

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE DRS45155-LL-132 (03/13)

Short Title: Judicial Standards Commission Jurisdiction. (Public)

Sponsors: Senator Cook (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THAT THE JUDICIAL STANDARDS COMMISSION HAS THE
3 EXCLUSIVE JURISDICTION AND AUTHORITY TO DISCIPLINE JUDGES AND
4 JUSTICES OF THE GENERAL COURT OF JUSTICE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 84-23(a) reads as rewritten:

7 "(a) The Council is vested, as an agency of the State, with the authority to regulate the
8 professional conduct of licensed lawyers and State Bar certified paralegals. The exclusive
9 jurisdiction, authority, and procedure for discipline of any judge or justice of the General Court
10 of Justice shall be in accordance with Article 30 of Chapter 7A of the General Statutes. Among
11 other powers, the Council shall administer this Article; take actions that are necessary to ensure
12 the competence of lawyers and State Bar certified paralegals; formulate and adopt rules of
13 professional ethics and conduct; investigate and prosecute matters of professional misconduct;
14 grant or deny petitions for reinstatement; resolve questions pertaining to membership status;
15 arbitrate disputes concerning legal fees; certify legal specialists and paralegals and charge fees
16 to applicants and participants necessary to administer these certification programs; determine
17 whether a member is disabled; maintain an annual registry of interstate and international law
18 firms doing business in this State; and formulate and adopt procedures for accomplishing these
19 purposes. The Council may do all things necessary in the furtherance of the purposes of this
20 Article that are not otherwise prohibited by law."

21 **SECTION 2.** G.S. 84-28(a) reads as rewritten:

22 "(a) ~~Any~~ Except as provided in G.S. 84-23(a), any attorney admitted to practice law in
23 this State is subject to the disciplinary jurisdiction of the Council under such rules and
24 procedures as the Council shall adopt as provided in G.S. 84-23."

25 **SECTION 3.** G.S. 7A-374.1 reads as rewritten:

26 "**§ 7A-374.1. Purpose.**

27 The purpose of this Article is to provide for the investigation and resolution of inquiries
28 concerning the qualification or conduct of any judge or justice of the General Court of Justice.
29 The exclusive jurisdiction, authority, and procedure for discipline of any judge or justice of the
30 General Court of Justice shall be in accordance with this Article. Nothing in this Article shall
31 affect the impeachment of judges under the North Carolina Constitution, Article IV, Sections 4
32 and 17."

33 **SECTION 4.** This act is effective when it becomes law and applies to orders or
34 decisions entered on or after that date.

