



Discipline, Suspension, and Removal of Court Officials

Shea Riggsbee Denning

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[Shea Riggsbee Denning](#) is the James E. Holshouser Distinguished Professor of Public Law and Government at the School of Government and the director of the North Carolina Judicial College. She teaches and advises judges, magistrates, prosecutors, defense attorneys, and law enforcement officers.

Introduction

This bulletin addresses the standards for and processes that govern the removal of various judicial branch officials from office.

Removal and Discipline of Justices and Judges

Joint Resolution and Impeachment

Historically, justices and judges of North Carolina's General Court of Justice could be removed from office solely by the General Assembly—either through a joint resolution (referred to as “address”) based on a jurist’s mental or physical incapacity or through impeachment for any other cause.¹ Neither removal mechanism appears to ever have been used,² and, before 1973, neither the North Carolina Constitution of 1868 nor the North Carolina Constitution of 1971 authorized disciplinary measures short of removal from office.³

In 1971, the North Carolina Courts Commission⁴ (hereinafter Courts Commission) recommended that the General Assembly adopt a proposed constitutional amendment that would allow for a “workable method for censuring and removing unworthy or disabled judges in North Carolina.”⁵ The Courts Commission deemed impeachment “ill-suited” and “ineffective,” and noted that no judge had been removed pursuant to that procedure since 1868 (and perhaps never, since before that time judges were selected by joint vote of the General Assembly).⁶ It characterized the joint resolution procedure, limited to disability cases, as “even less effective,” stating that it had never been used in North Carolina and that “[i]ts use is so unlikely that it lacks even a deterrent effect.”⁷

1. N.C. CONST. art. IV, § 17 (providing that any justice or judge of the General Court of Justice may be removed from office for mental or physical incapacity by joint resolution of two-thirds of all members of each chamber of the General Assembly and that removal for any other cause must be by impeachment); *see also* Chapter 123, Section 5 of the North Carolina General Statutes (hereinafter G.S.) (stating that a justice or judge is subject to impeachment “for the commission of any felony, or the commission of any misdemeanor involving moral turpitude, or for malfeasance in office, or for willful neglect of duty”). A judge removed by impeachment is disqualified from holding future office. *See* N.C. CONST. art. VI, § 8.

2. *See* REPORT OF THE COURTS COMMISSION TO THE NORTH CAROLINA GENERAL ASSEMBLY 19 (N.C. CTS. COMM’N 1971) (hereinafter REPORT).

3. The 1971 Constitution did permit the General Assembly to provide by general law for the removal of district court judges, who were part of the District Court Division created by that constitution. N.C. CONST. of 1971, art. IV, § 17(2).

4. The North Carolina Courts Commission as then constituted was a legislatively created body instituted pursuant to Article 40, Subchapter 10 of G.S. Chapter 7A. Article 40 was repealed in S.L. 1975-959, § 18. The North Carolina Courts Commission subsequently was recreated in 1979, *see* S.L. 1979-1077, and then was abolished in 2024, *see* S.L. 2024-57, § 3C.1(c).

5. *See* REPORT at 26.

6. *Id.* at 19.

7. *Id.* at 20.

The Courts Commission stated that the inadequacy of then-existing methods for addressing judicial misconduct “leaves all questions of fitness and conduct to the conscience of the judge or the judgment—frequently uninformed—of the electorate.”⁸ The result, in its view, was that problems of judicial fitness went unresolved and the “erring tendencies of the one percent tarnish the dedication of the ninety-nine percent, and public esteem in the judiciary is diminished.”⁹

1971 Constitutional Amendment Authorizing Additional Methods of Removal and Discipline

The constitutional amendment recommended by the Courts Commission was enacted by the General Assembly in 1971 and adopted by the voters, effective January 1, 1973.¹⁰ It amended Article IV, Section 17 to provide, in relevant part:

(2) Additional method of removal of Judges. The General Assembly shall prescribe a procedure, in addition to impeachment and address set forth in this Section, for the removal of a Justice or Judge of the General Court of Justice for mental or physical incapacity interfering with the performance of his duties which is, or is likely to become, permanent, and for the censure and removal of a Justice or Judge of the General Court of Justice for wilful misconduct in office, wilful and persistent failure to perform his duties, habitual intemperance, conviction of a crime involving moral turpitude, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

Judicial Standards Commission

Creation

In the same report that proposed the constitutional amendment, the Courts Commission set out the procedure to be adopted by the General Assembly. Specifically, it recommended that the legislature create a Judicial Standards Commission to investigate misconduct by judges and recommend appropriate discipline. The Courts Commission provided a plan for the appropriate membership of that body and prescribed how it might go about its work. Under the Courts Commission proposal, the proceedings of the Judicial Standards Commission “would be confidential until such time as it made its final recommendations to the Supreme Court.”¹¹ The group deemed this provision “vital,” since “allegations of misconduct are frequently groundless, and judges under investigation are entitled to this protection until such time as the charges are found to be supported.”¹² Moreover, the authors thought “public confidence in the integrity of the courts . . . should not be shaken without reason.”¹³

Most of the Courts Commission’s recommendations were incorporated in the General Assembly’s 1971 act creating the Judicial Standards Commission and setting forth grounds for judicial discipline.¹⁴

8. *Id.* at 20–21.

9. *Id.* at 21.

10. See S.L. 1971-560.

11. REPORT, *supra* [note 2](#), at 29.

12. *Id.* at 29–30.

13. *Id.* at 30.

14. See [S.L. 1971-590](#) (adding [G.S. 7A, Article 30](#)).

While the composition, staff, and procedures of the Judicial Standards Commission have changed over the fifty-plus years following its creation, it continues to serve the purposes envisaged by the Courts Commission by providing an accessible forum for receiving complaints and investigating physical and mental infirmities or misconduct by judges. Today the Judicial Standards Commission also provides formal and informal advisory opinions and instructs judges regarding the [North Carolina Code of Judicial Conduct](#) (hereinafter the Code). That Code was first adopted by the North Carolina Supreme Court in 1973 alongside the first set of rules for the Judicial Standards Commission.¹⁵ Violation of the Code's provisions is grounds for judicial discipline.¹⁶

The confidentiality recommended by the Courts Commission “to protect the good judge against unjustified public attack” remains a hallmark of disciplinary proceedings.¹⁷ Judicial Standards Commission investigations and proceedings are confidential.¹⁸ Chapter 7A, Section 377(a1) of the North Carolina General Statutes (hereinafter G.S.) prohibits any person from disclosing information obtained from Judicial Standards Commission (hereinafter the Commission) proceedings or papers filed with or by the Commission (except as otherwise permitted) and provides that such papers are not public record. Only if the North Carolina Supreme Court issues a public reprimand, or censures, suspends, or removes a judge from office, do the pleadings and records filed with the court lose their confidential status.¹⁹

Though the constitutional amendment and its implementing statutes did not abrogate the constitutional provisions allowing for removal of justices or judges by act or impeachment of the General Assembly, they have become, as a practical matter, the sole mechanism by which judges and justices today are removed from office.²⁰ Those procedures are discussed in greater detail below.

Membership and Staff

The composition of the Commission is prescribed by [G.S. 7A-375](#), which provides for a fourteen-member commission. Members are appointed by the chief justice of the North Carolina Supreme Court, the General Assembly, and the governor. The chief justice appoints:

- a court of appeals judge who serves as its chair,
- a court of appeals judge who serves as vice-chair,
- two superior court judges, and
- two district court judges.

15. See APPENDIXES: RULES OF THE JUD. STANDARDS COMM'N; N.C. CODE OF JUD. CONDUCT, 283 N.C. 763–82.

16. [N.C. CODE OF JUD. CONDUCT](#) pmbl. (OFF. OF ADMIN. COUNS., SUP. CT. OF N.C. 2020), https://www.nccourts.gov/assets/inline-files/North-Carolina-Code-of-Judicial-Conduct-Codified-12-February-2020.pdf?u7FrRKrvuqPnPMCpZSQ_M19iDBvuV2OS=.

17. REPORT, *supra* note 2, at 25.

18. [G.S. 7A-377\(a1\)](#).

19. *Id.* § (a6).

20. See [G.S. 7A-374.1](#) (stating that the purpose of Article 30 of G.S. Chapter 7A “is to provide for the investigation and resolution of inquiries concerning the qualification or conduct of any judge or justice of the General Court of Justice,” noting that “[t]he procedure for discipline of any judge or justice . . . shall be in accordance with this Article,” but that nothing in Article 30 “shall affect the impeachment of judges under the North Carolina Constitution”). Since 2011, the Code of Judicial Conduct and the procedure for discipline of judges in Article 30 of G.S. Chapter 7A also has applied to commissioners and deputy commissioners of the N.C. Industrial Commission. See [G.S. 97-78.1](#).

The General Assembly appoints:

- two superior court judges,
- two district court judges, and
- two citizens who are not active or retired judges.

And the governor appoints:

- two citizens who are not active or retired judges.

The court of appeals judges serve at the pleasure of the chief justice. Other members have six-year terms.

The Commission is staffed by an executive director, commission counsel, an investigator, and an administrative officer.²¹ The duties assigned to the first three of these positions along with the general procedures by which the Commission operates are spelled out in the [Rules of the Judicial Standards Commission](#) promulgated by the North Carolina Supreme Court.

Organization

The Commission is divided into two panels, Panel A and Panel B, and the executive director serves as secretary to the Commission and to each panel.²² Each panel serves as an investigative panel for purposes of reviewing complaints, ordering investigations, and authorizing the initiation of disciplinary or disability proceedings.²³ Each panel also serves as a hearing panel for disciplinary or disability proceedings authorized by the other panel.²⁴ No panel may serve as an investigative and hearing panel in the same matter.²⁵

Investigatory Process

The Commission may consider a written complaint concerning the qualifications or conduct of any justice or judge of the General Court of Justice filed by “[a]ny citizen of the State” or may make an investigation on its own motion.²⁶ The Commission is “limited to reviewing judicial conduct, not matters of law.”²⁷

Complaints initially are reviewed by the executive director and commission counsel.²⁸ If that review fails to disclose facts indicating that a judge (1) has engaged in conduct in violation of the Code or (2) suffers from a disability that seriously interferes with the judge’s judicial duties, or if

21. See [G.S. 7A-375\(f\)](#) (providing that the chair of the Judicial Standards Commission “may employ, if funds are appropriated for that purpose, an executive director, Commission counsel, investigator, and any support staff as may be necessary to assist the Commission in carrying out its duties”).

