

ANNUAL REPORT 2024

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CHAIR

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This report provides statistical data of the activities of the Commission in 2024. For further information, please visit the Judicial Standards Commission’s website at:

<http://ncjsc.gov>

A MESSAGE FROM THE COMMISSION CHAIR

Greetings:

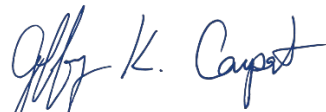
The Judicial Standards Commission presents its 2024 Annual Report.

This year was one of continued progress for the Commission. The Commission and its staff reframed the work of the Commission as not only a disciplinary, but also an advisory and training body, which led to an increased overall workload. In doing so, the Commission staff made themselves available to respond to inquiries from judges across the State and provided hundreds of confidential informal ethics opinions. This daily work of the Commission staff supports our judiciary in its mission to administer justice without favor, denial, or delay. The Commission also met monthly to evaluate and hear complaints from our citizenry regarding the conduct of our judicial officers, as well as review the advisory opinions provided by the Commission staff to judges across the State. The Commission staff also prepared and presented in-person education not only to judges, but also to elected clerks, assistant and deputy clerks, commissioners and deputy commissioners of the Industrial Commission, legal fellows, and more. In addition to these Statewide trainings in 2024, the Commission staff traveled to fourteen judicial districts to speak with judges and other court officials on a more personal level about issues within their respective areas. The Commission staff also streamlined internal office processes, including the continued digitization of the Commission's historical records and the use of eCourts and other technology to vet complaints and ease the transmission of information to and from the Commission.

In 2024, the Supreme Court also approved an amendment to the [Rules of the Judicial Standards Commission](#) addressing structural changes to the Commission, and issued a public discipline of a [120-day suspension](#) to a judge.

Please know that the Commission and its dedicated staff remain committed to serving our judiciary and our State in a fair, consistent, and non-partisan way.

Sincerely,



Jeff Carpenter

Judge, North Carolina Court of Appeals

INTRODUCTION

The Judicial Standards Commission was established in 1973 by our General Assembly to assist in “the investigation and resolution of inquiries concerning the qualification or conduct of any judge[.]” NCGS § 7A-374.1. To that end, the Commission evaluates and investigates complaints regarding judicial conduct and allegations/concerns regarding the lack of physical or mental capacity of a judge, whether temporary or permanent, which interferes with the performance of the judge’s duties.

The Commission also serves as North Carolina’s judicial ethics advisory committee. In this role, the Commission provides both public formal ethics opinions and confidential informal ethics advice to judicial officers. Commission staff provides training and develops educational materials relating to the Code of Judicial Conduct, promulgated by our Supreme Court.

The Commission serves a critical function in our Judicial Branch to promote the highest ethical and professional standards among North Carolina’s judges and to ensure continued public trust and confidence in the fair and efficient administration of justice.

COMMISSION MEMBERS AND STRUCTURE

The Commission has fourteen members, consisting of judges, attorneys, and non-attorneys, each serving six-year terms. Each branch of our State government has a role in appointing the Commission’s members.

The Judicial Branch, through our Chief Justice, appoints six judicial members, two from our Court of Appeals who serve as Chair and Vice-Chair of the Commission, along with two superior court judges and two district court judges. The Legislative Branch also appoints two superior court judges and two district court judges. The final four members are members of the public (either attorneys or lay people), appointed by our Legislative and Executive Branches: two appointed by the Governor and one appointed by each house of the General Assembly

A list of all past members of the Commission is provided in Appendix A and a current list of Commission members and staff is available on the Commission’s website.

COMMISSION FUNCTIONS AND PROCEDURES

The Judicial Standards Commission is governed by the authority set forth in Article 30 of Chapter 7A of the North Carolina General Statutes and the Rules of the Judicial Standards Commission, which are adopted by order of our Supreme Court. The standards for judicial conduct in North Carolina are set forth in the Code, also promulgated and adopted by order of our Supreme Court pursuant to its statutory authority set forth in NCGS § 7A-10.1.

