


**CURRENT ISSUES- JUDICIAL STANDARDS COMMISSION**

- ▶ JUDGE CHRIS DILLON, CHAIR
- ▶ BARBARA JACKSON, EXECUTIVE DIRECTOR
- ▶ BRITTANY PINKHAM, COMMISSION COUNSEL
- ▶ NC JUDICIAL STANDARDS COMMISSION

**DISTRICT COURT JUDGES SUMMER CONFERENCE 2022**

1



**FAO 22-01**

- ▶ Question: Does a judge have to report Foster Care Payments received on judge's Canon 6 report?
- ▶ Answer: No.

Canon 6 requires judges to report "compensation received for quasi-judicial and extra judicial activities."  
Foster Care Payments are not compensation.  
Considered support for foster child. Not income for tax purposes. Not required for SEI.

2

**NORTH CAROLINA CONSTITUTION, ARTICLE I, SECTION 18**

All courts shall be open . . . and **right and justice shall be administered without favor, denial, or delay.**

**PREAMBLE TO THE CODE OF JUDICIAL CONDUCT**

An independent and honorable judiciary is indispensable to justice in our society, and to this end and in furtherance thereof, this Code of Judicial Conduct is hereby established.

3

**Canon 3 of the Code of Judicial Conduct:**  
"A judge should perform the duties of the judge's office **impartially and diligently.**"

The **judicial duties** of a judge **take precedence** over all the judge's other activities. The judge's judicial duties include all the duties of the judge's office prescribed by law . . .

Canon 3A(5): "A judge should **dispose promptly** of the business of the court."

Canon 3B(1): "A judge should **diligently discharge** the judge's administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials."

4

**ADDRESSING DELAYS CAUSED BY OTHERS**

Canon 3B(2): "A judge should require the judge's **staff and court officials** subject to the judge's direction and control to observe the standards of fidelity and **diligence** that apply to the judge."

Canon 3B(3): "A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware."

For advice on appropriate disciplinary measures against judges who are routinely late to court or adjourn early, improperly grant excessive continuances, or who fail to issue orders in a timely manner, contact the Judicial Standards Commission.

For advice on appropriate disciplinary measures against lawyers who are routinely late or regularly fail to appear for court, or for other lawyer issues contributing to delay, contact Carmen Bannon at the NC State Bar.

To address general professionalism issues among judges and lawyers, especially problems that contribute to delays in case disposition, contact the Chief Justice's Commission on Professionalism.

5

**FINDING BALANCE: Clearing Case Backlogs in an Ethical and Fair Manner Post COVID**

NORTH CAROLINA CONSTITUTION, ARTICLE I, SECTION 18:  
". . . every person for an injury done him in his lands, goods, person, or reputation shall have remedy by **due course of law . . .**"

**Do not lose patience or act unprofessionally in the rush to clear cases:**  
Canon 3A(3): "A judge should be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in the judge's official capacity, and should require similar conduct of lawyers, and of the judge's staff, court officials and others subject to the judge's direction and control."

**Give every party a full and fair opportunity to be heard:**  
Canon 3A(4): "A judge should accord to every person who is legally interested in a proceeding, or the person's lawyer, full right to be heard according to law"

6

## Relevant NC Supreme Court Disciplinary Decisions

*In re JS*, 372 N.C. 123, 827 S.E.2d 516 (2019):

Public reprimand based on judge's practice of rushing through court to adjourn early (sometimes for personal appointments), unfairly and unprofessionally complaining about court schedule, and failing to cooperate with the Chief Judge in the discharge of his administrative and scheduling duties

*In re JC*, 371 N.C. 486, 819 S.E.2d 346 (2018):

30-day suspension without pay based on failure to issue a decision during the five years following a hearing on permanent child support and attorneys' fees

*In re JH*, 371 N.C. 45, 812 S.E.2d 826 (2018):

Public reprimand based on failure to issue a decision on a motion for attorneys' fees in a domestic case for two years after hearing the matter

7

## HABITUAL TARDINESS IN CONVENING COURTS

[Judicial Standards Commission Formal Advisory Opinion 2017-12](#)  
(available at: [www.ncjsc.gov](http://www.ncjsc.gov))

**QUESTION:** Under what circumstances can delay in convening court sessions rise to the level of a violation of the Code of Judicial Conduct?

**ANSWER:** "Repeated or unjustified tardiness of a judge in opening court sessions runs afoul of [Canon 1, 2, Canon 3A(3), Canon 3A(5), and Canon 3B(1)] and can lead to the imposition of judicial discipline. If a recess is required to attend to other official business that must be considered before the court session may proceed, the judge should as a best practice open court on time and communicate either personally or through court staff to those present in the courtroom when court will be reconvened and the reasons for the recess."