22. [RULES OF THE JUD. STANDARDS COMM’N](#) r. 2 (OFF. OF ADMIN. COUNS., SUP. CT. OF N.C. 2024) (hereinafter RULES), <https://www.nccourts.gov/assets/inline-files/Rules-of-the-Judicial-Standards-Commission-Codified-3-September-2024.pdf>.

23. [Id.](#) r. 2(b)(4).

24. [Id.](#)

25. [Id.](#)

26. [G.S. 7A-377\(a\)](#). The term *judge* is defined to include “any justice or judge of the General Court of Justice of North Carolina, including any retired justice or judge who is recalled for service as an emergency judge of any division of the General Court of Justice.” [G.S. 7A-374.2\(5\)](#).

27. [G.S. 7A-377\(a\)](#).

28. See RULES, *supra* [note 22](#), r. 9. Commission staff utilize technological resources, including eCourts, to evaluate complaints at the initial review stage. See N.C. JUD. STANDARDS COMM’N, [2025 ANNUAL REPORT](#), at 7 n.1, https://www.nccourts.gov/assets/documents/publications/2025%20Annual%20Report%20WCAG%20Compliant.pdf?VersionId=gxIThkNyr_KmVFiGDChQoaCmsJyUZkbz (last visited Sep. 10, 2026).

the allegations in the written complaint are obviously unfounded or frivolous, then the presiding chair or vice-chair of an investigative panel of Commission members must summarily dismiss the complaint (subject to the right of a member of the panel to review the complaint and request further consideration of the matter).²⁹

If a written complaint is not summarily dismissed or the Commission brings its own motion based on credible information, then, by affirmative vote of at least five members, the investigative panel may dismiss the complaint or authorize a preliminary or formal investigation.³⁰ Counsel for the Commission is responsible for directing any such investigation.³¹ The purpose of a preliminary investigation is to verify the credibility of a complaint or ascertain additional facts necessary to evaluate allegations in a complaint.³² The involved judge must not be provided notice of the preliminary investigation unless (1) the investigative panel has authorized that notice in the interests of justice or (2) the judge has been notified by the complainant that the complaint was filed or has been notified by another state agency of the receipt of a complaint that the agency forwarded to the Commission.³³

The purpose of a formal investigation is to determine whether a judge has engaged in misconduct in violation of the Code or suffers from a disability that seriously interferes with the judge's judicial duties.³⁴ The involved judge must be notified in writing of a formal investigation and be informed of whether the investigation resulted from a written complaint or motion of the Commission.³⁵ For cases initiated by written complaint, the notice letter may not identify the complainant unless that identification is necessary to allow the judge to determine whether he or she should be disqualified from continued involvement in cases involving the complainant.³⁶ The judge must be afforded a reasonable opportunity to respond and provide relevant information to the Commission. A judge who receives notice of or otherwise becomes aware of a complaint, investigation, or disciplinary or disability proceeding may not retaliate against, intimidate, coerce, or otherwise attempt to influence a complaining party or a witness cooperating with the investigation or proceeding.³⁷ To do so constitutes a separate and independent violation of the Code for which the judge may be charged.³⁸

After a formal investigation has been authorized, counsel for the Commission may issue subpoenas to the judge and witnesses to provide testimony and produce records, communications, and documents.³⁹

Following the completion of a formal investigation, the investigatory panel may (1) dismiss the complaint, (2) dismiss the complaint with a private letter of caution, or (3) authorize the initiation of disciplinary or disability proceedings. The panel may issue a private letter of caution if it determines that the judge engaged in conduct that violated the Code but the conduct does

29. See RULES, *supra* [note 22](#), r. 9.

30. See *id.* rr. 9, 10.

31. See *id.* r. 3(b)(3).

32. See *id.* r. 10(b).

33. See *id.* rr. 9(c), 10(b).

34. *Id.* r. 10(c).

35. *Id.*

36. *Id.*

37. *Id.* r. 10(e).

38. *Id.*

39. *Id.* r. 10(d).

not warrant a recommendation of discipline by the North Carolina Supreme Court.⁴⁰ A judge who receives a private letter of caution may provide a confidential written response, which will be maintained by the Commission with the private letter of caution.⁴¹ Disciplinary and disability proceedings are discussed in further detail below.

Disciplinary Proceedings

As noted above, after a formal investigation concludes, an investigative panel may, upon the affirmative vote of at least five members, authorize initiation of a disciplinary or disability proceeding.⁴² That authorization constitutes a finding that probable cause exists to believe that a judge engaged in conduct that warrants public discipline by the North Carolina Supreme Court or that the judge suffers from a disability that warrants suspension or removal.⁴³

Interim Suspension

Following the conclusion of a formal investigation, the investigative panel also has authority to recommend an interim suspension of the respondent judge.⁴⁴ If the investigative panel finds by clear and convincing evidence that a judge has (1) been charged with a felony under state or federal law or (2) engaged in serious misconduct that poses an ongoing threat of substantial harm to public confidence in the judiciary or to the administration of justice, then upon the affirmative votes of five members, the panel may direct the presiding chair to recommend that the chief justice temporarily suspend the judge with pay pending final disposition of the proceedings.⁴⁵

Pleadings and Discovery

Commission counsel prosecutes a disciplinary or disability proceeding, which begins with the filing of a statement of charges.⁴⁶ That statement must include a description of the charges, the name of the complainant, a statement that the respondent judge may be represented by counsel at the respondent's expense, and directions to the respondent to file a verified answer within thirty days.⁴⁷ A respondent's failure to answer constitutes an admission of the allegations.⁴⁸

40. Between 2007 and 2013, the Judicial Standards Commission (hereinafter the Commission) was authorized to issue a public reprimand upon a finding that a judge had violated the Code of Judicial Conduct and had engaged in conduct prejudicial to the administration of justice, but in these instances the misconduct was minor and did not warrant a recommendation by the Commission that the judge be disciplined by the supreme court. See S.L. 2006-187 (amending [G.S. 7A-376](#) to authorize the Commission to impose a public reprimand) and S.L. 2013-404 (amending G.S. 7A-376 to authorize only the North Carolina Supreme Court to issue a public reprimand). The Commission issued seventeen such reprimands during that time. Those reprimands are posted on the North Carolina Judicial Branch website. See N.C. JUD. BRANCH, [DISCIPLINARY DECISIONS AND ORDS.](#), <https://www.nccourts.gov/commissions/judicial-standards-commission/disciplinary-decisions-and-orders> (last visited Sep. 4, 2026).

41. See RULES, *supra* [note 22](#), [r. 10\(b\)](#).

42. [Id.](#) [r. 12\(a\)](#).

43. [Id.](#)

44. [Id.](#) [r. 12\(e\)](#).

45. [Id.](#)

46. [Id.](#) [rr. 3\(b\)\(4\), 12\(b\)](#).

47. [Id.](#) [rr. 12\(b\), 13\(a\)](#).

48. [Id.](#) [r. 13\(b\)](#).

Within sixty days of the filing of the answer (unless this deadline is extended by the presiding chair), Commission counsel and the respondent must make certain required disclosures.⁴⁹ The parties must disclose identifying and contact information for witnesses they expect to call at the hearing and provide brief summaries of the expected testimony, written statements provided by witnesses, and other evidence that may be offered at the hearing.⁵⁰ Counsel for the Commission must provide the respondent with any exculpatory evidence relevant to the charges of which counsel is aware. Special discovery rules apply in disability cases.⁵¹

Stipulations and Consent Orders

At any time before the conclusion of a disciplinary or disability hearing, the respondent may stipulate to factual allegations in the statement of charges and any other agreed-upon facts.⁵² At the conclusion of the hearing, the panel may adopt the factual stipulations on the affirmative vote of at least five members present.⁵³ Adoption of the factual stipulations is a finding that the facts are established by clear and convincing evidence.⁵⁴

Factual stipulations may include an agreement as to a specified violation of the Code in exchange for a requested disciplinary disposition.⁵⁵ The hearing panel may accept such an agreement upon the affirmative vote of at least five members.⁵⁶

At any time before the conclusion of a disciplinary or disability proceeding, the respondent may enter into a consent order agreeing to resign or retire from judicial office and to never again seek judicial office in North Carolina in exchange for dismissal of the charges without prejudice.⁵⁷ The Commission may, but is not required to, accept such stipulation in exchange for dismissal.

Hearing

Unless the parties otherwise agree, the hearing may be held no sooner than sixty days after filing the answer or the date the answer is due.⁵⁸ The Rules of Evidence apply at the hearing.⁵⁹ Commission rules further provide that counsel for the Commission has the burden of proving “[a]t the disciplinary hearing . . . the existence of grounds for a recommendation of discipline, suspension, or removal based on *disability* by clear and convincing evidence.”⁶⁰ Notwithstanding this reference to a disability determination in a disciplinary proceeding, it stands to reason that

49. [*Id.* r. 16.](#)

50. [*Id.*](#)

51. *See id.* r. 17.

52. *See id.* r. 18(a)(1).

53. *See id.* r. 18(a)(3).

