

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 1989**

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SENATE BILL 734  
Second Edition Engrossed 5/9/89  
House Committee Substitute Favorable 7/12/90

Short Title: Amend Pleadings Rule.

(Public)

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Sponsors:

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Referred to:

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April 3, 1989

A BILL TO BE ENTITLED

1  
2 AN ACT TO AMEND THE GENERAL RULES OF PLEADINGS TO ALLOW THE  
3 CLAIMANT THIRTY DAYS TO RESPOND TO A REQUEST FOR A  
4 STATEMENT OF THE MONETARY RELIEF SOUGHT AND TO MODIFY  
5 PROCEDURES OF THE JUDICIAL STANDARDS COMMISSION TO PROVIDE  
6 FOR WAIVER OF CONFIDENTIALITY UNDER CERTAIN  
7 CIRCUMSTANCES.

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 1A-1, Rule 8(a) reads as rewritten:

10 "(a) Claims for relief. – A pleading which sets forth a claim for relief, whether an  
11 original claim, counterclaim, crossclaim, or third-party claim shall contain

12 (1) A short and plain statement of the claim sufficiently particular to give  
13 the court and the parties notice of the transactions, occurrences, or  
14 series of transactions or occurrences, intended to be proved showing  
15 that the pleader is entitled to relief, and

16 (2) A demand for judgment for the relief to which he deems himself  
17 entitled. Relief in the alternative or of several different types may be  
18 demanded. In all negligence actions, and in all claims for punitive  
19 damages in any civil action, wherein the matter in controversy exceeds  
20 the sum or value of ten thousand dollars (\$10,000), the pleading shall  
21 not state the demand for monetary relief, but shall state that the relief  
22 demanded is for damages incurred or to be incurred in excess of ten

1 thousand dollars (\$10,000). However, at any time after service of the  
2 claim for relief, any party may request of the claimant a written  
3 statement of the monetary relief sought, and the claimant shall, within  
4 ~~10-30~~ days after such service, provide such statement, which shall not  
5 be filed with the clerk until the action has been called for trial or entry  
6 of default entered. Such statement may be amended in the manner and  
7 at times as provided by Rule 15."

8 Sec. 2. G.S. 7A-377(a) reads as rewritten:

9 "(a) Any citizen of the State may file a written complaint with the Commission  
10 concerning the qualifications or conduct of any justice or judge of the General Court of  
11 Justice, and thereupon the Commission shall make such investigation as it deems  
12 necessary. The Commission may also make an investigation on its own motion. The  
13 Commission is authorized to issue process to compel the attendance of witnesses and  
14 the production of evidence, to administer oaths, to punish for contempt, and to prescribe  
15 its own rules of procedure. No justice or judge shall be recommended for censure or  
16 removal unless he has been given a hearing affording due process of law. ~~All papers filed~~  
17 ~~with and proceedings before the Commission are confidential, unless the judge involved shall~~  
18 ~~otherwise request. The recommendations of the Commission to the Supreme Court, and the~~  
19 ~~record filed in support of the recommendations are not confidential. Unless otherwise waived~~  
20 by the justice or judge involved, all papers filed with and proceedings before the  
21 Commission, including any preliminary investigation which the Commission may  
22 make, are confidential, except as provided herein. After the preliminary investigation is  
23 completed, and if the Commission concludes that formal proceedings should be  
24 instituted, the notice and complaint filed by the Commission, along with the answer and  
25 all other pleadings, are not confidential. Formal hearings ordered by the Commission  
26 are not confidential, and recommendations of the Commission to the Supreme Court,  
27 along with the record filed in support of such recommendations are not confidential.  
28 Testimony and other evidence presented to the Commission is privileged in any action  
29 for defamation. No other publication of such testimony or evidence is privileged, except  
30 that the record filed with the Supreme Court continues to be privileged. At least five  
31 members of the Commission must concur in any recommendation to censure or remove  
32 any justice or judge. A respondent who is recommended for censure or removal is  
33 entitled to a copy of the proposed record to be filed with the Supreme Court, and if he  
34 has objections to it, to have the record settled by the Commission. He is also entitled to  
35 present a brief and to argue his case, in person and through counsel, to the Supreme  
36 Court. A majority of the members of the Supreme Court voting must concur in any  
37 order of censure or removal. The Supreme Court may approve the recommendation,  
38 remand for further proceedings, or reject the recommendation. A justice of the Supreme  
39 Court or a member of the Commission who is a judge is disqualified from acting in any  
40 case in which he is a respondent."

41 Sec. 3. Section 1 of this act is effective October 1, 1990, and shall apply to  
42 all requests made on or after that date. Section 2 is effective October 1, 1990, except  
43 that prior law applies to papers filed with the Commission prior to October 1, 1990, and  
44 proceedings before the Commission prior to October 1, 1990.