Investigatory and Disciplinary Jurisdiction

The Commission serves our Supreme Court by performing four essential functions related to evaluating complaints regarding judicial conduct and disability or lack of capacity:

- (1) receiving and reviewing complaints or information concerning alleged judicial conduct in violation of the Code of Judicial Conduct or disability;
- (2) conducting investigations in appropriate cases;
- (3) if a minor violation of the Code of Judicial Conduct is found to have occurred, taking confidential remedial action to prevent a recurrence of the issue;
- (4) if necessary, based on the nature of the conduct or disability, conducting disciplinary or disability proceedings to hear evidence and make recommendations to the North Carolina Supreme Court for disposition of the matter. The Commission's recommendation is advisory and not binding on the North Carolina Supreme Court, which exercises its own independent review of the evidence and determines whether public discipline or removal from office is warranted based on clear and convincing evidence of misconduct, or whether suspension or removal based on incapacity is necessary.

According to NCGS § 7A-376(b), our Supreme Court may sanction or remove a judge on the following grounds:

- (1) willful misconduct in office;
- (2) willful and persistent failure to perform the judge's duties;
- (3) habitual intemperance;
- (4) conviction of a crime involving moral turpitude; or
- (5) conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

Pursuant to the Preamble to the Code, a violation of the Code may be considered grounds for discipline under Chapter 7A Article 30. With respect to disability proceedings, NCGS § 7A-376(c) provides that our Supreme Court can suspend or remove a judge based upon a physical or mental incapacity interfering with the performance of the judge's duties which is or is likely to become permanent.

The Commission's investigatory and disciplinary jurisdiction covers judges of the General Court of Justice, including justices of the North Carolina Supreme Court, judges of the North Carolina Court of Appeals, judges of the North Carolina Superior Courts and District Courts, and judges who serve as emergency or recalled judges. Pursuant to NCGS § 97-78.1, Commissioners and Deputy Commissioners of the North Carolina Industrial Commission also fall under the Commission's jurisdiction.

By statute, the Commission lacks authority to investigate complaints based substantially on a legal ruling of a trial court when that ruling has not been reviewed or ruled upon by the North Carolina Court of Appeals or the North Carolina Supreme Court. Pursuant to the terms of the Code, there is also a three-year statute of limitations on the Commission's authority to initiate disciplinary proceedings based on most cases of judicial misconduct.

Although decisions of our Supreme Court to impose public discipline on a judge are matters of public record, NCGS § 7A-377 provides that all papers filed with the Commission and all proceedings before the Commission are confidential with limited exceptions. In those circumstances, the statement of charges, pleadings, and recommendations of the Commission to our Supreme Court, as well as the record filed in support of the Commission's recommendations, are no longer considered confidential. The Commission's investigative files and internal work product, however, remain confidential.

To ensure fairness to any judge who is the subject of a Commission investigation or disciplinary proceeding, the Commission is divided into two panels that meet in alternating months. Under this structure, an investigation and charges ordered by one panel must be referred to the other panel for an independent hearing to accept evidence into the record, allow for the testimony and cross-examination of witnesses, and make a recommendation to our Supreme Court for disposition based on the hearing panel's findings of fact and conclusions of law.

Advisory Jurisdiction

In addition to its investigatory and disciplinary functions, the Commission also serves as North Carolina's judicial ethics advisory commission. Article 30 of Chapter 7A of the General Statutes provides the Commission with authority to provide advisory opinions to judges in accordance with the Commission's rules.

Under Commission Rule 8(a), the Commission may consider requests from any person for issuance of a published formal advisory opinion to address application of the North Carolina Code of Judicial Conduct to a specific situation where it is not specifically addressed in the express language of the Code itself. Such Formal Advisory Opinions are published by the Supreme Court's Office of the Appellate Reporter and are posted on the Commission's website.

According to Commission Rule 8(b), those subject to the Code of Judicial Conduct may also seek written confidential informal ethics advice from the Commission and its staff. These opinions are reviewed regularly at the Commission's monthly panel meetings to ensure

consistency and approval of the Commission members. If a reviewing panel wishes to amend or revise any informal advice provided by Commission staff, the judge is immediately notified of any changes. Until such notice is provided, a judge is presumed to act in good faith and in compliance with the Code of Judicial Conduct if he or she acts in conformity with the written opinion.

Education and Training

The Commission and its staff also take part in multiple educational and training programs each year relating to the North Carolina Code of Judicial Conduct, the work of the Commission, and judicial ethics more generally. The Commission staff also develop and regularly updates written educational and training materials that are made available at training programs or posted on the Commission's website.

