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This report provides statistical data of the activities of the Commission in 2011. 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 or the North Carolina Court of Appeals. 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).

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 2011

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. 22 such complaints were pending at the beginning of 2011: 15 awaiting initial review or receipt of additional information and 7 under formal investigation. During the year, 282 new complaints were filed or initiated by the Commission on its own motion. Formal investigations were ordered in 20 complaints. Three public reprimands were ordered regarding 3 complaints. The Commission initiated formal disciplinary proceedings by filing a Statement of Charges in 2 inquiries. As indicated below, 41 matters were left pending at the end of 2011: 33 complaints awaiting initial review or the receipt of additional information and 8 complaints under formal investigation.
CASELOAD 2011

<table>
<thead>
<tr>
<th>Description</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Matters pending 1/1/11</td>
<td>22</td>
</tr>
<tr>
<td>2011 Complaints</td>
<td>282</td>
</tr>
<tr>
<td>Total Workload</td>
<td>304</td>
</tr>
<tr>
<td>Complaints Disposed in 2011</td>
<td>263</td>
</tr>
<tr>
<td>Matters Pending 12/31/11</td>
<td>41</td>
</tr>
</tbody>
</table>

As in previous years, the majority of complaints were closed by the Commission after initial review. Of the 263 complaints disposed of during the year, 241 were dismissed after initial review, 3 were dismissed after initial review with a letter of caution, 9 were dismissed after formal investigations, and 5 were dismissed after a formal investigation with a letter of caution. Three public reprimands were ordered by the Commission. Two disciplinary proceedings were filed in 2011, with hearings conducted in each. The hearings resulted in recommendations for discipline being filed with the Supreme Court of North Carolina, one for suspension and one for censure.

COMPLAINT DISPOSITION 2011

- Dismissed after Formal Investigation with Letter of Caution - 5
- Dismissed after Formal Investigation - 9
- Dismissed after Initial Review with Letter of Caution - 3
- Pending - 41
- Dismissed after Initial Review - 241
- Public Reprimand - 3
- Hearing Conducted - 2
Some complaints were provided by more than one complainant.

Some complaints named more than one judge or justice.
### COMPLAINT ALLEGATIONS

<table>
<thead>
<tr>
<th>Allegation</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abuse of Power</td>
<td>63</td>
</tr>
<tr>
<td>Bias</td>
<td>104</td>
</tr>
<tr>
<td>Campaign conduct</td>
<td>1</td>
</tr>
<tr>
<td>Conflict of Interest</td>
<td>8</td>
</tr>
<tr>
<td>Criminal Conduct</td>
<td>4</td>
</tr>
<tr>
<td>Delay</td>
<td>37</td>
</tr>
<tr>
<td>Demeanor</td>
<td>33</td>
</tr>
<tr>
<td>Denied Fair Hearing</td>
<td>36</td>
</tr>
<tr>
<td>Disability</td>
<td>2</td>
</tr>
<tr>
<td>Ex Parte Communication</td>
<td>35</td>
</tr>
<tr>
<td>Failed Administrative Duty</td>
<td>4</td>
</tr>
<tr>
<td>Fraud/Corruption</td>
<td>5</td>
</tr>
<tr>
<td>Inappropriate Comments</td>
<td>34</td>
</tr>
<tr>
<td>Legal/Procedural Error</td>
<td>219</td>
</tr>
<tr>
<td>Other</td>
<td>16</td>
</tr>
<tr>
<td>Prestige Misuse</td>
<td>9</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>611</strong></td>
</tr>
</tbody>
</table>

Some complaints contained 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>Dismissed After Initial Review</th>
<th>Formal Investigation Ordered</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>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>
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<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>
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<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>2008</td>
<td>37</td>
<td>306</td>
<td>47</td>
<td>257</td>
<td>33</td>
<td>11</td>
<td>22</td>
<td>3</td>
<td>5</td>
<td>0</td>
<td>3</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>2007</td>
<td>67</td>
<td>262</td>
<td>37</td>
<td>260</td>
<td>15</td>
<td>8</td>
<td>4</td>
<td>3</td>
<td>15</td>
<td>1</td>
<td>3</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>1370</td>
<td>1237</td>
<td>114</td>
<td>59</td>
<td>53</td>
<td>14</td>
<td>25</td>
<td>4</td>
<td>25</td>
<td>4</td>
<td>10</td>
<td>5</td>
<td>6</td>
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<tr>
<td>Avg</td>
<td>274</td>
<td>247.4</td>
<td>22.8</td>
<td>11.8</td>
<td>10.6</td>
<td>2.8</td>
<td>5</td>
<td>.8</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td>1.2</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

2011 ANNUAL REPORT
APPENDIX A

PAST AND PRESENT MEMBERS
OF THE
JUDICIAL STANDARDS COMMISSION

<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></td>
</tr>
</tbody>
</table>

Judges Appointed by the Chief Justice

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. *

* current member

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. *

Citizens Appointed by the General Assembly
Hon. Todd W. Tilley
Mr. R. Wayne Troutman *
Mr. Gregory H. Greene *
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)