






**UPDATE FROM THE JUDICIAL STANDARDS COMMISSION**  
 SUPERIOR COURT JUDGES FALL CONFERENCE – OCTOBER 2018

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 NC JUDICIAL STANDARDS COMMISSION

### 2017: #MeToo AND THE LEGAL PROFESSION








*"I treat all of my employees as family and work very closely with most of them. I would never intentionally do anything to offend anyone and it is regrettable that a handful have been offended by something I may have done."*  
 - Judge Alex Kozinsky

### FALLOUT FROM THE KOZINSKI SCANDAL:

REPORT OF THE FEDERAL JUDICIARY WORKPLACE CONDUCT WORKING GROUP  
 JUNE 1, 2018

- Victims and Witnesses Are Fearful to Report the Inappropriate Behavior of Judges or Other Judicial Employees:**  
 "The most significant challenge for accountability, however, arises from the reluctance of victims to report misconduct [to disciplinary and HR offices]."
- Judges have ethical duties under the Code of Conduct to ensure that their own behavior and the behavior of their staff is at all times civil, respectful and professional:**  
 "Of the inappropriate behavior that does occur [in the judiciary], incivility, disrespect or crude behavior are more common than sexual harassment."  
 "An important first step is vigilance on the part of judges themselves. Under the Code of Conduct for United States Judges, judges have a responsibility to promote appropriate behavior in the workplace, and that responsibility should extend beyond one's own chambers."


### KEY PROVISIONS OF THE NORTH CAROLINA CODE OF JUDICIAL CONDUCT



- PREAMBLE
- CANON 1
- CANON 2A
- CANON 2B
- CANON 3A(3) & (4)
- CANON 3B(2)
- CANON 3C

## NC SUPREME COURT DISCIPLINARY DECISIONS

- In re Daisy, 359 N.C. 622 (2005)
- In re Hayes, 356 N.C. 389 (2002)
- In re Kivett, 309 N.C. 635 (1983)
- In re Martin, 302 N.C. 299 (1981)



**Retired judge admits wrongdoing**

2-4-05  
By Eric Colton, Staff Writer  
News & Record

**RALEIGH** — Former District Judge William Daisy admitted Friday to inappropriate touching two women before he retired — but he will not name his retirement benefits.

The admission came as Daisy appeared in front of the state Judicial Standards Commission, which investigated complaints by the women against the judge.


In an agreement reached with a conviction attorney, Daisy acknowledged that he "touched, caressed and engaged in physical contact" with the women, who considered the conduct "intentional, unwanted and inappropriate."

As part of the agreement, Daisy said he would accept the commission's recommendation that the N.C. Supreme Court remove him. He also agreed never to serve as a substitute judge in the state — a role filled by a number of retired judges.

"I want to apologize for my inappropriate conduct and my advice office that it may have had on our judicial system," Daisy told the seven-member panel during the hearing in the N.C. Court of Appeals courtroom in Raleigh.


He declined to comment after the hearing.

The women, Stephanie Miller Wilkins, identified previously as a case manager in Guilford County child care, and Sarah Daanish Meyer, a paralegal, did not testify during the hearing.



## NC SUPREME COURT DISCIPLINARY DECISIONS


- Judge Daisy – **CENSURED on agreement after he resigned and sought mental health counseling.** The Chief Justice reported him to the Commission because the female JA and a paralegal, who had been subjected to "unwanted, uninvited, and inappropriate conduct," were afraid to come forward.
- Judge Kivett – **REMOVED from office.** The Supreme Court specifically noted that it was not relevant whether this was private or public conduct, but instead focus must be on the nature of the conduct, the frequency of the occurrences, and "the impact which knowledge of the conduct would likely have on the community."
- Judge Martin – **REMOVED from office.** Judge Martin "attempted on several occasions by innuendos or directly, to obtain sexual favors from two female defendants. Such conduct, in our view, constitutes 'wilful misconduct in office' warranting removal."



## PROHIBITED SEXUAL MISCONDUCT

*"THE PLACE OF JUSTICE IS A HALLOWED PLACE": SIR FRANCIS BACON (OF JUDICATURE 1612)*

- Sexual Advances or Inappropriate Conduct of a Sexual or Abusive Nature Towards Co-Workers and Court Staff
- Sexual Relationships with Attorneys Appearing Before the Judge
- Sexual Relationships with Litigants or Witnesses
- Sexual Activity in the Courthouse (Including Viewing Pornography on State Equipment or in the Courthouse)
- Criminal Conviction for Sexual Misconduct




## ETHICAL DUTIES IN ENSURING YOUR STAFF IS PROFESSIONAL, CIVIL AND RESPECTFUL

**Canon 3A(3):**

A judge should be patient, dignified and courteous . . . [to all] 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."

**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.



## KEY TAKEAWAYS:

- Make sure you comply with both **LEGAL AND ETHICAL** obligations in handling personnel issues and maintaining a professional working environment: **EVEN IF YOUR CONDUCT IS NOT UNLAWFUL, AND EVEN IF CONSENT IS PRESENT IN SEXUAL ENCOUNTERS, DISCIPLINE MAY BE APPROPRIATE**
- Make sure **YOUR STAFF/EMPLOYEES** understand their **legal and ethical obligations** regarding professionalism in the workplace
- Be **VIGILANT** in setting the highest standards of professionalism, civility and respect:
  - Everyone will be nice to you, laugh at your jokes, and smile when they are around you, so do not assume everyone is comfortable with your comments or behavior
  - Adopt a zero tolerance policy for unprofessional behavior by your staff
  - Be a role model—your standards of behavior will set the tone for the courthouse s
  - Understand, and willingly accept, that with the power and prestige of your position come many restrictions on your professional and personal behavior



# THANK YOU

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