2024 WORKLOAD STATISTICS

Advisory Opinions and Educational Programs

In 2024, the Commission continued its focus on its advisory and educational functions by doing more outreach to judges, providing more trainings, and otherwise encouraging judicial officers to actively reach out to the Commission. This is being done with hopes to prevent, on the front end of things, ethical issues from happening, rather than being reactionary.

As such, the number of written informal advisory opinions increased from 483 in 2023 to 606 in 2024. The most common areas of inquiry were questions relating to recusals, participating in civic and charitable activities, providing recommendation letters, and engaging in political conduct. A new published formal advisory opinion was issued in 2024 regarding whether judges may take part in "Judicial Councils," consisting of leadership within their local court systems, to meet and discuss issues pertaining to courthouse administration, case management, and other pertinent issues facing their local judiciaries.

The Commission also provided approximately 20 trainings in 2024, not only addressing judges and other judicial officers, but also those that may be impacted by Judicial Standards investigations or are otherwise expected to abide by the Code of Judicial Conduct. Further, the Commission provided local trainings in 14 judicial districts, including 7 groups of judges, 3 clerk's offices, and 7 district attorney's offices.

Review and Investigation of Complaints

A summary of the Commission's workload in 2024 is provided in Table 1.

TABLE 1: 2024 COMPLAINT AND WORKLOAD SUMMARY

| 2024 Total Workload | 753 |
|---|------------|
| New complaints filed in 2024 | 675 |
| Reopened Matters in 2024 | 1 |
| Matters carried over from 2023 | 77 |
| <ul style="list-style-type: none">• 57 complaints awaiting initial review• 7 pending formal investigations• 7 pending preliminary investigations• 3 pending disciplinary proceedings• 3 pending action by the Supreme Court | |

Table 2 sets forth the Commission's disposition of the 753 pending matters in 2024.

TABLE 2: 2024 DISPOSITION SUMMARY

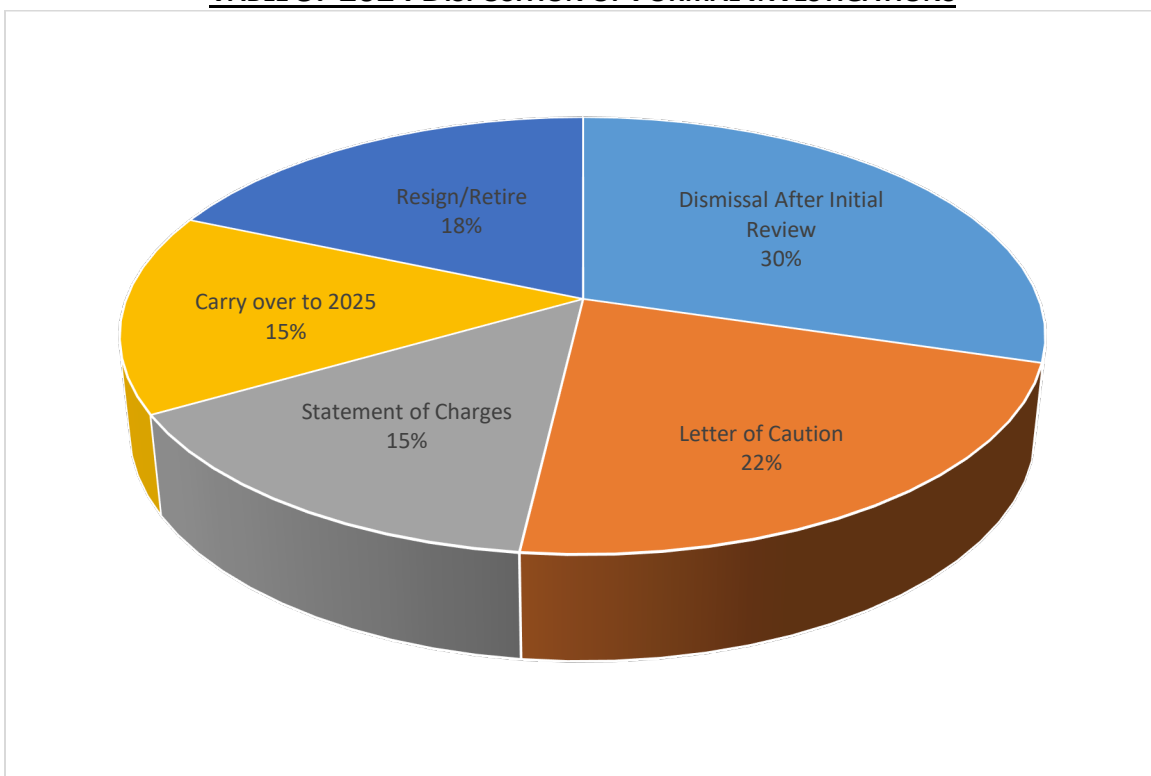
| Summary of Commission Action in 2024 | 753 |
|--|------------|
| Dismissed After Initial Review | 633 |
| Dismissed After Preliminary Investigation | 32 |
| Dismissed After Formal Investigation | 13 |
| Dismissed with Letter of Caution | 6 |
| Pending Preliminary Investigation Carried to 2025 | 14 |
| Pending Formal Investigation Carried to 2025 | 2 |
| Pending Disciplinary Proceedings Carried to 2025 | 3 |
| Recommendations Pending in the Supreme Court | 1 |
| Supreme Court Orders Issued | 2 |
| Complaints Awaiting Initial Review in 2025 | 47 |

