POLITICAL CONDUCT & JUDICIAL ETHICS * District Court Judges Summer Conference 2022 * Judge Chris Dillon, Chair * Barbara Jackson, Executive Director * NC Judicial Standards Commission

"Afrequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty." NC Constitution, Article 1, Section 35.

Independence –

"The legislative, executive, and supreme judicial powers of the State government shall be forced expanded and definited from each other." NC Const., Art. 1, Sec. 8.

Impartiality –

"All courts shall be open , and right and justice shall be administered without favior, denial, or delay." NC Const., Art. 1, Sec. 18.

Integrity –

"The General Assembly shall preacribe a procedure for the censure and removal of a Justice or Judge of the General Court of Justice Inth Imaconduct duties, habitual intemperance, conviction of a crime involving most turpfulder, or only inspection of the demand turpfulder. Or contribution of crime involving most turpfulder or only regulacial to the administration of Justice that brings the judicial office into disrepute. NC Const., Art. IV, Sec. 17(2).

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Canon 7 of the Code of Judicial Conduct, governs political conduct specifically, but you CONTINUE to be bound by:

KEY ETHICAL
CONSIDERATIONS
IN POLITICAL
CONDUCT

Canon 32: you must "avoid impropriety" in ALL of your activities and conduct yourself "at all times" in a way that promotes public confidence in the integrity and impartiality of the judiciary

Canon 3A: when discharging your judicial duties, you must be "unswayed by partican interests, public clamor, or fear of criticism"

Canon 3G: disqualification is appropriate where your impartiality could reasonably be questioned

Compaign Finance
 Soliciting or making contributions to your own or other compaigns or political organizations
 Endoning Other Candidates
 Endoning Other Candidates
 Disquotification Issues Relating to Campaign Conduct
 Running for Non-Judicial Office
 Campaign Motertaids
 Fivers & Ads
 Websites
 Social Media
 Arweing Questions
 Surveys
 Debates
 Media Interviews

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NC
1973-2003:
"A judge should refrain from political activity inappropriate to this judicial office."
2003. research
A judge should refrain from political activity consistent with the judge's status as a public official."

2015. research
A judge may engage in political activity consistent with the judge's status as a public official."

2026. research
A judge may engage in political activity consistent with the judge's status as a public official."

2027. research
A judge may engage in political activity consistent with the judge's status as a public official."

2028. research
A judge may engage in political activity inappropriate to his judicial office.

2029. Research
2020. Research
2021. Research
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LEADERSHIP IN POLITICAL PARTIES/ORGANIZATIONS

NC

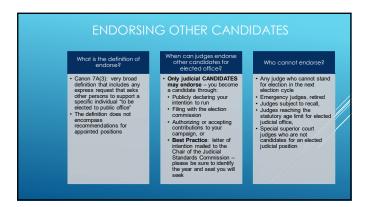
1973: a judge or a judicial candidate should not "act as a leader or hold any office in a political organization."

1976: added "For example, he may not attend a political convention on any level us a delegate; nor may he preside or serve as an officer at any precinct meeting, convention, or other political convocation..."

1977: simplified the language: a judge cannot "act as a leader or hold any office in a political organization. For example, he may not attend a political convention on any level as a delegate; nor may he preside or serve as an officer.

2003-present: restriction removed.

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You may contribute to:
Political parties or organizations
Your own campaign
A joint campaign you have formed with another judicial candidate

You may NOT contribute to:
Individual candidates (even your own family members)
Campaign committees for individual candidates

Your spouse/family members MAY contribute to campaigns
BEWAREI the joint checking account problem – you must make sure your name is crossed out and that the candidate or campaign theasurer does not identify you as a contributor

CANON 7'S RESTRICTIONS ON
CONTRIBUTIONS

The Code restricts political fundraising by judges:

Under Canon 7, you may, NOT solicit funds on behalf of a political party, organization or an individual candidate "by specifically asking for such contributions in person. by telephone, by electronic media, or by signing a letter!

Your ability to solicit hunds for your campaign (or a joint campaign) is a NABROW EXCEPTION to these tutes

You MAY personally solicit contributions to your campaign (or joint campaign) and serve as your treasurer or form a campaign committee to do so.

DO NOT solicit contributions in the courthouse or during the performance of official judical duffer, and NEYER solicit from parties appearing before you.

