

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2025**

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## SENATE BILL 339

Short Title: Restore NC Bar Appoint's/Judicial Discipline. (Public)

(Public)

Sponsors: Senator Everitt (Primary Sponsor).

Referred to: Rules and Operations of the Senate

March 20, 2025

A BILL TO BE ENTITLED  
AN ACT TO REINSTATE STATE BAR COUNCIL APPOINTMENTS TO THE JUDICIAL  
STANDARDS COMMISSION AND TO REINSTATE FORMER PROVISIONS  
REGARDING DISCIPLINARY PROCEDURES FOR JUSTICES AND JUDGES.

The General Assembly of North Carolina enacts:

## **REINSTATE STATE BAR COUNCIL APPOINTMENTS TO THE JUDICIAL STANDARDS COMMISSION**

**SECTION 1.(a)** G.S. 7A-375(a) reads as rewritten:

"(a) Composition. – The Judicial Standards Commission shall consist of the following residents of North Carolina:

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(4) Four judges members of the State Bar who have actively practiced in the courts of the State for at least 10 years, appointed by the General Assembly in accordance with G.S. 120-121, selected as follows: State Bar Council.

a. One district court judge recommended by the President Pro Tempore of the Senate.

b. One district court judge recommended by the Speaker of the House of Representatives.

e. ~~One superior court judge recommended by the President Pro Tempore of the Senate~~

d. ~~One superior court judge recommended by the Speaker of the House of Representatives~~

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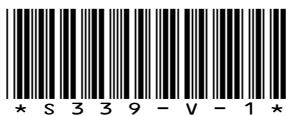
**SECTION 1.(b)** This section is effective when it becomes law and shall result in the conclusion of the terms of each of the four members of the Judicial Standards Commission previously appointed by the General Assembly pursuant to G.S. 7A-375(a)(4). The four seats on the Judicial Standards Commission shall then be filled for new terms by the State Bar Council pursuant to G.S. 7A-375(a)(4), as amended by subsection (a) of this section.

## **REINSTATE FORMER PROVISIONS REGARDING DISCIPLINARY PROCEDURES FOR JUSTICES AND JUDGES**

**SECTION 2.(a)** G.S. 7A-374.2 reads as rewritten:

## "§ 7A-374.2. Definitions.

Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this Article:



(7) "Public reprimand" means a written action of the Commission issued upon a finding by the Supreme Court, based upon a written recommendation by the Commission that a judge has violated the Code of Judicial Conduct and has engaged in conduct prejudicial to the administration of justice, but that misconduct is minor. minor and does not warrant a recommendation by the Commission that the judge be disciplined by the Supreme Court. A public reprimand may require that the judge follow a corrective course of action.

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**SECTION 2.(b)** G.S. 7A-376 reads as rewritten:

**"§ 7A-376. Grounds for discipline by Commission; ~~public reprimand~~, censure, suspension, or removal by the Supreme Court.**

13       (a) The Commission, upon a determination that any judge has engaged in conduct that  
14 violates the North Carolina Code of Judicial Conduct as adopted by the Supreme Court but that  
15 is not of such a nature as would warrant a recommendation of ~~public reprimand~~, censure,  
16 suspension, or removal, may issue to the judge a private letter of ~~caution~~caution or may issue to  
17 the judge a public reprimand.

18 (b) Upon recommendation of the Commission, the Supreme Court may ~~issue a public~~  
19 ~~reprimand~~, censure, suspend, or remove any judge for willful misconduct in office, willful and  
20 persistent failure to perform the judge's duties, habitual intemperance, conviction of a crime  
21 involving moral turpitude, or conduct prejudicial to the administration of justice that brings the  
22 judicial office into disrepute. A judge who is suspended for any of the foregoing reasons shall  
23 receive no compensation during the period of that suspension. A judge who is removed for any  
24 of the foregoing reasons shall receive no retirement compensation and is disqualified from  
25 holding further judicial office.

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**SECTION 2.(c)** G.S. 7A-377(a4) is reenacted as it existed immediately before its repeal.