Based upon Table 2, there were 753 complaints disposed of in 2024. Of this number, approximately 84% were dismissed without investigation, and approximately 4% were dismissed after a preliminary investigation to evaluate the credibility of the allegations.¹ These dismissals occurred most often because the complaint alleged legal error that the Commission has no jurisdiction to investigate, the allegations were too vague to evaluate, or a preliminary investigation revealed that the allegations in the complaint lacked credibility or could not be substantiated after a review of the records of the subject court proceedings.

¹ Beginning in 2024, Commission staff utilized additional technological resources, such as eCourts, to vet complaints before putting them before the Commission for review.

Complaints that are not dismissed after an initial review or after a preliminary investigation proceed to a formal investigation in which the judge is notified of the Commission’s investigation and the nature of the complaint. The judge is not contacted or interviewed by the Commission regarding a pending matter until a formal investigation has begun. The identity of the complainant remains confidential unless a statement of charges is issued at the conclusion of the formal investigation. In 2024, the Commission considered 27 formal investigations: 18 new formal investigations ordered in 2024 and 9 pending formal investigations carried over from 2023. At the conclusion of these 27 formal investigations: 8 were dismissed without further action by the Commission; 5 were dismissed due to the respondent judge resigning or retiring and agreeing to never seek judicial office again; 6 were dismissed with a private letter of caution; 4 resulted in the initiation of disciplinary proceedings through the issuance of statements of charges, and 5 were carried over to 2025 for review. Table 3 sets forth this data in statistical form.