NOTE: many state codes of judicial conduct prohibit personal solicitations by judges and this type of restrictions was found to be constitutional in Williams-Tutee v. Florida Bar (IS Supreme Court 2015)

RESTRICTIONS ON SOLICITING

CONTRIBUTIONS

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Permitted At Any Time

NC

K5* (within Campaign Window)

MO* (not as to persons "likely to appear before the judge"; no in person, but written requests permitted:

NC

Of (cont to lorge audiences: mass interest communications)

IX (within Campaign Window and subject to statutory IN caps)

"K5 and MO appellate judges/justices are appointed and stand for retention; rule applies only to local courts that have opted for partisan elections.

PERSONAL SOLICITATION OF CONTRIBUTIONS

CONTRIBUTIONS TO POLITICAL PARTIES

Contributions to Political Parties

*Indicates no express rule but implied from Code language

Permitted Any Permitted Only During Campaign Window

AL* 2007 ABA Model Code

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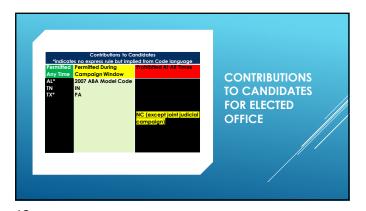
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OH (subject to limits)

TN

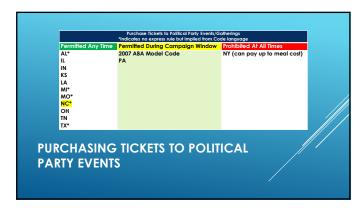
TX*

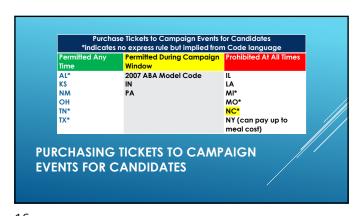
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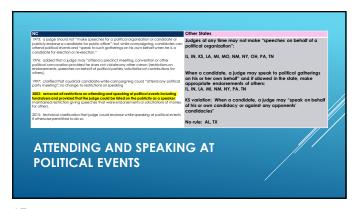


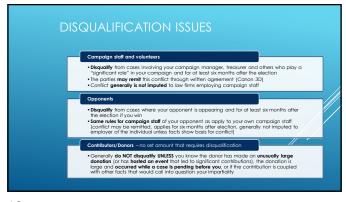
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 Apply core values of impartiality, integrity and independence when preparing, reviewing and approving your campaign materials: Partisan elections do not mean we have partisan justice – duty to protect independence and impartiality of the courts even during a campaign - Canons 1, 2 & 3 False or misleading campaign ads or accusations about your opponent show a lack of integrity – Canon 1 [e.g., do not state "re-elect" if you have never been elected] Undignified or offensive ads raise questions about your integrity and impartiality – Canons 1, 2 and 3 Avoid comments about the merits of any pending cases – Canon 3A(6) > Monitor your social media pages for inappropriate content and comments CAMPAIGN MATERIALS -

GENERALLY

19 20

AND MORE **CAMPAIGN** MATERIALS -**GENERALLY**

"Any jerk with a law degree can become a judge and as a former judge, I'm judge and as a former judge, I'm judge proof. There is no guarantee that a person elevated to the bench will be a good/wise/thoughtful/tempered judge, no matter his or her predictable proclamations to be all those things. In fact, some turn out to be the opposite. There is no amount of look good-on-paperism that translates to decent jurist, though there certainly are criteria that provide a decent foundation to hedge the bet."
Paparitif cliptor, 28 May 2019. WHO JUDGES THE JUDGES? Dayvid Figler 28 May 2019

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> Special interest groups may send you surveys, and you MAY respond BE CAREFUL not to make statements that would undermine your impartiality or convey the impression that they
can influence you > Be dignified, respectful and civil Avoid comments on pending cases and other statements that might later be used to call into question your impartiality or integrity ► Media interviews > Avoid interviews about cases, even those pending in other courts Note interviews about cases, even usuae personal in uniter of the courts
 Canon 4 specifically allows judges to speak on matters affecting the administration of justice, including consulting with executive and legislative privanch diffication these issues
 Beware making comments on the legislation if the constitutionality or legality of the legislation, if passed, could end up in litigation before your court ANSWERING QUESTIONS

WHEN YOUR OPPONENT IS NOT a sitting judge bound by the Code of Judicial Conduct. The Code provides that "[t]he provisions of Canon 7 of this Code shall apply to judges and candidates for judicial office." > Rule 8.2 of the NC Rules of Professional Conduct: (a) A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, or other adjudicatory officer or of a candidate for election or appointment to judicial office. (b) A lawyer who is a candidate for judicial office shall co applicable provisions of the Code of Judicial Conduct.

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