54. [*Id.*](#)

55. [*Id.* r. 18\(b\)\(1\).](#)

56. [*Id.*](#)

57. [*Id.* r. 18\(c\).](#)

58. [*Id.* r. 19\(a\).](#)

59. [*Id.* r. 19\(c\).](#)

60. [*Id.* r. 19\(d\)](#) (emphasis added).

the burden on counsel in disciplinary and disability proceedings is the same—that is, to prove the existence of grounds for the recommended action by clear and convincing evidence.⁶¹ The hearing must be recorded by an audiovisual recording device.⁶²

The respondent and counsel for the Commission may issue subpoenas to compel the attendance of witnesses and the production of evidence for the hearing.⁶³ Counsel for the Commission may call the respondent as a witness.⁶⁴ Each party may call up to four witnesses to testify to the character of the respondent.⁶⁵

Adjudication

At the conclusion of the hearing, the panel must deliberate and determine whether to file a recommendation with the North Carolina Supreme Court that the respondent be publicly reprimanded, censured, suspended, or removed from office.⁶⁶ If fewer than five members vote to recommend action by the supreme court, then the hearing panel must dismiss the charges with prejudice.⁶⁷ Upon the affirmative vote of at least five panel members, the dismissal may be accompanied by a private letter of caution.⁶⁸

At least five members of the hearing panel must vote affirmatively in support of the recommendation in order for the panel to make it.⁶⁹ When the panel does vote to make a recommendation, the executive director must serve the respondent and counsel for the Commission with the recommendation within sixty days of the conclusion of the hearing, unless that deadline is extended by the chair.⁷⁰ The recommendation must contain findings of fact, conclusions of law, and a recommended disposition.⁷¹ If the hearing panel's recommendation is based on stipulations and agreed-upon discipline, then the conclusions of law and recommendation for disposition must rely only on the factual stipulations, facts that may be judicially noticed, and admissions in the respondent's answer.⁷²

When the executive director serves the hearing panel's recommendation on the respondent, the executive director also must serve a proposed record in support of the recommendation.⁷³ That record must include the pleadings, a transcript of the hearing, a video recording of any witness testimony at the hearing, and any evidence entered into the record and referenced in the recommendation.⁷⁴ The respondent may file objections, and the chair of the hearing panel must settle any such objections not resolved by agreement of the parties.⁷⁵

61. See *In re Nowell*, 239 N.C. 235, 247 (1977) (“[W]e declare the quantum of proof in proceedings before the Judicial Standards Commission of this State to be proof by clear and convincing evidence a burden greater than that of proof of a preponderance of the evidence and less than that of proof beyond a reasonable doubt.”).

62. See RULES, *supra* note 22, r. 19(f).

63. *Id.* r. 20(c).

64. *Id.* r. 20(a)(1).

65. *Id.* r. 20(a)(2).

66. *Id.* r. 21(a).

67. *Id.* r. 1(b).

68. *Id.*

69. *Id.*

70. *Id.* r. 22(a)(1).

71. *Id.* r. 22(a)(2).

72. *Id.*

73. *Id.* r. 22(b)(1).

74. *Id.*

75. *Id.* r. 22(b)(2).

Within ten business days after the record is settled, the executive director must file the recommendation and record with the supreme court.⁷⁶

Proceedings Before the Supreme Court

The respondent may file a brief with and request oral argument before the supreme court.⁷⁷ If the respondent does not file a brief, the supreme court will decide the case without briefing and oral argument.⁷⁸

The North Carolina Supreme Court acts as a court of original jurisdiction in reviewing a recommendation from the Commission, and, as such, is not bound by the Commission's findings of fact or conclusions of law.⁷⁹ Disciplinary proceedings are neither civil nor criminal in nature.⁸⁰ The purpose of such a proceeding is not to punish the judicial officer, but instead "to maintain due and proper administration of justice in our State's courts, public confidence in its judicial system, and the honor and integrity of its judges."⁸¹ The supreme court has discretion to adopt the Commission's findings if they are supported by clear and convincing evidence or to make its own findings.⁸² The court likewise may adopt conclusions of law from the Commission that are appropriately supported by adopted findings.⁸³ Moreover, the supreme court may "adopt the Commission's recommendations or exercise independent judgment as to the appropriate sanction."⁸⁴ A majority of the members of the supreme court hearing the case must concur in any order of public reprimand, censure, suspension, or removal.⁸⁵ Upon issuance of a public reprimand, censure, suspension, or removal by the North Carolina Supreme Court, the filings in the case and the record on appeal cease to be confidential.⁸⁶

Misconduct Warranting Discipline, Suspension, or Removal

While the misconduct that warrants discipline, suspension, or removal eludes precise definition, the North Carolina Supreme Court has identified in several cases the contours of what constitutes willful misconduct in office and conduct prejudicial to the administration of justice.

76. See *id.* r. 22(c).

77. N.C. JUD. BRANCH, [RULES OF PROC. IN THE SUP. CT. IN JUD. STANDARDS CASES](https://www.nccourts.gov/courts/supreme-court/court-rules/rules-of-procedure-in-the-supreme-court-in-judicial-standards-cases) r. 2(a), <https://www.nccourts.gov/courts/supreme-court/court-rules/rules-of-procedure-in-the-supreme-court-in-judicial-standards-cases> (last visited Sep. 4, 2026).

78. *Id.*

79. See *In re Hartsfield*, 365 N.C. 418, 428–29 (2012).

80. *In re Crutchfield*, 289 N.C. 597, 602 (1975).

81. *Id.*

82. See *In re Mack*, 369 N.C. 236 (2016).

83. *Id.*

84. *In re Foster*, 385 N.C. 675, 690 (2024); *but see In re Cole*, 389 N.C. 388 (2026) (Berger, J., concurring) (expressing the view that the supreme court's disciplinary authority is statutorily conditioned on the Commission's recommendation).

85. [G.S. 7A-377\(a5\)](#). While a majority is required, there is a tradition for unanimity in such cases. See *In re Kimble*, 387 N.C. 462, 474 (2025) (Berger, J., concurring) (stating that "[b]ecause the tradition of this Court is for unanimity in Judicial Standards cases, I reluctantly concur").

86. [G.S. 7A-377\(a6\)](#).

Willful Misconduct in Office

Willful misconduct in office is improper and wrong conduct of a judge acting in his or her official capacity undertaken intentionally, knowingly, and, generally, in bad faith.⁸⁷ This type of misconduct is more than a mere error of judgment or a negligent act.⁸⁸ It may, but does not have to, encompass conduct involving moral turpitude, dishonesty, or corruption.⁸⁹ The North Carolina Supreme Court pronounced in *In re Peoples*⁹⁰ that only willful misconduct should result in a judge's removal and disqualification from holding further judicial office.⁹¹ The respondent district court judge in *In re Peoples* was removed from office for conduct over a four-year period in which he (1) consistently and improperly precluded the district attorney from participating in the disposition of criminal cases by disposing of cases outside of court; (2) maintained criminal cases in a personal file in which they were shielded from prosecution on the active trial docket; and (3) collected money from defendants to pay costs and fines and, on two occasions, failed to pay those amounts to the clerk of court or return the money.⁹² The court commented that to properly appraise the judge's conduct, "we need only ask the question, 'What would be the quality of justice and the reputation of the courts for dispensing impartial justice, if every judge kept a personal file and exercised the duties of his office like Judge Peoples?'"⁹³

Willful misconduct is not limited to conduct undertaken during the discharge of official duties nor is it limited to the hours of the day when a judge is actually presiding over court.⁹⁴ The North Carolina Supreme Court has explained: "A judicial official's duty to conduct himself in a manner befitting his professional office does not end at the courthouse door. Whether the conduct in question can fairly be characterized as 'private' or 'public' is not the inquiry; the proper focus is on, among other things, the nature and type of conduct, the frequency of occurrences, the impact which knowledge of the conduct would likely have on the prevailing attitudes of the community, and whether the judge acted knowingly or with a reckless disregard for the high standards of the judicial office."⁹⁵

87. *In re Edens*, 290 N.C. 299, 305–06 (1976). The *Edens* court determined that the respondent district court judge's disposition of a criminal case outside of court and outside the presence of the prosecutor and defendant constituted willful misconduct in office for which he should be censured. *Id.* at 307.

88. *Id.* at 305.

89. *Id.*

90. 296 N.C. 109 (1978).

91. *Id.* at 157–58. The court explained that "conduct prejudicial to the administration of justice, unless knowingly and persistently repeated, is not per se as serious and reprehensible as willful misconduct in office, which is a constitutional ground for impeachment and disqualification from office." *Id.* The court in *In re Hunt*, 308 N.C. 328 (1983), held that the judge's repeated acts of accepting cash bribes represented "a course of conduct prejudicial to the administration of justice to such an extreme degree as to comprise a separate act of willful misconduct in office." *Id.* at 338.

92. *Peoples*, 296 N.C. at 155–56.

93. *Id.* at 156.

94. *In re Stone*, 373 N.C. 368 (2020).

95. *In re Martin*, 302 N.C. 299, 316 (1981).

In addition to the conduct that led to removal in *In re Peoples*, the state supreme court has removed judges based on the following incidents:

- conviction of drug offenses;⁹⁶
- conviction for failure to file a federal income tax return;⁹⁷
- accepting cash bribes in exchange for a promise to use the judicial office to protect criminal activities;⁹⁸
- making deceptive statements to an agent investigating allegations of judicial misconduct and attempting to influence the recollections of witnesses, after previously being censured for other misconduct;⁹⁹
- contacting the prosecutor to advocate for criminal defendants (one of whom previously had sexual relations with the judge), imposing probation and subsequently amending probationary conditions outside of court based on ex parte conversations with an associate of the defendant, and attempting to prevent the convening of the grand jury;¹⁰⁰
- attempting to obtain sexual favors from defendants following a previous censure for unrelated misconduct;¹⁰¹ and
- continuing to serve as a member of the board of directors of a corporation after having been personally informed by the executive director of the Judicial Standards Commission that this service was prohibited by the Code of Judicial Conduct and making intentional misrepresentations to Commission staff during their investigation.¹⁰²

Conduct Prejudicial to the Administration of Justice

Conduct prejudicial to the administration of justice that brings the judicial office into disrepute has been defined as “conduct which a judge undertakes in good faith but which nevertheless would appear to an objective observer to be not only unjudicial conduct but conduct prejudicial to public esteem for the judicial office.”¹⁰³ Such conduct generally is considered to be less serious than willful misconduct. It depends not on the judge’s motives but on the conduct itself, the results of the conduct, and the impact it might have on knowledgeable observers.¹⁰⁴

96. *In re Sherrill*, 328 N.C. 719 (1991).

