

§ 7A-375. Judicial Standards Commission.

(a) Composition. – The Judicial Standards Commission shall consist of the following residents of North Carolina: two Court of Appeals judges, two superior court judges, and two district court judges, each appointed by the Chief Justice of the Supreme Court; four members of the State Bar who have actively practiced in the courts of the State for at least 10 years, elected by the State Bar Council; and four citizens who are not judges, active or retired, nor members of the State Bar, two appointed by the Governor, and two appointed by the General Assembly in accordance with G.S. 120-121, one upon recommendation of the President Pro Tempore of the Senate and one upon recommendation of the Speaker of the House of Representatives. The General Assembly shall also appoint alternate Commission members for the Commission members the General Assembly has appointed to serve in the event of scheduling conflicts, conflicts of interest, disability, or other disqualification arising in a particular case. The alternate members shall have the same qualifications for appointment as the original members.

(a1) Terms. – The Court of Appeals judges shall be designated by the Chief Justice as chair and vice-chair of the Commission and shall serve at the pleasure of the Chief Justice. Terms of other Commission members shall be for six years. No member who has served a full six-year term is eligible for reappointment. Members who are not judges are entitled to per diem, and all members are entitled to reimbursement for travel and subsistence expenses at the rate applicable to members of State boards and commissions generally for each day engaged in official business.

(b) Vacancies. – A vacancy on the Commission arises upon the resignation or death of a member or if a member ceases to have the qualifications required for the member's appointment. Vacancies of members, other than those appointed by the General Assembly, are filled in the same manner as the original appointment, for the remainder of the term. Vacancies of members appointed by the General Assembly are filled by the alternate member appointed pursuant to subsection (a) of this section and shall serve for the remainder of the unexpired term. In the absence of an alternate member appointed by the General Assembly pursuant to subsection (a) of this section, or if an alternate member is unable to serve, such vacancy shall be filled as provided under G.S. 120-122.

(c) Disability or Disqualification. – If a member of the Commission appointed by the Chief Justice becomes disabled, or becomes a respondent before the Commission, the Chief Justice shall appoint an alternate member to serve during the period of disability or disqualification. The alternate member shall be from the same division of the General Court of Justice as the judge whose place the alternate member takes. If a member of the Commission becomes disabled or is disqualified from participating in a disciplinary proceeding, the Governor, if he appointed the disabled member, shall appoint, or the State Bar Council, if it elected the disabled member, shall elect, an alternate member to serve during the period of disability or disqualification. If a member of the Commission who was appointed by the General Assembly becomes disabled or is disqualified from participating in a disciplinary proceeding, the chair of the Commission shall call upon the alternate member appointed pursuant to subsection (a) of this section.

(d) Extended Terms to Complete Proceedings. – A member may serve after expiration of the member's term only to participate until the conclusion of a disciplinary proceeding begun before expiration of the member's term. Such participation shall not prevent the successor from taking office, but the successor may not participate in the proceeding for which the predecessor's term was extended. This subsection shall apply also to any judicial member whose membership on the Commission is automatically terminated by retirement or resignation from judicial office, or expiration of the term of judicial office.

(e) Civil Immunity. – Members of the Commission and its employees are immune from civil suit for all conduct undertaken in the course of their official duties.

(f) Commission Staff. – The chair of the 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. With the approval of the Chief Justice, for specific cases, the chair also may employ special counsel or call upon the Attorney General to furnish counsel. In addition, with the approval of the Chief Justice, for specific cases, the chair or executive director also may call upon the Director of the State Bureau of Investigation to furnish an investigator who shall serve under the supervision of the executive director. While performing duties for the Commission, the executive director, counsel, and investigator have authority throughout the State to serve subpoenas or other process issued by the Commission in the same manner and with the same effect as an officer authorized to serve process of the General Court of Justice.

(g) Rules. – The Commission may adopt, and may amend from time to time, its own rules of procedure for the performance of the duties and responsibilities prescribed by this Article, subject to the approval of the Supreme Court. (1971, c. 590, s. 1; 1973, c. 50; 1975, c. 956, s. 13; 1997-72, s. 1; 2006-187, s. 11; 2021-47, s. 5; 2022-47, s. 7.)