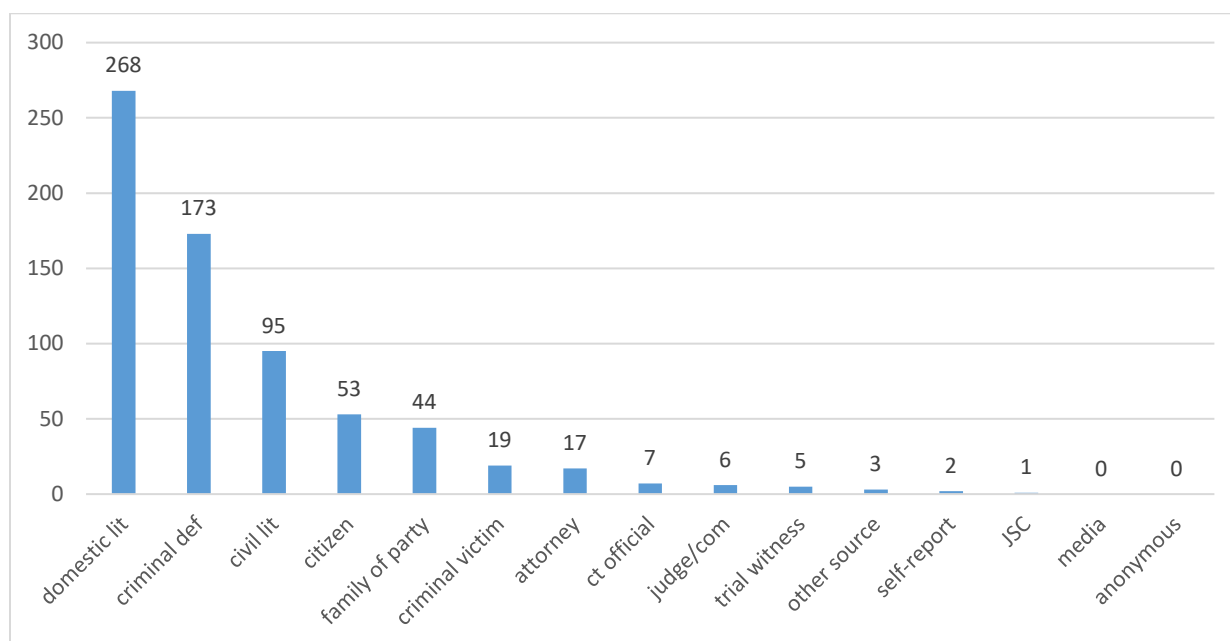
TABLE 3: 2024 DISPOSITION OF FORMAL INVESTIGATIONS



Nature of Complaints Considered by the Commission

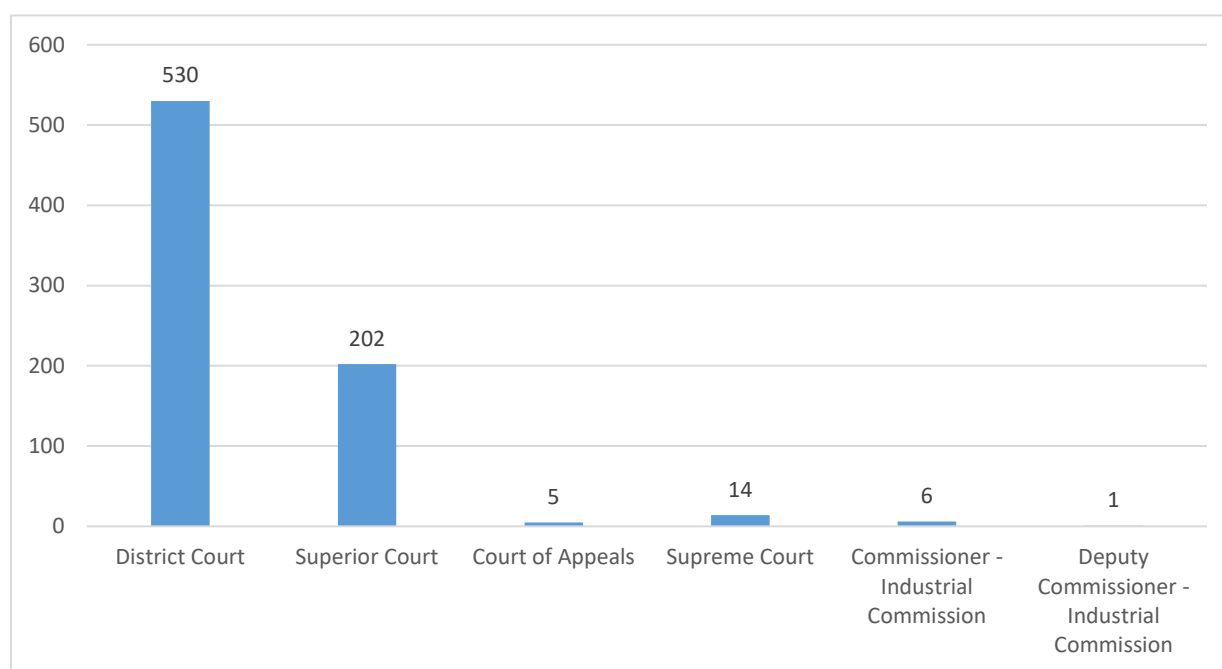
Most written complaints filed with the Commission are received from individuals involved in criminal or civil proceedings before the judge in question. The Commission also has the authority to initiate a complaint on its own motion on the discovery of credible information of potential misconduct. Table 4 identifies the categories of complainants who filed complaints with the Commission in 2024.

TABLE 4: CATEGORIES OF COMPLAINANTS



Complaints filed with the Commission most often arise out of courtroom proceedings in front of trial judges. A single complaint may also allege misconduct by multiple judges, particularly in complaints against the appellate courts, where a single complaint may name every judge of the Court of Appeals or every justice of the Supreme Court. Table 5 sets forth the types of judicial officers about whom complaints were received.

TABLE 5: COMPLAINTS AGAINST JUDGES AND COMMISSIONERS BY OFFICE



This data is set forth in Tables 6 and 7 to show the breakdown of the types of complaints for the trial level judges.

