

FILED

BEFORE THE JUDICIAL STANDARDS COMMISSION

JUN 9 2008

STATE OF NORTH CAROLINA

PRR
**JUDICIAL STANDARDS
COMMISSION**

**IN RE:)
INQUIRY CONCERNING A JUDGE, NO. 08-020,) PUBLIC REPRIMAND
HENRY E. FRYE, JR., Respondent)**

Respondent, Henry E. Frye, Jr., was at all times referred to herein a judge of the General Court of Justice, Superior Court Division, Judicial District Eighteen and, as such was subject to the Canons of the North Carolina Code of Judicial Conduct, the laws of the State of North Carolina, and the provisions of the oath of office for a superior court judge as set forth in North Carolina General Statutes, Chapter 11.

Beginning on September 7, 2004, respondent presided over a bench trial in the matter of *Moldings Plus, Inc. v. Alfred White and Amy M. White*, Forsyth County case file number 02CVS8452. The trial lasted six days, concluding September 14, 2004.

As of April 11, 2008, respondent has failed to provide a written judgment in the matter notwithstanding recurring inquiries by counsel and court personnel at administrative court sessions and at other times, and despite repeated assurances to counsel and court personnel that respondent would file the judgment soon.

Respondent has acknowledged that he has no excuse for his inaction and delay.

The Commission views such delay as serious misconduct because of the adverse consequences on individual litigants, who are deprived of the opportunity to have their claims decided in a timely manner, and on public confidence in the administration of justice. Such circumstances compel the Commission to act in order to ensure that the public is protected from the deleterious effects of unwarranted delays.

Respondent's delay in entering the written order described above evidences a serious disregard of the principles of professional conduct embodied in the North Carolina Code of Judicial Conduct, including failure to personally observe appropriate standards of conduct to ensure that the integrity and independence of the judiciary shall be preserved (Canon 1), failure to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary (Canon 2A), failure to diligently perform the duties of judicial office (Canon 3), and failure to promptly dispose of the business of the court (Canon 3A(5)). Respondent's actions also constitute conduct prejudicial to the administration of justice that brings the judicial office into disrepute (N.C. Const. art IV, § 17 and N.C.G.S. § 7A-376(b)).

Respondent agrees that he will purposefully ensure the timely entry of written orders in all cases over which he presided wherein orders are currently pending, and in all future matters, mindful of the potential threat any repetition of his conduct poses to attorneys, litigants and the public's confidence in the integrity of the judiciary and to the administration of justice.

Respondent agrees he will promptly read and familiarize himself with the Code of Judicial Conduct.

Respondent acknowledges that the Commission has caused a copy of this Public Reprimand to be served upon him, and that he had 20 days within which to accept the Public Reprimand or to reject it and demand, in writing, that disciplinary proceedings be instituted in accordance with Rule 12 of the Rules of the Judicial Standards Commission.

Respondent has represented himself during this proceeding. Respondent affirms he has consulted with, or had the opportunity to consult with counsel prior to acceptance of this Public Reprimand.

Respondent further agrees that he will not retaliate against any person known or suspected to have cooperated with the Commission, or otherwise associated with this matter.

Served upon respondent, Henry E. Frye, Jr. on the 20 day of May, 2008.

By: J. Barry Hylton Date May 20, 2008
J. Barry Hylton, Investigator
Judicial Standards Commission

Accepted this the 5th day of June, 2008.
Henry E. Frye, Jr. Date 6/5/08

ORDER OF PUBLIC REPRIMAND

Now therefore, pursuant to the Constitution of North Carolina, Article IV, Section 17, the procedures prescribed by the North Carolina General Assembly in the North Carolina General Statutes, Chapter 7A, Article 30, and Rule 11(b) of the Rules of the Judicial Standards Commission, the North Carolina Judicial Standards Commission, hereby orders that respondent, Henry E. Frye, Jr., be and is hereby PUBLICLY REPRIMANDED for the above set forth violations of the Code of Judicial Conduct. Respondent shall not engage in such conduct in the future and shall fulfill all of the terms of the Public Reprimand as set forth herein.

Dated this the 9th day of June, 2008.

John C. Martin
John C. Martin, Chairman
Judicial Standards Commission