jr. *
- Mr. Edward T. Hinson, Jr. *
- Mr. William H. Jones, Jr. *
- Mr. Fred H. Moody, Jr. *

### Citizens Appointed by the Governor

- Mr. Marvin B. Koonce, Jr.
- Mrs. George L. Hundley
- Ms. N. Susan Whittington
- Mrs. Veatrice C. Davis
- Ms. Pamela S. Gaither
- Mr. Albert E. Partridge, Jr.
- Mrs. Margaret H. Almond
- Mr. Melvin C. Swann, Jr.
- Mr. Roland W. Leary
- Mr. James L. Mebane
- Mr. T. Ray Warren
- Mrs. Linda Brown Douglas
- Mr. Arthur B. Schools, Jr. *
- Ms. Lorraine Stephens *

### Citizens Appointed by the General Assembly

- Hon. Todd W. Tilley
- Mr. R. Wayne Troutman *
- Mr. Gregory H. Greene *

* 2013 members
APPENDIX B

SUPREME COURT OPINIONS
REGARDING RECOMMENDATIONS OF THE
JUDICIAL STANDARDS COMMISSION

In re Crutchfield, 289 N.C. 597, 223 S.E.2d 822 (1975)
In re Edens, 290 N.C. 299, 226 S.E.2d 5 (1976)
In re Stuhl, 292 N.C. 379, 233 S.E.2d 562 (1977)
In re Nowell, 293 N.C. 235, 237 S.E.2d 246 (1977)
In re Hardy, 294 N.C. 90, 240 S.E.2d 367 (1978)
In re Martin, 295 N.C. 291, 245 S.E.2d 766 (1978)
In re Peoples, 296 N.C. 109, 250 S.E.2d 890 (1978)
In re Hunt, 308 N.C. 328, 302 S.E.2d 235 (1983)
In re Kivett, 309 N.C. 635, 309 S.E.2d 422 (1983)
In re Wright, 313 N.C. 495, 329 S.E.2d 668 (1985)
In re Griffin, 320 N.C. 163, 357 S.E.2d 682 (1987)
In re Bullock, 324 N.C. 320, 377 S.E.2d 743 (1989)
In re Hair, 324 N.C. 324, 377 S.E.2d 749 (1989)
In re Greene, 328 N.C. 639, 403 S.E.2d 257 (1991)
In re Bullock, 328 N.C. 712, 403 S.E.2d 264 (1991)
In re Sherrill, 328 N.C. 719, 403 S.E.2d 255 (1991)
In re Harrell, 331 N.C. 105, 414 S.E.2d 36 (1992)
In re Martin, 333 N.C. 242, 424 S.E.2d 118 (1993)
In re Bissell, 333 N.C. 766, 429 S.E.2d 731 (1993)
In re Hair, 335 N.C. 150, 436 S.E.2d 128 (1993)
In re Cornelius, 335 N.C. 198, 436 S.E.2d 836 (1993)
In re Bullock, 336 N.C. 586, 444 S.E.2d 299 (1994)
In re Fuller, 345 N.C. 157, 478 S.E.2d 641 (1996)
In re Martin, 345 N.C. 167, 478 S.E.2d 186 (1996)
In re Renfer, 345 N.C. 632, 482 S.E.2d 540 (1997)
In re Renfer, 347 N.C. 382, 493 S.E.2d 434 (1997)
In re Brown, 351 N.C. 601, 527 S.E.2d 651 (2000)
In re Hayes, 353 N.C. 511, 546 S.E.2d 376 (2001)
In re Stephenson, 354 N.C. 201, 552 S.E.2d 137 (2001)
In re Hill, 357 N.C. 559, 591 S.E.2d 859 (2003)
In re Braswell, 358 N.C. 721, 600 S.E.2d 849 (2004)
In re Hill, 359 N.C. 308; 609 S.E.2d 221 (2005)
In re Harrison, 359 N.C. 415; 611 S.E.2d 834 (2005)
In re Daisy, 359 N.C. 622, 622 S.E.2d 529 (2005)
In re Royster, 361 N.C. 560, 648 S.E.2d 837 (2007)
In re Allen, 362 N.C. 73, 653 S.E.2d 423 (2007)
In re Badgett, 362 N.C. 482, 666 S.E.2d 743 (2008)
In re Belk, 364 N.C.114, 691 S.E.2d 685 (2010)
In re Hartsfield, 365 N.C. 418, 722 S.E.2d 496 (2012)