97. *In re Ballance*, 361 N.C. 338 (2007).

98. *In re Hunt*, 308 N.C. 328, 338 (1983).

99. *In re Badgett*, 362 N.C. 482 (2008).

100. *In re Kivett*, 309 N.C. 635 (1983).

101. *In re Martin*, 302 N.C. 299 (1981).

102. *In re Belk*, 364 N.C. 114 (2010).

103. *In re Edens*, 290 N.C. 299, 305 (1976) (internal citations omitted).

104. *In re Nowell*, 293 N.C. 235, 248–49 (1977) (stating that “a judge may also, through negligence or ignorance not amounting to bad faith, behave in a manner prejudicial to the administration of justice so as to bring the judicial office into disrepute”); *Edens*, 290 N.C. at 305 (“Conduct [prejudicial] to the administration of justice that brings the judicial office into disrepute has been defined as ‘conduct which a judge undertakes in good faith but which nevertheless would appear to an objective observer to be not only unjudicial conduct but conduct prejudicial to public esteem for the judicial office.’”); *In re Crutchfield*, 289 N.C. 597, 603 (1975) (“Whether the conduct of a judge may be characterized as prejudicial to the administration of justice which brings the judicial office into disrepute depends not so much upon the judge’s motives but more on the conduct itself, the results thereof, and the impact such conduct might reasonably have upon knowledgeable observers.”).

In determining whether acts meet this standard, “consideration should be given to the traditions, heritage, and generally recognized practices of the courts and the legal profession, the common and statutory law, codes of judicial conduct, and traditional notions of judicial ethics.”¹⁰⁵

Any disposition of a case by a judge for reasons other than an honest appraisal of the law and facts as disclosed by the evidence presented will amount to conduct prejudicial to the proper administration of justice.¹⁰⁶ A judge does not have to receive a financial or personal benefit from the improper handling of a case for it to be prejudicial to the administration of justice.¹⁰⁷ Indeed, whether a judge receives any personal benefit from misconduct is “wholly irrelevant” to the inquiry.¹⁰⁸ In addition, a judge may commit acts in his or her private life that bring the judicial office into disrepute.¹⁰⁹

The North Carolina Supreme Court has deemed the following misconduct as among that prejudicial to the administration of justice that brings the judicial office into disrepute:

- issuing limited driving privileges upon the ex parte application of defense counsel without inquiring into their factual or legal basis;¹¹⁰
- conduct that involved (1) attempting an assignation with a woman, convicted of prostitution and on probation, and giving the impression that the judge could assist the woman with her legal problems; (2) changing verdicts in motor vehicle violation cases upon ex parte communications from defendants without providing the State an opportunity to be heard; (3) making an inappropriate advance toward a woman detective; (4) making improper and potentially embarrassing and humiliating remarks to the victim in a criminal proceeding before the court and the victim’s girlfriend; and (5) making what could be construed as implied threats to attorneys representing clients in cases heard by the respondent or pending before his court;¹¹¹
- in a worthless check case, directing the prosecutor to summon the prosecuting witness (who was a friend of the judge) rather than continuing the case, then trying the defendant without counsel and subsequently directing the district attorney to reinstate the charge following its dismissal on appeal; in another case, issuing an ex parte order for the sheriff to assist the custodial parent in obtaining the children from the noncustodial parent followed by another ex parte order directing the sheriff to arrest the noncustodial parent if that parent did not cooperate;¹¹²

105. *Edens*, 290 N.C. at 306.

106. *Crutchfield*, 289 N.C. at 603.

107. *Id.*

108. *Id.* (internal citations omitted).

109. *Nowell*, 293 N.C. at 249 (citing *In re Haggerty*, 241 So. 2d 469, 478–79 (La. 1970) (“The off-bench behavior of a judge should not only be above reproach but such as to inspire confidence of the public in the judiciary. To consort with public gamblers and criminal characters, engage in heavy, habitual drinking in public, promote and be a part of a scandalous and sordid party in the company of prostitutes such as that held at the motel, resist arrest and engage in fisticuffs with arresting officers, are hardly things to put the judicial branch in good repute. No doubt such misconduct is related to the official duties of the respondent.”)).

110. *Crutchfield*, 289 N.C. at 603–04.

111. *In re Hair*, 324 N.C. 324, 325 (1989) (noting that the respondent judge retired and acknowledged that his conduct could be interpreted as prejudicial to the administration of justice).

112. *In re Ammons*, 344 N.C. 195 (1996).

- giving legal advice to an individual regarding her discharge from employment, intervening on her behalf, and conveying the impression that the discharged individual had special influence with the judge;¹¹³
- disposing of criminal cases outside of court and outside the presence of the district attorney;¹¹⁴ and
- continuing to practice law as a sitting judge; appearing as attorney of record in the judge's own jurisdiction; filing numerous summonses, motions to withdraw, and voluntary dismissals; and asking a court employee to submit a deficient motion to withdraw to the senior resident superior court judge.¹¹⁵

In addition, the preamble to the Code of Judicial Conduct states that a violation of its provisions “may be deemed conduct prejudicial to the administration of justice that brings the judicial office into disrepute, or willful misconduct in office, or otherwise as grounds for disciplinary proceedings pursuant to Article 30 of Chapter 7A of the General Statutes of North Carolina.”¹¹⁶ Below are some of the cases in which the supreme court has imposed discipline on this basis, concluding that violations of the Code of Judicial Conduct also constituted conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

- District court judge was publicly reprimanded for holding a probable cause hearing without defendant's court-appointed counsel present in order to “make a point” to defense counsel and other attorneys about being on time in court. The conduct was deemed to violate Canons 2A and 3A(4) of the Code.¹¹⁷
- Court of appeals judge was censured for contributing to and enabling a toxic work environment in his chambers and for interactions with human resources officials at the Administrative Office of the Courts that undermined the dignity of the court of appeals, actions that violated Canons 1, 2B, 3A(3), and 3B(2).¹¹⁸
- District court judge was publicly reprimanded for failing to report rental income on Canon 6 gift and income reports and annual statements of economic interest filed with the State Ethics Commission and for settling and accepting cash restitution in a criminal matter that he initiated while presiding over the court session in which the criminal matter was docketed, in violation of Canon 2A.¹¹⁹

113. *In re Cornelius*, 335 N.C. 198 (1993).

114. *Nowell*, 293 N.C. at 250–51 (“The treatment accorded defendants West and Grantham, had the disposition of their cases been made in open court, might well have caused ‘the objective observer’ to wonder why Grantham, guilty of speeding 70 MPH in a 55 MPH zone, and West, speeding 50 MPH in a 35 MPH zone were ‘given a pjc’ when others no more culpable paid the fine and accumulated the points prescribed for the offense. The objective observer, however, upon learning that these judgments had been entered *ex parte* and out of court, would surely think he had reasonable cause to believe that those who knew the judge, or knew a deputy sheriff who knew the judge, could receive more favorable treatment than the average traffic offender. Indubitably, the conduct of any judge which leaves such an impression is prejudicial to the administration of justice and brings the judicial office into disrepute.”).

115. *In re Cole*, 389 N.C. 388 (2026).

116. [N.C. CODE OF JUD. CONDUCT](https://www.nccourts.gov/assets/inline-files/North-Carolina-Code-of-Judicial-Conduct-Codified-12-February-2020.pdf?u7FrRKrvuqPnPMcPZSQ_M19iDBvuV2OS=) pmbl. (OFF. OF ADMIN. COUNS., SUP. CT. OF N.C. 2020), https://www.nccourts.gov/assets/inline-files/North-Carolina-Code-of-Judicial-Conduct-Codified-12-February-2020.pdf?u7FrRKrvuqPnPMcPZSQ_M19iDBvuV2OS=.

117. *In re Clontz*, 376 N.C. 128 (2020).

118. *In re Murphy*, 376 N.C. 219 (2020).

119. *In re Mack*, 369 N.C. 236 (2016).

- District court judge was censured for rejecting the defendant's proffer of a guilty plea in an impaired driving case and entering a verdict of not guilty without hearing any sworn testimony, conduct that violated Canon 3A(4).¹²⁰
- Emergency district and superior court judge was censured for driving while impaired and acting in a belligerent, offensive, and denigrating manner to law enforcement and emergency personnel, in violation of Canons 1 and 2A.¹²¹

Suspension or Removal for Physical or Mental Incapacity

Upon recommendation of the Commission, the North Carolina Supreme Court also may suspend a judge for temporary physical or mental incapacity that interferes with the performance of the judge's duties.¹²² The supreme court may remove a judge if such incapacity is or is likely to become permanent.¹²³

The Supreme Court has removed only one judge for mental or physical incapacity. In *In re Harrison*,¹²⁴ the court removed a district court judge from office for stress and diabetes, conditions that were likely to become permanent and which caused the judge to engage in misconduct. That misconduct included publicly and baselessly accusing attorneys and judges of conspiring to have her assassinated, filing false complaints against her with the Judicial Standards Commission, and violating her civil rights.

Compensation, Retirement, and Disqualification

A judge suspended for misconduct¹²⁵ receives no compensation during the suspension.¹²⁶ A judge removed for misconduct¹²⁷ does not receive retirement compensation and is disqualified from holding future judicial office.¹²⁸

A judge suspended for temporary incapacity continues to receive compensation during the suspension.¹²⁹ A judge removed for mental or physical incapacity is entitled to retirement compensation if the judge has accumulated the requisite qualifying years of service.¹³⁰ Such a judge may not serve in the future as a judge or emergency judge.

120. *In re Tucker*, 350 N.C. 649 (1999).

121. *In re LaBarre*, 369 N.C. 538, 544 (2017).

122. [G.S. 7A-376\(c\)](#).

123. [Id.](#)

124. 359 N.C. 415 (2005).