**DISCUSSION:** "Delay is one of the most common complaints of judicial misconduct, whether it arises from excessive grants of continuances, delays in rendering decisions under advisement, lengthy periods of time in issuing written orders, or the judge's regular tardiness in appearing at scheduled court times. These delays raise the costs of litigation, increase frustration with the judicial system and diminish public confidence in the courts."

8

## Judicial Ethics in the Digital World

- ▶ Three core principles judicial ethics:

Impartiality \* Integrity \* Independence

- ▶ How are these values protected when appellate judges engage in social media activities:

- ▶ Social media *connections and contacts* with lawyers or others who appear before them?
- ▶ Posting *content* on social media or other platforms?
- ▶ Engaging in *political and campaign conduct*?

9

## North Carolina General Statutes § 7A-376(b): Grounds for Public Discipline

Upon recommendation of the Judicial Standards Commission, the North Carolina Supreme Court may publicly reprimand, censure, suspend (without pay) or remove a judge (with forfeiture of the judicial pension) based upon the following:

- ▶ Willful misconduct in office
- ▶ Willful and persistent failure to perform the judge's duties
- ▶ Conduct prejudicial to the administration of justice that brings the judicial office into disrepute

10

## THE DANGERS OF SOCIAL MEDIA

- ▶ Canon 1: a judge must "personally observe" standards of conduct to preserve the "integrity and independence of the judiciary"
- ▶ Canon 2A: a judge must "conduct himself/herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary"
- ▶ Canon 2B: a judge must not allow "family, social or other relationships to influence the judge's conduct or judgment"
- ▶ Canon 2B: a judge must not "convey or permit others convey the impression that they are in a special position to influence the judge"
- ▶ Canon 3A: a judge must not be swayed by "partisan interests, public clamor or fear of criticism"
- ▶ Canon 3A: a judge must not knowingly initiate or knowingly consider ex parte communications
- ▶ Canon 3C: a judge must disqualify himself/herself if "the judge's impartiality may reasonably be questioned"
- ▶ Canon 4C & 5B(2): a judge may not "actively assist" an organization with fundraising
- ▶ Canon 5F: a judge may not practice law (or give legal advice)
- ▶ Canon 7C: a judge who is not a judicial candidate may not endorse another candidate for public office and may not solicit funds for candidates or political organizations

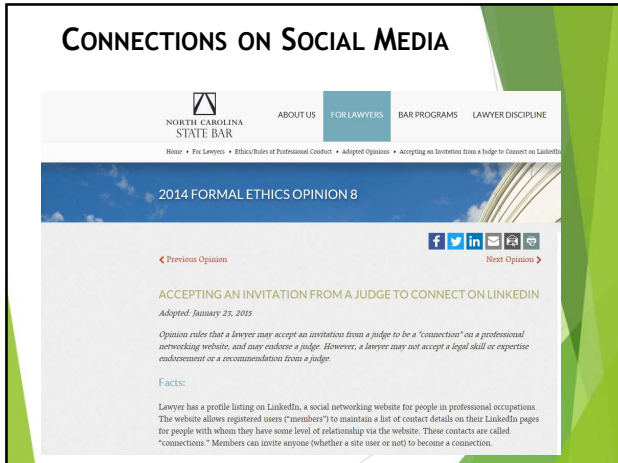
11

## CONNECTIONS ON SOCIAL MEDIA

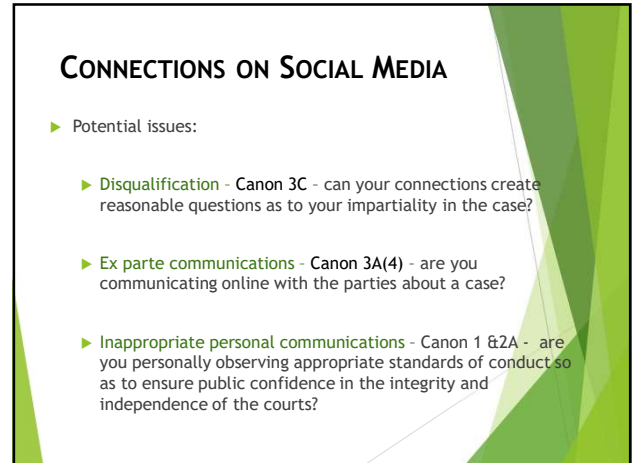
- ▶ Generally:

