

# ABOUT THE NC JUDICIAL STANDARDS COMMISSION



Presentation to the  
NC Commission on the  
Administration of Law and Justice  
Public Trust and Confidence Committee

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# JUDICIAL ETHICS IN PERSPECTIVE



- ❖ Enforcement of judicial ethics is just one piece of the puzzle intended to:
  - Maintain the rule of law
  - Ensure public confidence in the courts
  - Preserve judicial independence

# CREATION OF THE JUDICIAL STANDARDS COMMISSION

- ▶ North Carolina Courts Commission Report to the General Assembly in 1971:
  - ❑ Judicial discipline was the “the most pressing problem facing the 20<sup>th</sup> century judiciary” - the impeachment process was insufficient to hold judges accountable for misconduct and public confidence in the courts was suffering as a result
  - ❑ Recommended the establishment of **an independent commission** to consider complaints and recommend disciplinary action - over half the states had adopted the judicial conduct commission model at the time it was proposed in North Carolina

# WHY AN INDEPENDENT COMMISSION?



- ❑ An independent commission within the judicial branch assures the public of “an honest, able, efficient bench, while at the same time the independence of the judiciary is fully protected”
- ❑ Mixed composition of commission members from the bench, bar and public provides a balanced and fair approach to the evaluation of judicial misconduct
- ❑ Provisions for confidentiality deter judge-shopping and frees judges from harassment by disgruntled lawyers and/or litigants
- ❑ Commission to act as a “safety valve” to stop the loss of confidence in the courts by providing a mechanism to investigate and consider complaints of judicial misconduct