125. This applies to a judge suspended for willful misconduct, willful and persistent failure to perform duties, habitual intemperance, conviction of a crime involving moral turpitude, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute. [G.S. 7A-376\(b\)](#).

126. [Id.](#)

127. This applies to a judge removed for willful misconduct, willful and persistent failure to perform duties, habitual intemperance, conviction of a crime involving moral turpitude, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute. [Id.](#)

128. [Id.](#)

129. [Id.](#) § (c).

130. [Id.](#)

History of Discipline

The North Carolina Supreme Court issued sixty-nine orders in disciplinary proceedings between 1975 and 2026.¹³¹ Those orders addressed a variety of misconduct, including (in addition to the cases noted above) sexual misconduct,¹³² impugning the reputation of a chief district court judge and interfering with the chief judge's duties in making court assignments,¹³³ making inappropriate comments to counsel and witnesses,¹³⁴ soliciting support and votes for reelection from defendants and attorneys appearing before the judge,¹³⁵ and driving while impaired and behaving inappropriately toward responding officers.¹³⁶ Sanctions imposed have included public reprimand,¹³⁷ censure,¹³⁸ suspension,¹³⁹ and removal.¹⁴⁰

Trends

The number of complaints filed with the Commission has risen over the past several years. There were 932 new complaints filed in 2025, a sharp increase from the 675 filed in 2024 and the 653 filed in 2023.¹⁴¹ Most of these complaints were dismissed after initial review or preliminary investigation. In 2025, for example, 999 complaints were pending before the Commission (some were carried over from 2024). Of those complaints, 810 were dismissed after initial review, and another 51 were dismissed after preliminary investigation.¹⁴² According to the Commission's 2025 annual report, most dismissals occurred because "the complaint alleged legal error that the Commission has no jurisdiction to investigate, the allegations were too vague to evaluate, or a preliminary investigation revealed that the allegations . . . lacked credibility or could not be substantiated after a review of the records of the subject court proceedings."¹⁴³ In 2025, as in previous years, most complaints were made by either domestic litigants or criminal defendants, and most were levied against district court judges.¹⁴⁴

131. See N.C. JUD. BRANCH, [DISCIPLINARY DECISIONS AND ORDS.](https://www.nccourts.gov/commissions/judicial-standards-commission/disciplinary-decisions-and-orders), <https://www.nccourts.gov/commissions/judicial-standards-commission/disciplinary-decisions-and-orders> (last visited Sep. 4, 2026).

132. *In re Pool*, 377 N.C. 442 (2021).

133. *In re Smith*, 372 N.C. 123 (2019).

134. *In re Hill*, 359 N.C. 308 (2005).

135. *In re Stephenson*, 354 N.C. 201 (2001).

136. *In re Kimble*, 387 N.C. 462 (2025); *In re LaBarre*, 369 N.C. 538 (2017).

137. *Smith*, 372 N.C. 123.

138. *In re Greene*, 328 N.C. 651 (1991).

139. *In re Foster*, 385 N.C. 675 (2024).

140. *In re Peoples*, 296 N.C. 109 (1978).

141. [2025 ANNUAL REPORT](https://nccourts.gov/assets/documents/publications/NCJSC-Judicial-Standards-Commission-Annual-Report-2024.pdf), *supra* note 28; N.C. JUD. STANDARDS COMM'N, [2024 ANNUAL REPORT](https://nccourts.gov/assets/documents/publications/NCJSC-Judicial-Standards-Commission-Annual-Report-2024.pdf), <https://nccourts.gov/assets/documents/publications/NCJSC-Judicial-Standards-Commission-Annual-Report-2024.pdf> (last visited Sep. 4, 2026); N.C. JUD. STANDARDS COMM'N, [2023 ANNUAL REPORT](https://nccourts.gov/assets/documents/publications/NCJSC-Annual-Report-2023.pdf), <https://nccourts.gov/assets/documents/publications/NCJSC-Annual-Report-2023.pdf> (last visited Sep. 4, 2026).

142. Twelve more were dismissed after a formal investigation; twelve were dismissed with a letter of caution. The North Carolina Supreme Court issued orders in one of the cases and the rest remained pending, including eighty-four complaints awaiting initial review. [2025 ANNUAL REPORT](https://nccourts.gov/assets/documents/publications/NCJSC-Annual-Report-2024.pdf), *supra* note 28, at 8.

143. *Id.*

144. *Id.* at 10.

Disbarment

A person must be authorized to practice law in North Carolina to be eligible for election or appointment as a judge or justice.¹⁴⁵ The legislature has enacted a statutory provision separate from the one covering removal for declaring a judicial office vacant when the officeholder has been disbarred or suspended from practicing law.¹⁴⁶ [G.S. 7A-410](#) provides that when a judge or justice has been disbarred or suspended from the practice of law in North Carolina and all appeals under [G.S. 84-28](#) have been exhausted, the governor must declare the office vacant.¹⁴⁷ Before making such a determination, the governor must notify the judge or justice at least ten days in advance and give him or her the opportunity to be heard.¹⁴⁸

A judge or justice's salary is suspended immediately upon disbarment or suspension from the practice of law under G.S. 84-28.¹⁴⁹ If the order of disbarment or suspension is reversed on appeal, the salary is paid retroactively from the date it was suspended.¹⁵⁰

Removal and Discipline of Clerks of Superior Court

Article IV, Section 17(4) of the North Carolina Constitution provides that any clerk of the superior court may be removed from office “for misconduct or mental or physical incapacity” by the senior regular resident superior court judge¹⁵¹ serving the county. The constitution requires that a clerk against whom removal proceedings have been initiated receive written notice of the charges at least ten days before a hearing on the charges and provides that a clerk removed from office is entitled to appeal.¹⁵² The General Assembly adopted procedures governing clerk of superior court removal proceedings in [G.S. 7A-105](#).¹⁵³

145. N.C. CONST. art. IV, § 22.

146. See [G.S. 7A-410](#). Of course, it is unlikely that disbarment or suspension would not also be accompanied by related proceedings before the Judicial Standards Commission.

147. *Id.*

148. *Id.*

149. [G.S. 7A-410.1](#).

150. *Id.*

151. The North Carolina Supreme Court in *In re Chastain*, 386 N.C. 678 (2024) (*Chastain III*), held that while Section 17 of Article IV identifies the senior resident superior court judge as the default judicial officer who must adjudicate removal charges, “where that superior court judge has a conflict of interest and cannot fairly hear the case, the judicial branch may substitute another superior court judge . . . to preside over the proceeding and enter the judgment of the trial division.” *Id.* at 685.

152. N.C. CONST. art. IV, § 17(4).

153. Before 2025, [G.S. 7A-105](#) provided that a clerk of superior court could be suspended or removed from office for willful misconduct or mental or physical incapacity under the same general procedures that governed the suspension or removal of a district attorney. S.L. 2025-54 amended G.S. 7A-105 in two significant respects. First, it altered the standard for suspension or removal to misconduct, eliminating the “willful” modifier. Second, it set out detailed procedures for removal proceedings for clerks, eliminating the cross-reference to removal proceedings for district attorneys. The amendments were effective for proceedings based on clerk conduct occurring on or after July 2, 2025. For further discussion of the impetus for these changes, see Shea Denning, [Recent Legislative Changes Affecting Judicial Authority and Administration](#), N.C. CRIM. L. BLOG (Sep. 17, 2025), <https://nccriminallaw.sog.unc.edu/2025/09/17/recent-legislative-changes-affecting-judicial-authority-and-administration/>.

The Standard

A clerk of superior court may be removed for misconduct; the acts need not rise to the level of *willful* misconduct. The North Carolina Supreme Court in *In re Chastain*¹⁵⁴ defined the misconduct that may lead to removal of a clerk of superior court as “wrongful, unlawful, dishonest, or improper conduct performed under the color of the [statutory] authority for the clerk of superior court.”¹⁵⁵

154. *Chastain III*, 386 N.C. 678. The supreme court’s opinion in this case was the culmination of years of litigation around whether the actions of Patricia Chastain, the former clerk of superior court in Franklin County, warranted her removal from office. At the time of the removal proceedings in that case (which began in 2020), [G.S. 7A-105](#) provided that a clerk of superior court could be suspended or removed from office for willful misconduct or mental or physical incapacity under the same general procedures that governed the suspension or removal of a district attorney. G.S. 7A-105 went on to require that a removal hearing “be conducted by the senior regular resident superior court judge serving the county of the clerk’s residence.” Unlike the statute governing removal of a district attorney ([G.S. 7A-66](#)), former G.S. 7A-105 made no provision for the referral of such a matter to another superior court judge.

In the *Chastain* matter, the senior resident superior court judge for Franklin County recused, and an out-of-district superior court judge was commissioned to hear the case. That judge found that the clerk’s actions (both those alleged in the sworn affidavit that commenced the proceedings and others established during the evidentiary hearing) constituted willful misconduct; thus, he ordered Chastain permanently removed from office. She appealed.

The court of appeals held in *In re Chastain*, 281 N.C. App. 520 (2022) (*Chastain I*), that *only* the senior resident superior court judge in the county where the clerk resides is authorized to remove a clerk for misconduct under Article IV, Section 17 of the North Carolina Constitution—the authority underpinning G.S. 7A-105. The court also held that the trial judge erred by relying on acts not alleged in the sworn affidavit to establish misconduct. Finally, the court held that though the presiding judge was not authorized to act under Article IV, Section 17, the judge *could* remove the clerk under Article VI, Section 8, which renders a person adjudged guilty of corruption or malpractice in any office disqualified to hold office. The court remanded the case to the trial judge to consider whether the acts rose to the level of corruption or malpractice in office.

On remand, the trial court entered a new removal order concluding that the clerk’s conduct did in fact amount to corruption or malpractice. Chastain appealed, and the court of appeals affirmed in a divided opinion. *See In re Chastain*, 289 N.C. App. 271 (2023) (*Chastain II*). The state supreme court then granted discretionary review.