- ▶ No absolute bar on connections with lawyers who appear before you (but disqualification issues arise)
  - ▶ NC State Bar - 2014 FEO 8 - Lawyers and Judges MAY connect on LinkedIn, and lawyers may "endorse" the skills of a judge, but a judge may not "endorse" the skills of the lawyer (if the lawyer endorsed the judge before the judge was elected, then lawyer must remove the endorsement)
- ▶ ABA - 2010 survey by Conference of CPIOs showed that 40% of judges in the US have Facebook accounts
- ▶ Beware - anyone you communicate with can easily screen shot your posts, messages or texts and give them to the press, the Judicial Standards Commission, your opponent, etc.
- ▶ Check your privacy settings and comments - how your posts are shared with others, and ensure inappropriate comments from others are not on your page

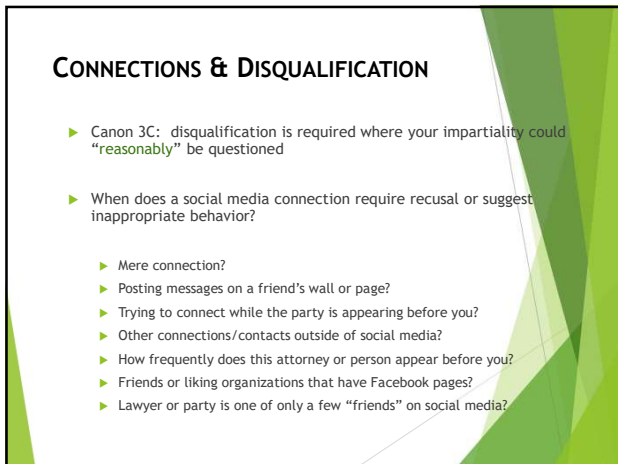
12



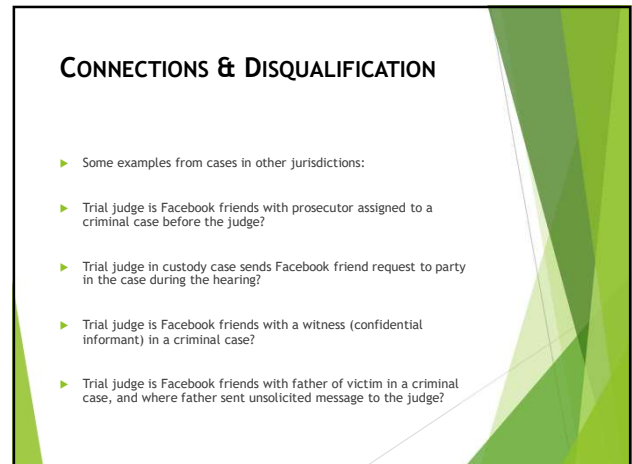
13



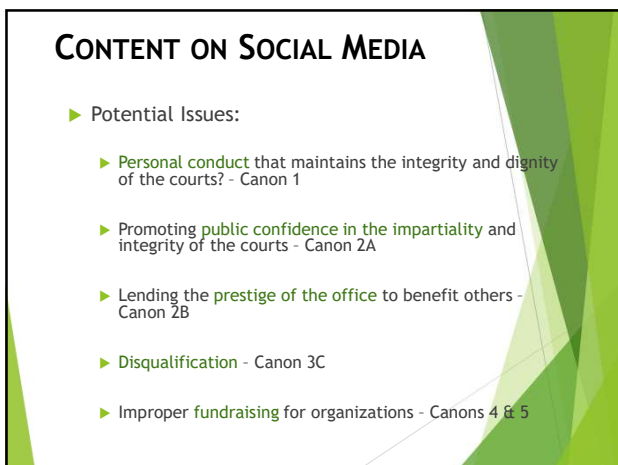
14



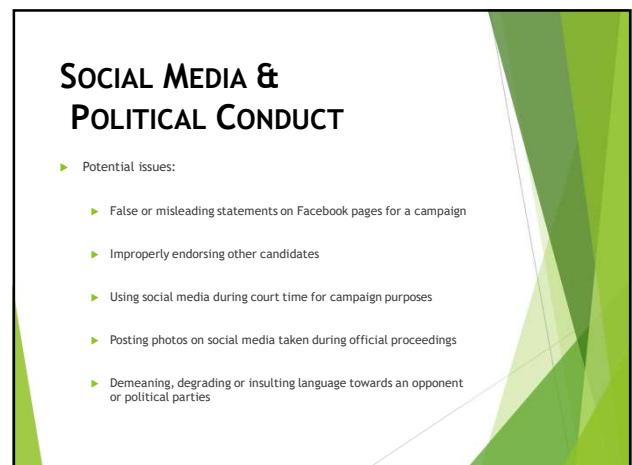
15



16



17



18



19