

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL DRS45181-MS-30 (01/26)

Short Title: Judicial Standards Commission.

(Public)

Sponsors: Senators Cook, Randleman, and Sanderson (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT THE JUDICIAL STANDARDS COMMISSION HAS THE EXCLUSIVE JURISDICTION AND AUTHORITY TO DISCIPLINE JUDGES AND JUSTICES OF THE GENERAL COURT OF JUSTICE.

The General Assembly of North Carolina enacts:

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

"(a) The Council is vested, as an agency of the State, with the authority to regulate the professional conduct of licensed lawyers and State Bar certified paralegals. The exclusive jurisdiction, authority, and procedure for discipline of any judge or justice of the General Court of Justice for conduct occurring while in office shall be in accordance with Article 30 of Chapter 7A of the General Statutes. The Council shall not discipline a sitting judge for conduct occurring while in office. The Council shall have the jurisdiction, authority, and procedure for discipline of any conduct that occurred prior to the judge's election or appointment to office. Among other powers, the Council shall administer this Article; take actions that are necessary to ensure the competence of lawyers and State Bar certified paralegals; formulate and adopt rules of professional ethics and conduct; investigate and prosecute matters of professional misconduct; grant or deny petitions for reinstatement; resolve questions pertaining to membership status; arbitrate disputes concerning legal fees; certify legal specialists and paralegals and charge fees to applicants and participants necessary to administer these certification programs; determine whether a member is disabled; maintain an annual registry of interstate and international law firms doing business in this State; and formulate and adopt procedures for accomplishing these purposes. The Council may do all things necessary in the furtherance of the purposes of this Article that are not otherwise prohibited by law. Nothing in this Article shall affect the impeachment of judges under Sections 4 and 17 of Article IV of the North Carolina Constitution."

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

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

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

"§ 7A-374.1. Purpose.

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



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