TABLE 6: COMPLAINTS AGAINST DISTRICT COURT JUDGES

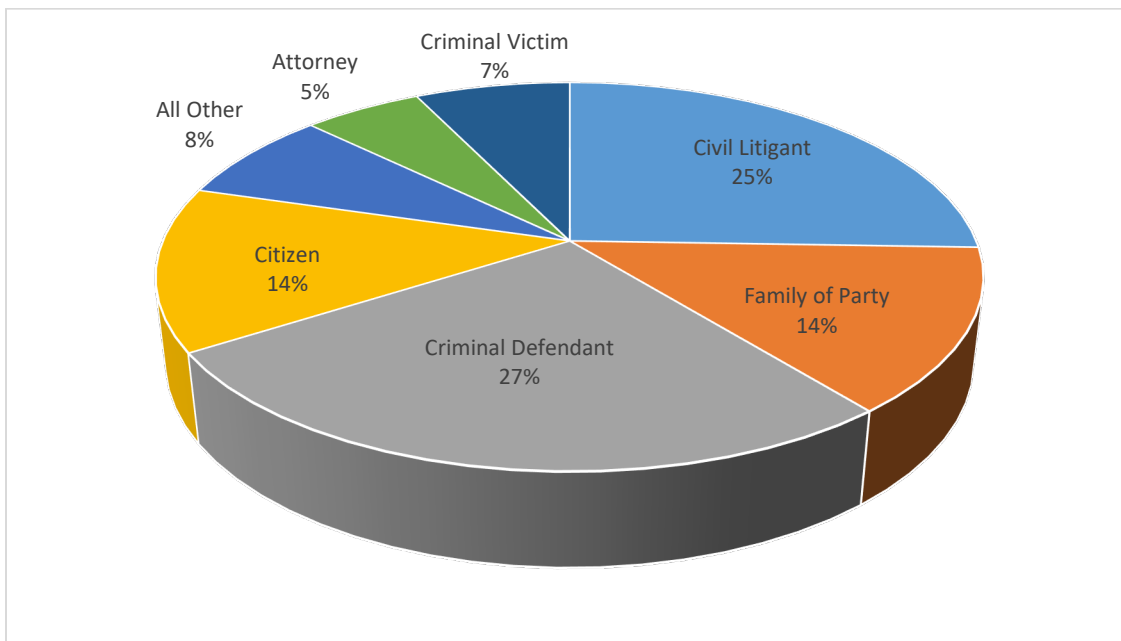