**SECTION 2.(d)** G.S. 7A-377, as amended by subsection (c) of this section, reads as rewritten:

## **"§ 7A-377. Procedures.**

32       (a) Any citizen of the State may file a written complaint with the Commission concerning  
33 the qualifications or conduct of any justice or judge of the General Court of Justice, and thereupon  
34 the Commission shall make such investigation as it deems necessary. The Commission may also  
35 make an investigation on its own motion. The Commission shall not make an investigation,  
36 whether initiated upon its own motion or by written complaint of a citizen of this State, when the  
37 motion or complaint is based substantially on a legal ruling by a district or superior court judge  
38 and the legal ruling has not yet been reviewed and ruled on by either the North Carolina Court of  
39 Appeals or the North Carolina Supreme Court. The Commission is limited to reviewing judicial  
40 conduct, not matters of law. The Commission may issue process to compel the attendance of  
41 witnesses and the production of evidence, to administer oaths, and to punish for contempt. No  
42 justice or judge shall be recommended for ~~public reprimand~~, censure, suspension, or removal  
43 unless he has been given a hearing affording due process of law.

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45 (a4) If, after an investigation is completed, the Commission concludes that a public  
46 reprimand is appropriate, the judge shall be served with a copy of the proposed reprimand and  
47 shall be allowed 20 days within which to accept the reprimand or to reject it and demand, in  
48 writing, that disciplinary proceedings be instituted in accordance with subsection (a5) of this  
49 section. A public reprimand, when issued by the Commission and accepted by the respondent  
50 judge, is not confidential.

1       (a5) If, after an investigation is completed, the Commission concludes that disciplinary  
2 proceedings should be instituted, the notice and statement of charges filed by the Commission,  
3 along with the answer and all other pleadings, ~~remain~~ are not confidential. Disciplinary hearings  
4 ordered by the Commission are not confidential, and recommendations of the Commission to the  
5 Supreme Court, along with the record filed in support of such recommendations are not  
6 confidential. Testimony and other evidence presented to the Commission is privileged in any  
7 action for defamation. At least five members of the Commission must concur in any  
8 recommendation to ~~issue a public reprimand~~, censure, suspend, or remove any judge. A  
9 respondent who is recommended for ~~public reprimand~~, censure, suspension, or removal is  
10 entitled to a copy of the proposed record to be filed with the Supreme Court, and if the respondent  
11 has objections to it, to have the record settled by the Commission's chair. The respondent is also  
12 entitled to present a brief and to argue the respondent's case, in person and through counsel, to  
13 the Supreme Court. A majority of the members of the Supreme Court voting must concur in any  
14 order of ~~public reprimand~~, censure, suspension, or removal. The Supreme Court may approve the  
15 recommendation, remand for further proceedings, or reject the recommendation. A justice of the  
16 Supreme Court or a member of the Commission who is a judge is disqualified from acting in any  
17 case in which he is a respondent.

18       (a6) ~~Upon issuance of a public reprimand, censure, suspension, or removal by the Supreme  
19 Court, the notice and statement of charges filed by the Commission along with the answer and  
20 all other pleadings, and recommendations of the Commission to the Supreme Court along with  
21 the record filed in support of such recommendations, are no longer confidential.~~  
22       ...."

23       **SECTION 2.(e)** Article 30 of Chapter 7A of the General Statutes is amended by  
24 adding a new section to read:

25       **§ 7A-378.1. Censure, suspension, or removal of justice of Supreme Court.**

26       (a) The recommendation of the Judicial Standards Commission for censure, suspension,  
27 or removal of any justice of the Supreme Court for any grounds provided by G.S. 7A-376 shall  
28 be made to, and the record filed with, the Court of Appeals, which shall have and shall proceed  
29 under the same authority for censure, suspension, or removal of any justice as is granted to the  
30 Supreme Court under G.S. 7A-376 and G.S. 7A-377(a) for censure, suspension, or removal of  
31 any judge.

32       (b) The proceeding shall be heard by a panel of the Court of Appeals consisting of the  
33 Chief Judge, who shall be the presiding judge of the panel, and six other judges, the senior in  
34 service, excluding the judge who is chair of the Commission. For good cause, a judge may be  
35 excused by a majority of the panel. If the Chief Judge is excused, the presiding judge shall be  
36 designated by a majority of the panel. The vacancy created by an excused judge shall be filled  
37 by the judge of the court who is next senior in service."

38       **SECTION 2.(f)** This section is effective when it becomes law and applies to  
39 disciplinary actions taken against justices or judges on or after that date, including disciplinary  
40 actions taken in proceedings which began prior to that date.

41       **SECTION 3.** Except as otherwise provided, this act is effective when it becomes  
42 law.