The supreme court disagreed with the court of appeals holding in *Chastain I* that the only individual with authority under Article IV to remove Chastain was Franklin County’s senior regular resident superior court judge. While the state constitution designates the senior regular resident superior court judge as the judicial officer with the authority to preside over a removal proceeding when charges are brought against a clerk, the court reasoned that when the senior resident superior court judge has a conflict of interest and cannot fairly conduct that proceeding, the judicial branch may designate another superior court judge—as all such judges have equal judicial jurisdiction, power, authority, and status—to wield this judicial power. Thus, the court concluded that the out-of-district commissioned judge had constitutional authority under Article IV to preside over the removal hearing.

The supreme court agreed with the court of appeals conclusion in *Chastain I* and *II* that a clerk may be removed based on only the allegations set forth in the affidavit initiating the proceeding. Finally, the court stated that neither opinion had applied the proper standard for removal under Article IV. The court held that standard to be misconduct—as stated in the Constitution—rather than the *willful* misconduct standard in G.S. 7A-105. The court then defined *misconduct* for a clerk as “wrongful, unlawful, dishonest, or improper conduct performed under the color of authority for the clerk of superior court as identified in N.C.G.S. § 7A-103,” *Chastain III*, 386 N.C. at 688, and remanded the case for the trial judge’s consideration of whether removal was proper based on that standard.

155. *Chastain III*, 386 N.C. at 688.

The Pleadings

A proceeding to suspend or remove a clerk of superior court commences with the filing of a sworn affidavit with the chief district court judge in the district in which the clerk resides.¹⁵⁶ The affidavit must be filed in paper form (not electronically) and must charge one or more grounds for removal.¹⁵⁷ The affidavit must contain a certificate of service showing that it was served on the respondent clerk in accordance with Rule 5(b) of the Rules of Civil Procedure.¹⁵⁸ The affidavit also is subject to the requirements of Rule 11 of the Rules of Civil Procedure. This rule provides that the signing of a pleading constitutes a certification that the pleading is well-grounded in fact and warranted by law and is not interposed for an improper purpose and sets out sanctions for a pleading signed in violation of the rule.¹⁵⁹ A clerk may be removed only for acts alleged in the charging affidavit.¹⁶⁰

Filing Fees

The clerk must collect superior court costs in connection with the filing of the affidavit unless the proceeding is filed by an elected or appointed official of the North Carolina Judicial Branch.¹⁶¹ If the required court costs are not paid within thirty days of the filing of the affidavit, the chief district court judge must forward the matter to the senior resident superior court judge, who must dismiss the proceeding without prejudice.¹⁶² Once court costs are paid, the chief district court judge must immediately notify the senior resident superior court judge for the district in which the clerk's county of residence is located.¹⁶³

Probable Cause Review

Within ten days of receiving notice, the senior resident superior court judge must review the sworn affidavit and determine (1) whether the charges constitute grounds for removal and (2) whether there is probable cause for believing the charges are true.¹⁶⁴ If the affidavit fails to state grounds for removal or the charges are not supported by probable cause, the judge must dismiss the proceeding.¹⁶⁵

Written Order Establishing Probable Cause

If the senior resident superior court judge does not dismiss the charges following this preliminary review, he or she must enter a written order making findings of fact and conclusions of law detailing the charges that are grounds for removal and the probable cause for believing those charges are true.¹⁶⁶ The sworn affidavit and other filings related to the proceeding are confidential unless and until the judge enters this written order.¹⁶⁷

156. [G.S. 7A-105\(b\)](#).

157. [Id.](#)

158. [Id.](#)

159. [Id.](#)

160. *Chastain III*, 386 N.C. at 687 (holding that due process and the governing statutes required that the grounds for removal be identified in the affidavit initiating the removal proceeding).

161. [G.S. 7A-105\(b\)](#).

162. [Id.](#)

163. [Id.](#) § (c).

164. [Id.](#)

165. [Id.](#)

166. [Id.](#)

167. [Id.](#) § (f).

Suspension of the Clerk

If the senior resident superior court judge finds, based on the affidavit, that immediate and irreparable injury, loss, or damage will result to the public or the administration of justice if the clerk remains in office until a final determination on the merits, the judge also may enter an order suspending the clerk from performing the duties of the office until final determination of the charges.¹⁶⁸ The salary of the clerk continues during any such suspension.¹⁶⁹

Service of the Order(s)

Any order of dismissal, order establishing probable cause, or order of suspension must be served on the parties pursuant to Rule 5 of the North Carolina Rules of Civil Procedure as soon as practicable after entry of the order.¹⁷⁰

Hearing on the Merits

If the proceeding is not dismissed, the senior resident superior court judge must set the matter for hearing no earlier than thirty and no later than sixty days after service of the probable cause order.¹⁷¹ The hearing, which may be continued for good cause, must be recorded and open to the public.¹⁷²

If criminal charges that relate to the charges in the removal proceeding are filed against the clerk and the judge finds probable cause for removal, the judge may stay the removal proceeding until the criminal case is resolved.¹⁷³

The North Carolina Rules of Evidence apply to the hearing as do the following Rules of Civil Procedure: Rule 5, Rule 11, Rule 45, Rule 46, and Rule 52.¹⁷⁴ At least five days before the hearing, the parties must exchange all evidence they intend to offer along with a list of witnesses.¹⁷⁵

In the hearing, the judge must hear evidence and make findings of fact and conclusions of law based on clear and convincing evidence.¹⁷⁶ If the judge concludes that grounds for removal exist, he or she must enter a written order containing findings of fact and conclusions of law permanently removing the clerk from office and terminating the clerk's salary.¹⁷⁷ If the judge does not find grounds for removal, any pending suspension of the clerk immediately ends, and the judge must enter an order dismissing the proceeding.¹⁷⁸

168. *Id.* § (c).

169. *Id.*

170. *Id.*

171. *Id.* § (d).

172. *Id.*

173. *Id.* § (h).

174. *Id.* § (d).

175. *Id.*

176. *Id.*

177. *Id.*

178. *Id.*

Appeal

The respondent clerk may appeal an order of removal to the court of appeals on the basis of legal error.¹⁷⁹ While the appeal is pending, the clerk may not perform any of the duties of the office.¹⁸⁰ If the clerk is subsequently reinstated, the clerk's salary must be restored from the original date of removal.¹⁸¹

Acting Clerk

If the clerk is suspended or appeals an order of removal, the presiding judge must appoint a qualified person to act as clerk until final resolution of the proceedings.¹⁸²

Suspension, Removal, and Discipline of Magistrates

Grounds

Article IV, Section 17(3) of the North Carolina Constitution directs the General Assembly to "provide by general law for the removal of Magistrates for misconduct or mental or physical incapacity." [G.S. 7A-173](#) sets forth procedures for the suspension and removal of a magistrate. A magistrate may be suspended or removed on the same grounds that authorize the suspension or removal of a judge, implicitly rendering magistrates subject to relevant provisions of the Code of Judicial Conduct.¹⁸³ In addition, G.S. 7A-173 provides that the failure of a magistrate to make statutorily required written findings is grounds for suspension or removal.¹⁸⁴ A magistrate may be suspended by the chief district court judge of the district in which the magistrate's county of appointment is located or on order of the chief justice.¹⁸⁵ A magistrate may be removed from office by the senior regular resident superior court judge of, or any regular superior court judge holding court in, the district or set of districts in which the magistrate's county of appointment is located.¹⁸⁶

179. [Id.](#) § (e).

180. [Id.](#)

181. [Id.](#)

182. [Id.](#) § (f).

183. [Id.](#) § 173(a).

184. [Id.](#) This ground was added by S.L. 2025-93, known as Iryna's Law. That session law amended the statutes governing pretrial release of criminal defendants to require written findings explaining the reasons a judicial official determined conditions of release to be appropriate for a defendant charged with a violent offense or for a defendant charged with a new offense who has been convicted of three or more offenses in the previous ten years. See [G.S. 15A-534\(d\)](#). Other statutory provisions also require a magistrate to make written findings. See, e.g., [id.](#) § (b) (requiring written findings to the extent required by the local bond policy for the imposition of a secured bond on a defendant not charged with a violent offense); [G.S. 15A-534.4](#) (requiring written findings on waiver of pretrial release conditions otherwise applicable to defendants charged with certain offenses against minors).

185. [G.S. 7A-173\(a\)](#).

186. [Id.](#)

Proceedings

Filing of Charges

Disciplinary proceedings against a magistrate are commenced by the filing of (1) sworn written charges or (2) an order by the chief justice suspending a magistrate and specifying the charges constituting grounds for removal.¹⁸⁷ Either document must be filed with the clerk of superior court for the county where the magistrate was appointed.¹⁸⁸

When sworn written charges are filed, the chief district court judge must examine them to determine whether, if true, they constitute grounds for removal.¹⁸⁹ If they do, the chief district court judge may enter an order suspending the magistrate from office until a final determination of the charges on the merits.¹⁹⁰ The magistrate's salary continues during suspension.¹⁹¹

Upon finding that the charges, if true, constitute grounds for removal, the chief district court judge must set the matter for hearing before the senior regular resident superior court judge or a regular superior court judge holding court in the district where the magistrate's county of appointment is located.¹⁹²

The clerk of superior court must notify the chief district court judge when an order from the chief justice suspending a magistrate is filed.¹⁹³ The chief district court judge must implement the suspension until a final disposition of the charges on the merits.¹⁹⁴ The magistrate's salary continues during this suspension.¹⁹⁵ Here too the chief district court judge must set a hearing before the senior regular resident superior court judge or a regular superior court judge holding court in the district where the magistrate's county of appointment is located.¹⁹⁶

Hearing

When a hearing is ordered, the magistrate must be given immediate written notice of the proceedings and must be provided with a copy of the charges.¹⁹⁷ The hearing must be held in a county within the district not less than ten nor more than thirty days after the magistrate has received a copy of the charges.¹⁹⁸

The hearing must be public and be recorded.¹⁹⁹ The superior court judge presiding over the hearing must receive evidence and make findings of fact and conclusions of law.²⁰⁰ If the judge finds grounds for removal, he or she must enter an order permanently removing the magistrate from office and terminating the magistrate's salary.²⁰¹ If the judge finds no such grounds exist, he or she must terminate any suspension.²⁰² If the judge finds that the only ground for removal is

187. *Id.* § (b), (b1).