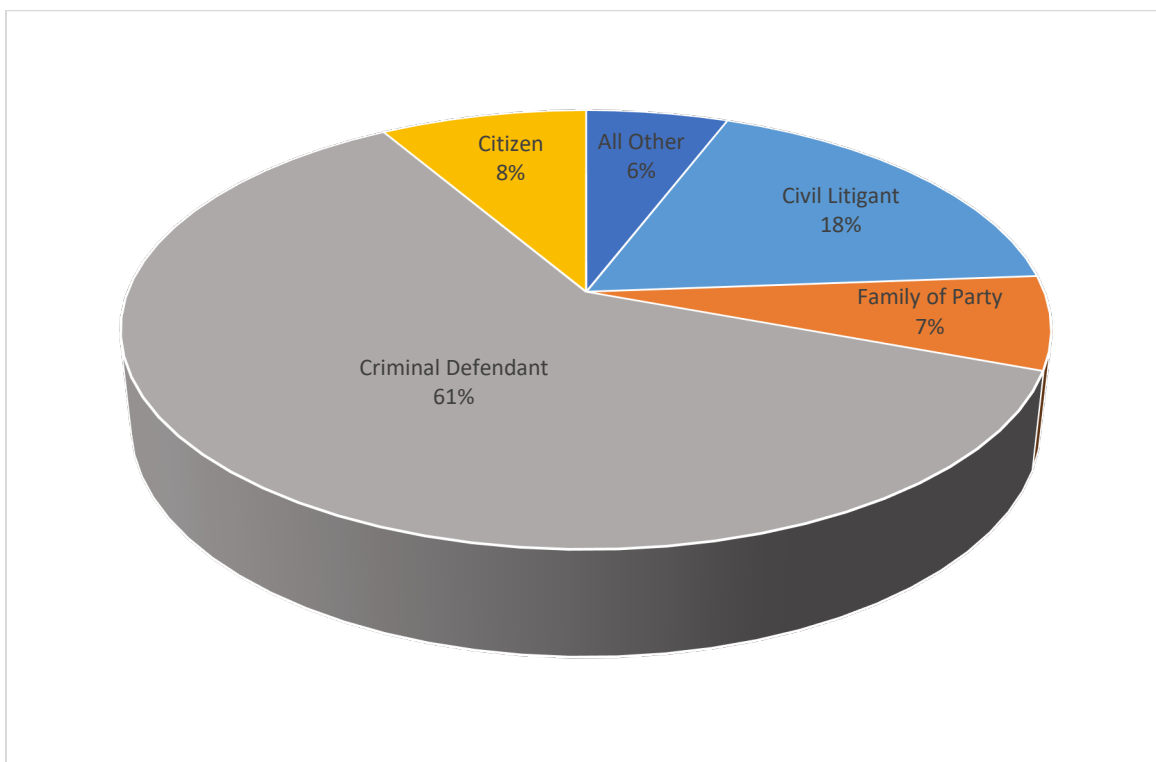
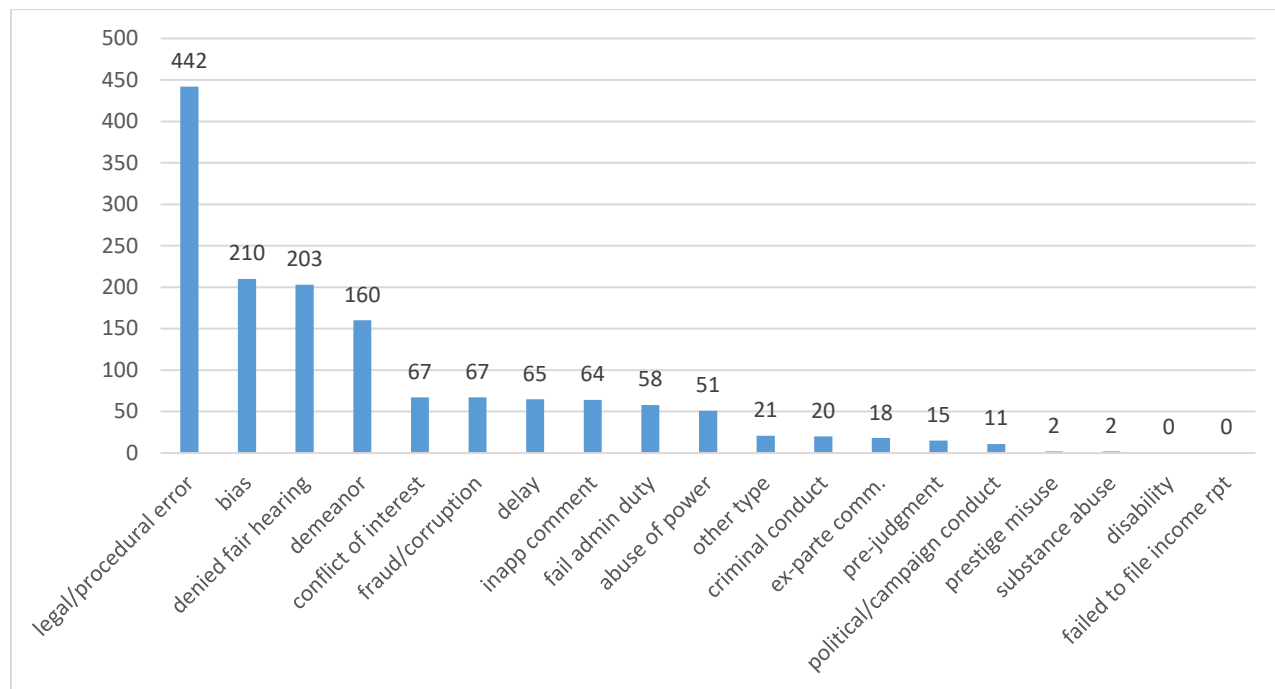