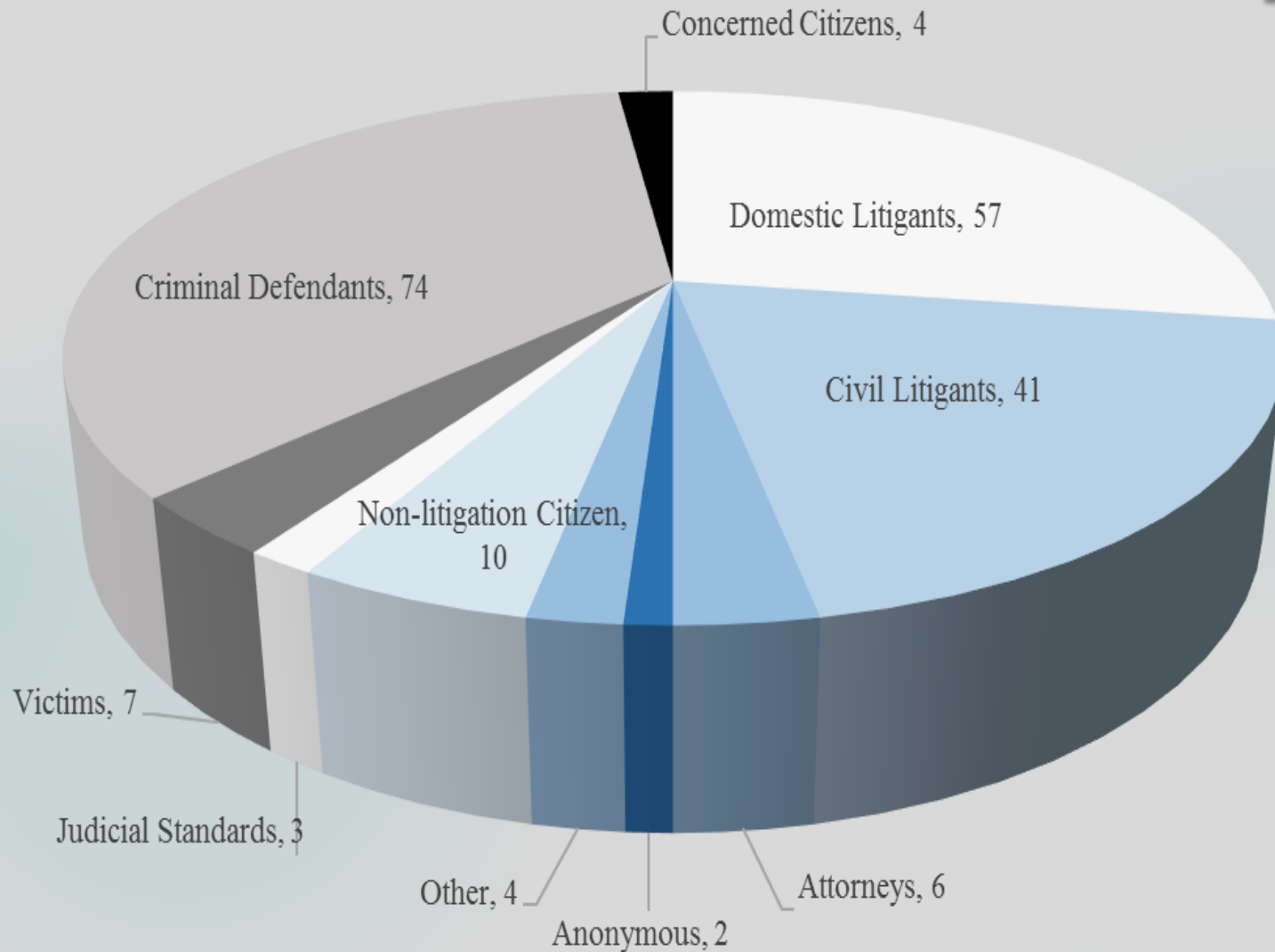
# THE JSC TODAY



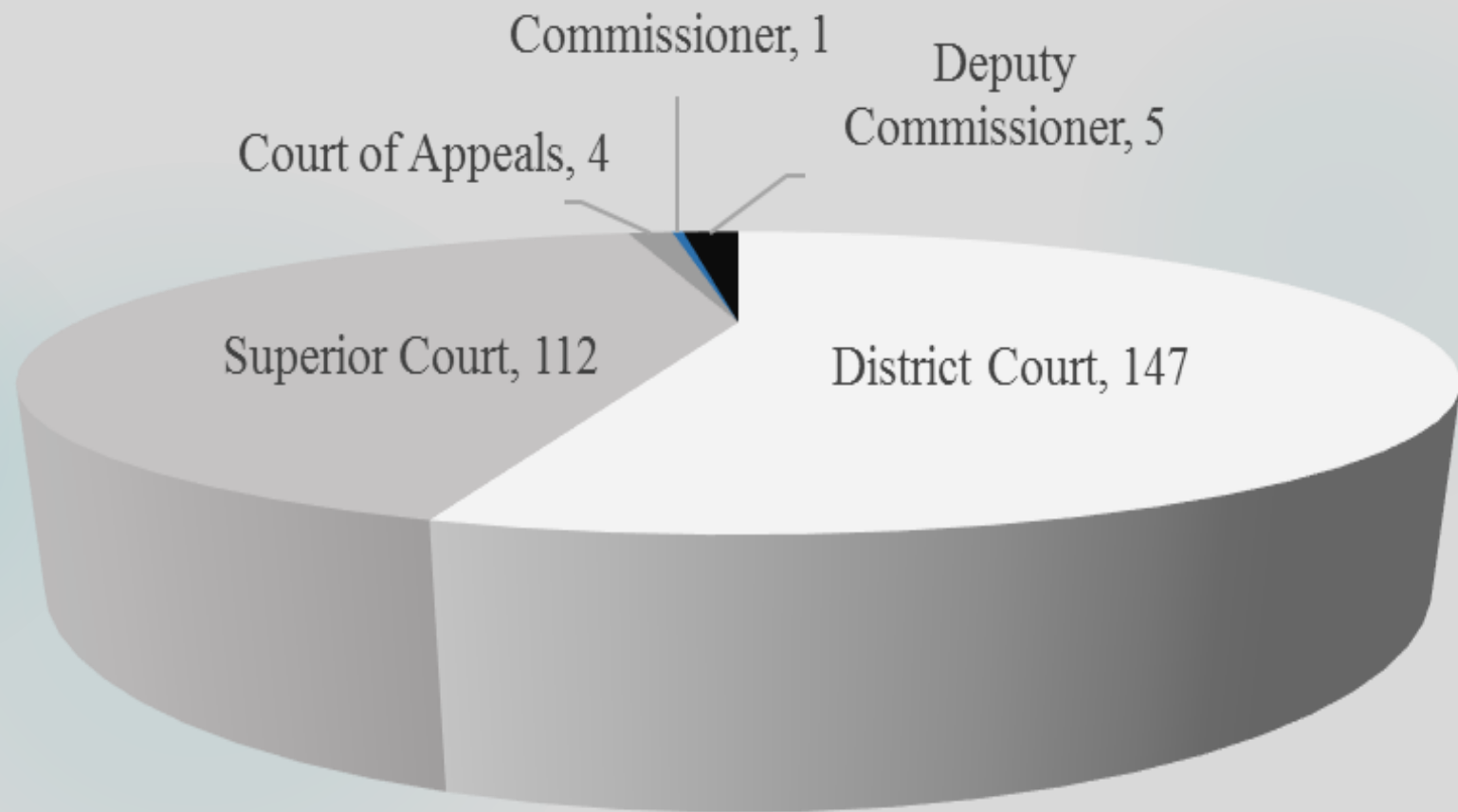
- Article IV of the NC Constitution was amended in 1971 to allow the General Assembly to adopt an alternative to impeachment
- The Judicial Standards Commission was created in 1973 and today maintains the central features recommended by the Courts Commission:
  - ❑ **Mixed composition** of judges, lawyers and citizens appointed by the three branches of government
  - ❑ **Confidentiality of proceedings** until the Supreme Court concludes that discipline is warranted
  - ❑ **Investigation of complaints** alleging violations of the Code of Judicial Conduct

# THE WORK OF THE JSC IN 2015:

## 238 COMPLAINTS BY VARIOUS TYPES OF COMPLAINANTS



# The Work of the JSC in 2015: Who Are Complaints Filed Against?



# ALLEGED MISCONDUCT 2015

❑ Legal/Procedural Error	163	❑ Ex Parte Communications	16
❑ Bias	41	❑ Delay	12
❑ Denied Fair Hearing	40	❑ Fraud/Corruption	11
❑ Abuse of Power	36	❑ Prestige Misuse	3
❑ Demeanor	23	❑ Conflict of Interest	3
❑ Inappropriate Comments	23	❑ Criminal Conduct	3
❑ Administrative Error	18	❑ Campaign conduct	2
		❑ Other	10



# DISPOSITION OF COMPLAINTS IN 2015



▶ <b>Complaints Considered in 2015:</b>	<b>238</b>
▶ Dismissed after Initial Review:	219
▶ Dismissed After Formal Investigation:	16
▶ Dismissed After Disciplinary Proceedings:	1
▶ Discipline Recommended:	1*

\*This proceeding involved the consolidation of two complaints.

# THE CANONS IN PRACTICE: WHAT JUDGES ASK ABOUT



- Disqualification
- Reference Letters
- Extra-judicial activities, such as service on boards
- Accepting invitations to events
- Political conduct

# THE CANONS IN PRACTICE: WHAT TROUBLES THE COMMISSION



- Abuse of the contempt power
- Abusive and demeaning tone and language directed towards litigants
- Significant legal error resulting from lack of diligence or undue reliance on counsel
- Blurring the lines between personal and official life (such as using the prestige of the office in personal matters)