188. *Id.*

189. *Id.* § (b).

190. *Id.*

191. *Id.*

192. *Id.* § (c).

193. *Id.* § (b1).

194. *Id.*

195. *Id.*

196. *Id.* § (c).

197. *Id.*

198. *Id.*

199. *Id.*

200. *Id.*

201. *Id.*

202. *Id.*

the magistrate's failure to make statutorily required written findings, and the magistrate has no prior charges or suspensions for failure to make such findings, the judge may not permanently remove the magistrate from office.²⁰³

Appeal

A magistrate may appeal from an order of removal to the court of appeals on the basis of error of law by the superior court judge.²⁰⁴ The magistrate may not perform any of the duties of the office while an appeal is pending.²⁰⁵ If the magistrate is reinstated, the magistrate's salary must be restored from the date of the order of removal.²⁰⁶

Other Discipline

Magistrates are subject to rules of conduct prescribed by the Administrative Office of the Courts, which provide for disciplinary sanctions short of suspension and removal.²⁰⁷ Rule 7 of the North Carolina Rules of Conduct for Magistrates provides that magistrates may be subject to discipline for the following:

- failing to follow a chief district court judge's administrative directives,²⁰⁸
- failing to comply with the North Carolina Rules of Conduct for Magistrates,
- willful misconduct in office,
- willful and persistent failure to perform the magistrate's duties,
- habitual intemperance,
- being convicted of a crime involving moral turpitude,
- engaging in conduct prejudicial to the administration of justice that brings the judicial office into disrepute,
- failing to make statutorily required written findings, or
- engaging in any other conduct that could serve as a basis for removal under [G.S. 7A-173](#).²⁰⁹

Rule 7 authorizes a chief district court judge to discipline a magistrate under his or her supervision and authority. That discipline may include, and is not limited to:

- oral or written counseling,
- a recommendation or directive for additional training,
- a written warning or reprimand, or
- the filing of sworn written charges.²¹⁰

203. *Id.*

204. *Id.* § (d).

205. *Id.*

206. *Id.*

207. [G.S. 7A-171.3](#). For background on legislation leading to the adoption of those rules, see Tom Thornburg, [Rules of Conduct Created for North Carolina Magistrates](#), N.C. CRIM. L. BLOG (Dec. 1, 2021), <https://nccriminallaw.sog.unc.edu/2021/12/01/rules-of-conduct-created-for-north-carolina-magistrates/>.

208. A chief district court judge has administrative supervision and authority over the magistrates in his or her district. [G.S. 7A-146](#).

209. [N.C. RULES OF CONDUCT FOR MAGISTRATES](#) r. 7 (N.C. ADMIN. OFF. OF THE CTS. 2025), https://www.nccourts.gov/assets/documents/publications/2025.10.06%20NC%20Rules%20of%20Conduct%20for%20Magistrates_0_0.pdf?VersionId=QoM7tCpLg_3.9FjFZwkG89V8JiwmJGDD.

210. *Id.*

A chief district court judge may request that a magistrate sign a statement setting out any discipline imposed and the basis for that discipline.²¹¹ A magistrate must comply with this request, though the magistrate's signature acknowledges only receipt of the statement and does not signify agreement with its contents.²¹² A magistrate may submit written objections to the statement.²¹³

Suspension and Removal of District Attorneys

The North Carolina Constitution does not address the removal of a district attorney, a constitutional office set forth in Article IV, Section 18. Removal procedures for a district attorney are, however, set forth in [G.S. 7A-66](#), and the North Carolina Supreme Court has upheld that statute against constitutional challenge.²¹⁴

Grounds

A district attorney may be suspended or removed from office on the following grounds:

- mental or physical incapacity interfering with the performance of his or her duties which is, or is likely to become, permanent;
- willful misconduct in office;
- willful and persistent failure to perform duties;
- habitual intemperance;
- conviction of a crime involving moral turpitude;
- conduct prejudicial to the administration of justice that brings the office into disrepute;²¹⁵ or
- knowingly authorizing or permitting an assistant district attorney to commit any act constituting grounds for removal.²¹⁶

211. [Id. r. 7\(C.\)](#).

212. [Id.](#)

213. [Id.](#)

214. *In re Spivey*, 345 N.C. 404 (1997).

215. The North Carolina Supreme Court in *Spivey*, 345 N.C. 404, upheld the superior court's determination that the district attorney's use of racially abusive epithets against another man in a bar was conduct prejudicial to the administration of justice that brings the office of district attorney into disrepute. *Id.* at 416. Citing the superior court's finding that the "incident has resulted in the loss of confidence, trust, and respect for this high office by a significant number of residents of the Fifth Prosecutorial District," the supreme court stated that "considering the often unrestrained powers that the people have given our district attorneys in our Constitution and statutes, it is paramount that the office of district attorney be held in a manner that exemplifies fairness and equal justice under the law." *Id.* The court concluded "[t]here can be no question that the use of racial epithets against a member of the public by a district attorney in an apparent attempt to provoke an affray in public is conduct prejudicial to the administration of justice which brings the office into disrepute." *Id.*

The North Carolina Court of Appeals in *In re Cline*, 230 N.C. App. 11 (2013), affirmed a superior court order removing the district attorney for her "false" and "malicious" verbal and written statements attacking a judge, which the trial court determined were made with actual malice and brought the office of district attorney into disrepute.

216. [G.S. 7A-66](#).

Proceedings

Filing of Charges

A proceeding to suspend or remove a district attorney from office begins with the filing of a sworn affidavit charging one or more grounds for removal.²¹⁷ The affidavit must be filed with the clerk of superior court in the county where the district attorney resides.²¹⁸ The clerk must immediately bring the matter to the attention of the senior regular resident superior court judge for the district where the county is located.²¹⁹ The senior resident superior court judge must either (1) review and act on the charges within thirty days or (2) refer the charges to another superior court judge residing or regularly holding court in that district for review and action within thirty days.²²⁰

Initial Review

If the superior court judge upon review finds that the charges, if true, constitute grounds for suspension and finds probable cause for believing the charges are true, the judge must schedule a hearing on the charges and may enter an order suspending the district attorney until a final determination of the charges on the merits.²²¹ During any such suspension the salary of the district attorney continues.²²² If the judge finds that the charges, if true, do not constitute grounds for suspension or finds that no probable cause exists for believing the charges are true, the judge must dismiss the proceeding.²²³

Hearing

If a hearing is ordered, the district attorney must immediately be notified in writing of the proceedings and provided a copy of the charges.²²⁴ The matter must be set for hearing not less than ten nor more than thirty days after that notice.²²⁵ The hearing may be set before the judge who originally examined the charges or before another regular superior court judge residing or regularly holding court in that district.²²⁶

217. *Id.*

218. *Id.*

219. *Id.*

220. *Id.*

221. *Id.*

222. *Id.*

223. *Id.*

224. *Id.*

225. *Id.* The court of appeals in *In re Cline*, 230 N.C. App. 11 (2013), rejected the former district attorney's argument that the trial court abused its discretion in denying her second motion for a continuance of the removal proceedings against her. In so holding, the court cited provisions of [G.S. 7A-66](#) stating that "the matter shall be set for hearing not less than 10 days nor more than 30 days thereafter," and stated that "[t]he use of the word 'shall' in a statute is mandatory." *Id.* at 19. The court further stated that "[t]aking into account the tight time frame for this type of proceeding prescribed by statute," and other accommodations the judge made for the former district attorney and the trial court's restriction of the evidence, "we cannot say that the trial court abused its discretion." *Id.*

Because the statute requires that the matter "be set for hearing" no more than thirty days after the notice, the trial court arguably retains the authority after setting a hearing date within this time frame to thereafter continue the hearing to a date beyond the thirty-day deadline.

226. G.S. 7A-66.

The hearing must be recorded and open to the public.²²⁷ The presiding judge must hear evidence and make findings of fact and conclusions of law.²²⁸ If the judge finds grounds for removal, the judge must enter an order permanently removing the district attorney from office and terminating the district attorney's salary.²²⁹ If the judge finds that no grounds exist, he or she must terminate any previously ordered suspension.²³⁰

Appeal

A district attorney may appeal an order of removal to the court of appeals on the basis of error of law by the superior court judge.²³¹ The district attorney may not perform any of the duties of the office while an appeal is pending.²³² If the district attorney is ordered reinstated, his or her salary must be restored from the date of the original order of removal.²³³

Disbarment

Like judges and justices, district attorneys must be authorized to practice law in North Carolina.²³⁴ The statute that provides a procedure separate from the one covering removal for declaring a judicial office vacant when its holder has been disbarred or suspended from the practice of law also applies to district attorneys.²³⁵ When a district attorney has been disbarred or suspended from the practice of law and all appeals under [G.S. 84-28](#) have been exhausted, the governor must declare the office vacant.²³⁶ Before making this determination, the governor must notify the district attorney at least ten days in advance and give the him or her the opportunity to be heard.²³⁷

A district attorney's salary is suspended immediately upon disbarment or suspension from the practice of law under G.S. 84-28.²³⁸ If the order of disbarment or suspension is reversed on appeal, the salary is paid retroactively from the date it was suspended.²³⁹

Public Defenders and the Appellate Defender

The office of public defender is not a constitutional office; it is a creation of statute. The General Assembly has created defender districts and established an office of public defender in each such district.²⁴⁰ The public defender in each district is appointed by the senior resident superior court judge of the superior court district or set of districts that includes the county or counties of the

227. [Id.](#)

228. [Id.](#)

229. [Id.](#)

230. [Id.](#)

231. [Id.](#)

232. [Id.](#)

233. [Id.](#)

234. N.C. CONST. art. IV, § 18.

235. [G.S. 7A-410](#).

