

Update from Judicial Standards



NC Assoc. of District Court Judges
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Fundamental Values

Maintaining public confidence in the administration of justice in North Carolina requires strict adherence to 3 core values:

Integrity Impartiality
Independence

Your commitment to these values is judged both SUBJECTIVELY based on what you intended, said and did and OBJECTIVELY based on how your conduct could reasonably be perceived

Issues & Concerns

- Delays
- Appearance of Impropriety
- Contempt Powers
- Other News

DELAY

- Decision-Making
- Entry of Orders
- Convening Court Sessions



Applicable Canons:

Canon 3 provisions:

*Canon 3A(5): duty to "**dispose promptly** of the business of the court" includes duty to be punctual in opening court

*Canon 3A(3): duty to be "**courteous** to litigants, jurors, witnesses, lawyers and others . . ."

*Canon 3B(1): duty to "**diligently discharge**" administrative responsibilities and "maintain professional competence in **judicial administration**..."

Canons 1 & 2 Generally:

Duty to engage in personal behavior that upholds public confidence in the integrity, impartiality & independence of the judiciary and to "avoid impropriety in all the judge's activities."

Before court, you're dealing with...



But the public only sees...

Court starts at 9:00 AM sharp?



I'll come in around 10:00ish after my morning coffee.

Which leads to internet memes...

Best Practices

- Be on time - remember, when you convene, recess and adjourn court is recorded!
- Communicate – inform people in the courtroom if there will be a delay or if a recess is needed and why; and keep that recess short to reduce waiting and frustration.
- Understand - your delay burdens everyone, including court staff and law enforcement, and is one of the leading causes of frustration with the courts

Other “Delay” Concerns

Child custody / domestic matters – disruption for families.

Continuances ∞ - how many is too many?

Communication – with attorneys, parties, staff.

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.

Appearance of Impropriety

“Perception is Reality”

Clear Cut Ethical Issues/Bright Line Rules:

- Ex: No presiding over cases involving family members
- Ex: Restrictions on contributing to political candidates

Gray Areas: Other scenarios or potential conflicts don't rise to judicial misconduct, but can easily be perceived that way...

Other news . . .

- **New FAQs**
- **Legislative updates**
- **Efforts to Better Serve Citizens and Judges:**
 - Online complaints now accepted
 - Website redesign as part of AOC website upgrade will include more materials for judges and easier ways to find information
- Don't forget that we are just a phone call or email away to answer questions about what to do in particular situations – **we are here to help!**


