

Judicial Standards

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Standards of Judicial Conduct

- ▶ G.S. 7A-10.1 authorizes the Supreme Court to adopt rules prescribing standards of judicial conduct for the guidance of all justices and judges of the General Court of Justice.
- ▶ Current rules are available online–
<http://www.nccourts.org/Courts/CRS/Councils/JudicialStandards/Documents/Amendments-NCJudicialCode.pdf>

Judicial Standards Commission

- ▶ Article 30 of Chapter 7A creates the Judicial Standards Commission for the “investigation and resolution of inquiries concerning the qualification or conduct of any judge or justice of the General Court of Justice.”
- ▶ Consists of 13 members

Commission Members

- ▶ Chief Justice of the Supreme Court appoints:
 - 1 Court of Appeals judge – acts as Chair of Commission
 - 2 superior court judges
 - 2 district court judges
- ▶ State Bar Council appoints:
 - 4 members of the State Bar who have actively practiced in the courts of the State for at least 10 years
- ▶ Governor appoints:
 - 2 citizens who are not judges, active or retired, nor members of the State Bar
- ▶ General Assembly appoints:
 - 2 citizens who are not judges, active or retired, nor members of the State Bar (1 on recommendation of President Pro Tem, 1 on recommendation of Speaker)

Commission Authority

- ▶ Commission may adopt its own rules for performance of its duties. Current rules can be found at http://www.nccourts.org/Courts/CRS/Councils/JudicialStandards/Documents/JSCRules_09152006.pdf
- ▶ Commission investigates complaints filed concerning the qualifications or conduct of any justice or judge of the General Court of Justice.

Commission Recommendation

- ▶ Commission may issue a private letter of caution directly to a judge for conduct that violates the Code of Judicial Conduct but does not warrant a more serious recommendation to the Supreme Court
- ▶ The Commission may recommend that the Supreme Court issue a public reprimand, censure, suspend, or remove a judge.
- ▶ At least 5 members of the Commission must concur in any recommendation to the Supreme Court

Commission Records

- ▶ All Commission records, disciplinary hearings, and recommendations to the Supreme Court are confidential.
- ▶ Upon issuance of a public reprimand, censure, suspension, or removal by the Supreme Court, certain records are no longer confidential:
 - Notice and statement of charges filed by the Commission;
 - Answer and all other pleadings;
 - Recommendations of the Commission to the Supreme court; and
 - Record filed in support of such recommendations.

Questions?

