



HOUSE BILL 122: Amend Interlocutory Appeals/Family Law

2013-2014 General Assembly

Committee: Senate Judiciary I
Introduced by: Reps. Glazier, Stevens
Analysis of: PCS to Third Edition
H122-CSSA-55

Date: June 13, 2013
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SUMMARY: *The Proposed Committee Substitute for House Bill 122 would amend the laws pertaining to interlocutory appeals as related to family law and modify the law regarding discipline for judges.*

This PCS deletes the three judge panel created by the previous PCS to determine whether Commission recommendations regarding discipline for Supreme Court justices should be referred to the Supreme Court for determination. The PCS provides that Commission recommendations for discipline of a Supreme Court justice will be handled in the same manner as recommendations for all other judges.

BILL ANALYSIS:

Sections 1 and 2 would create a new G.S. 50-19.1 allowing appeals from an order or judgment that arise from claims for absolute divorce, divorce from bed and board, child custody, child support, alimony, or equitable distribution, when the order or judgment otherwise would be final under Rule 54(b) of the Rules of Civil Procedure were it not for other pending claims in the same action. A party's right to appeal is not forfeited if not made immediately, and an appeal does not deprive the court of jurisdiction of other claims pending in the same action. The PCS would also add a provision to G.S. 7A-27(d) to provide for an appeal of right directly to the Court of Appeals in actions or proceedings described in the new G.S. 50-19.1.

Sections 3 through 5 would amend the procedure for disciplining judges in the following ways:

- Would remove the power of the Judicial Standards Commission to issue a public reprimand to a judge and place that authority with the Supreme Court.
- Would make all records, investigations, recommendations, and hearings of the Judicial Standards Commission, and hearings by the Supreme Court confidential until the Supreme Court issues a public reprimand, censure, suspension, or removal.

Section 6 would repeal G.S. 7A-378 which requires the Court of Appeals to make determinations on discipline of Supreme Court justices. Repeal of this statute would place the discipline of Supreme Court justices under the same process used for all other judges.

EFFECTIVE DATE: This act is effective when it becomes law.