TABLE 7: COMPLAINTS AGAINST SUPERIOR COURT JUDGES



The types of complaints received are set forth in Table 8. The data below indicate the number of times a particular allegation appeared in a complaint in 2024 (note that a single complaint may raise multiple allegations).

TABLE 8: TYPES OF JUDICIAL MISCONDUCT ALLEGED



Five-Year Trends in Investigatory and Disciplinary Workload

The workload of the Commission reflects an overall trend of increasing complaints to be reviewed and considered by the Commission and its staff during the last five years.

TABLE 9: COMPLAINTS, INVESTIGATIONS AND PROCEEDINGS - FIVE YEAR TRENDS

| | 2024 | 2023 | 2022 | 2021 | 2020 |
|---|------|------|------|------|------|
| Matters Pending¹ | 753 | 755 | 560 | 524 | 432 |
| Preliminary Investigations Ordered | 41 | 67 | 82 | 98 | 43 |
| Formal Investigations Ordered | 20 | 26 | 22 | 7 | 22 |
| Total Investigations Ordered | 61 | 93 | 104 | 105 | 65 |
| Dismissed Without Formal Investigation² | 663 | 650 | 443 | 432 | 339 |
| Dismissed After Formal Investigation | 13 | 12 | 7 | 2 | 14 |
| Private Letters of Caution Issued | 6 | 13 | 8 | 1 | 12 |
| Statements of Charges Authorized | 4 | 2 | 11 | 1 | 2 |
| Disciplinary Hearings Conducted | 3 | 3 | 3 | 0 | 2 |
| Recommendations for Public Discipline Issued | 3 | 3 | 0 | 0 | 2 |

¹Includes matters carried over from previous year as well as new complaints filed.

²Includes complaints dismissed after initial review or after preliminary investigation.

APPENDIX A

PAST AND PRESENT MEMBERS OF THE JUDICIAL STANDARDS COMMISSION

Judges Appointed by the Chief Justice:

Court of Appeals

Hon. Walter E. Brock
Hon. Edward B. Clark
Hon. Gerald Arnold
Hon. Clifton E. Johnson
Hon. Sidney S. Eagles, Jr.
Hon. Jack L. Cozort
Hon. John B. Lewis, Jr.
Hon. John C. Martin
Hon. Wanda G. Bryant
Hon. Chris Dillon
Hon. Jeff Carpenter*
Hon. Julee Flood*

Superior Court

Hon. George M. Fountain
Hon. W. Douglas Albright
Hon. James M. Long
Hon. Robert D. Lewis
Hon. Marvin K. Gray
Hon. James L. Baker, Jr.
Hon. Richard D. Boner
Hon. Paul L. Jones
Hon. Tanya T. Wallace
Hon. Cy A. Grant
Hon. W. Douglas Parsons
Hon. R. Stuart Albright
Hon. Athena F. Brooks
Hon. Jeffery B. Foster
Hon. Dawn M. Layton*
Hon. Edwin G. Wilson*

District Court

Hon. E. D. Kuykendall, Jr.
Hon. C. Walter Allen
Hon. L. T. Hammond, Jr.
Hon. W. S. Harris, Jr.
Hon. A. Elizabeth Keever
Hon. Joyce A. Hamilton
Hon. Tanya T. Wallace
Hon. Rebecca B. Knight
Hon. Alexander Lyerly
Hon. Rebecca Blackmore
Hon. Wayne L. Michael
Hon. Sherri W. Elliott
Hon. James H. Faison III
Hon. Teresa H. Vincent
Hon. Scott L. Ussery*
Hon. Angelica C. McIntyre*

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. Fred H. Moody, Jr.
Mr. Andy Penry
Mr. William H. Jones, Jr.
Mr. Forrest Ferrell
Mr. Lonnie M. Player, Jr.
Ms. Allison Mullins
Mr. Michael A. Grace
Mr. Michael Crowell

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
Hon. T. Ray Warren
Mrs. Linda Brown Douglas
Hon. Arthur B. Schools, Jr.
Ms. Lorraine Stephens
Mr. Cresswell Elmore
Ms. Talece Y. Hunter
Mr. Donald L. Porter
Mr. Michael A. Grace*
Mr. Mark Calloway*

Citizens Appointed by the General Assembly:

Hon. Todd W. Tilley
Mr. R. Wayne Troutman
Mr. James P. Testa
Mr. Gregory H. Greene
Mr. Dean Jordan
Mr. Grady Hawkins
Mr. Ronald L. Smith*
Mr. John M. Check*

Judges Appointed by the General Assembly:

Hon. C. Ashley Gore*
Hon. R. Andrew Womble*
Hon. Rashad A. Hauter*
Hon. Justin K. Brackett*

*Denotes current member