236. [Id.](#)

237. [Id.](#)

238. [G.S. 7A-410.1](#).

239. [Id.](#)

240. [G.S. 7A-498.7\(a\)](#).

defender district.²⁴¹ Each public defender may in turn appoint an authorized number of assistant public defenders.²⁴² Having been so appointed, a public defender or assistant public defender may be suspended or removed from office for the same grounds and under the same procedures as those applicable to the district attorney.²⁴³ In addition, assistant public defenders serve at the pleasure of the public defender, who may terminate their employment without following the statutory procedures for suspension and removal.²⁴⁴

The appellate defender, a position created by statute, is appointed by the Commission on Indigent Defense Services for a term of four years.²⁴⁵ The appellate defender may be suspended or removed from office for cause by a two-thirds vote of all the members of the Commission on Indigent Defense Services.²⁴⁶ The commission must provide the appellate defender notice of the alleged causes and an opportunity for hearing before taking any final action to remove or suspend the appellate defender.²⁴⁷ The appellate defender must also be given written notice of the commission's decision.²⁴⁸ The appellate defender may obtain judicial review of the suspension or removal by filing a petition with the superior court of Wake County within thirty days of receiving notice of the decision.²⁴⁹ The superior court must review the decision of the Commission on Indigent Defense Services on the record.²⁵⁰

Appointment of Independent Counsel to Prosecute Removal Petition

Frequently, actions to remove a judicial branch official begin with the filing of an affidavit by a person who is not an attorney licensed to practice in North Carolina and who is not represented by such an attorney. If the charges alleged in such an affidavit survive probable cause review and the matter is set for hearing, the presiding judge may wish to appoint independent counsel to prosecute the petition. The North Carolina Supreme Court upheld the propriety of such an appointment in the district attorney removal proceeding in *In re Spivey*,²⁵¹ noting that "it is precisely because the trial judge should not both present the case against a district attorney and pass judgment on the case that the judge necessarily had the power to appoint independent counsel."²⁵² The court noted that "a proceeding resulting in the removal of an individual from public office must accord that individual due process of law," which requires a neutral decision-maker.²⁵³ To satisfy this requirement, the court deemed it necessary that the presiding judge

241. *Id.* § (b).

242. *Id.* § (f).

243. *Id.* § (h).

244. *Id.* § (f), (h).

245. [G.S. 7A-498.8\(a\)](#).

246. *Id.*

247. *Id.*

248. *Id.*

249. *Id.*

250. *Id.*

251. 345 N.C. 404 (1997).

252. *Id.* at 417.

253. *Id.*

appoint independent counsel to gather and present the evidence relating to the district attorney's conduct.²⁵⁴ Such an appointment was, the court said, within the proper inherent power of the superior court.²⁵⁵

Counsel appointed to prosecute a petition in a proceeding for the removal of a judicial branch official may, in certain circumstances, be reimbursed by the Administrative Office of the Courts for the costs of such representation, subject to certain judicial branch policies. A judge considering appointing independent counsel in a removal proceeding should contact the Office of General Counsel at the Administrative Office of the Courts before making the appointment.

Mootness

Questions sometimes arise regarding whether a removal or disciplinary proceeding may continue following a judicial branch official's resignation, retirement, or the conclusion of the term of office. Such questions implicate the mootness doctrine. A case is moot when a determination that "cannot have any practical effect on the existing controversy" is sought on a matter.²⁵⁶ The doctrine of mootness rests on a "core concept of justiciability," namely, whether a legal controversy is appropriate or suitable for a court to decide.²⁵⁷ As a matter of judicial restraint, North Carolina's trial and appellate courts do not proceed with cases "merely to determine abstract propositions of law."²⁵⁸ Thus, as a general matter, if the issues before a court become moot, the court should dismiss the action.²⁵⁹

There are several exceptions to the mootness doctrine pursuant to which a court may appropriately address the merits of an otherwise moot action.²⁶⁰ Among those is the public interest exception, which applies when an otherwise moot case "implicates a question that involves a matter of public interest, is of general importance, and deserves prompt resolution."²⁶¹

When Judges or Justices Leave Office

Within a few years of the creation of the Judicial Standards Commission and the modern method for disciplining and removing judges, the North Carolina Supreme Court in *In re Peoples*²⁶² determined that a judge's resignation did not render the question of his removal moot. The court first noted that the Commission had jurisdiction over the respondent judge when it notified him, two days before his resignation, that formal proceedings had been instituted against him. That jurisdiction was not ousted by the judge's resignation; thus, the Commission retained authority to recommend discipline, and the supreme court retained authority to impose it.²⁶³ The court then noted that unlike jurisdiction, which is determined by examining the facts in existence when the action is commenced, mootness may occur because of circumstances that develop

254. *Id.*

255. *Id.*

256. *Chavez v. McFadden*, 374 N.C. 458, 467 (2020) (internal citations omitted).

257. *Anderson v. N.C. State Bd. of Elections*, 248 N.C. App. 1, 5 (2016).

258. *In re Peoples*, 296 N.C. 109, 147 (1978).

259. *Roberts v. Madison Cnty. Realtors Ass'n, Inc.*, 344 N.C. 394, 399 (1996).

260. *See Anderson*, 248 N.C. App. at 7–8.

261. *State v. Daw*, 368 N.C. 468, 471 (2024) (internal citations omitted).

262. *Peoples*, 296 N.C. at 150.

263. *Id.* at 147.

during the course of the proceedings. The court looked to authority from other jurisdictions that had considered the effect of a public official's resignation on removal proceedings. Those courts held that if the only purpose of the proceeding is to vacate the office, the proceeding becomes moot when the officeholder resigns. But where removal involves sanctions in addition to ouster, the proceeding may be prosecuted to its conclusion despite the official's resignation.²⁶⁴ The court applied that distinction to North Carolina's statutory scheme for removal of judges. It reasoned:

If [G.S. 7A-376](#) limited the sanctions for wilful misconduct in office to censure or removal, Respondent's resignation would have rendered the proceedings moot. The statute, however, envisions not one but three remedies against a judge who engages in serious misconduct justifying his removal: loss of present office, disqualification from future judicial office, and loss of retirement benefits. Only the first of these was rendered moot by Respondent's resignation.²⁶⁵

The court added:

[I]t would indeed be a travesty if a judge could avoid the full consequences of his misconduct by resigning from office after removal proceedings had been brought against him. According to this argument, it would be possible for an involved judge, at any time before the Commission files its findings and recommendations with the Supreme Court, to bring the proceedings against him to a premature close by submitting his resignation to the Governor, who would accept it without knowledge that charges were pending against the judge. We are entirely convinced that the legislature never intended any such result, and that to interpret G.S. 7A-376 according to Respondent's contentions would emasculate the statute and thwart the legislative intent entirely.²⁶⁶

Following *In re Peoples*, the supreme court has continued to apply the rule that a judge's resignation neither deprives the court of jurisdiction over a removal proceeding nor limits the available sanctions. The court in *In re Renfer*²⁶⁷ so stated and recommended censure rather than removal for the judge's willful misconduct in office due to the former judge's "acknowledgment of wrongdoing, her resignation from office, and her agreement not to hold future judicial office in North Carolina."²⁶⁸ Likewise, the court in *In re Belk*²⁶⁹ removed a district court judge who already had resigned based on willful misconduct.

Peoples, *Renfer*, and *Belk* involved disciplinary proceedings against judges who resigned from office. Yet, given that disqualification from future judicial office and the loss of retirement benefits accompany a judge's removal from office, there is little reason to doubt that disciplinary proceedings against judges who leave office because their terms have ended or because they retire also may proceed to their conclusion, since those additional sanctions could similarly impact retired or out-of-office jurists.

264. *Id.* at 148.

265. *Peoples*, 296 N.C. at 150.

266. *Id.* at 150–51.

267. 347 N.C. 382 (1997).

268. *Id.* at 384–85.

269. 364 N.C. 114 (2010).

When Clerks, District Attorneys, and Magistrates Leave Office

The removal statutes for clerks, district attorneys, and magistrates each provide that if the presiding court finds that grounds for removal exist, the court must permanently remove the official and terminate the official's salary.²⁷⁰ To accord meaning to the word "permanently," one must construe it as being something more than removal; that something more would be a permanent bar from holding the office.²⁷¹ Under that interpretation, the reasoning in *In re Peoples* that removal proceedings are not mooted by the officeholder leaving office would appear to apply with equal force to removal proceedings against clerks, district attorneys, and magistrates. To determine that such a proceeding was moot would be to deprive the tribunal of its authority to permanently bar the official from holding the former post.

Even if removal under [G.S. 7A-66](#), [7A-105](#), and [7A-173](#) does not disqualify the official from ever again holding the office, the public interest exception to the mootness doctrine might apply. Arguably, a determination of whether the involved official engaged in misconduct warranting removal is a matter of public interest and has significance for both the electorate's (and, in the case of magistrates, the judiciary's) selection of the appropriate officeholder and the integrity of the judicial branch.²⁷²

270. See [G.S. 7A-66](#) (so providing for district attorneys); [7A-105](#) (so providing for clerks); [7A-173](#) (so providing for magistrates).

271. In construing a statute, a court generally presumes that the legislature did not use superfluous words; thus, where possible, it accords meaning to every word in a statute. See, e.g., *C Investments 2, LLC, v. Auger*, 383 N.C. 1, 12 (2022). Each of the statutes cited in [note 270](#), *supra*, and immediately below could have provided for the removal of the affected official from their current term of office by using the term "removal" without the "permanently" modifier. Indeed, the statutes do not provide for *temporary* removal; the interim alleviation of duties is referred to as "suspension." See [G.S. 7A-66](#) (so providing for district attorneys); [7A-105](#) (so providing for clerks); [7A-173](#) (so providing for magistrates).

272. Cf. *In re Nowell*, 293 N.C. 235, 241 (1977) (noting that the aim of a judicial standards inquiry "is not to punish the individual but to maintain the honor and dignity of the judiciary and the proper administration of justice").