

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 620
Apr 20, 2021
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10281-ND-85

Short Title: Update ALJ Code of Conduct. (Public)

Sponsors: Representative Moffitt.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO UPDATE THE CODE OF JUDICIAL CONDUCT FOR ADMINISTRATIVE
3 LAW JUDGES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 7A-754 reads as rewritten:

6 "**§ 7A-754. Qualifications; standards of conduct; removal.**

7 Only persons duly authorized to practice law in the General Court of Justice shall be eligible
8 for appointment as the Director and chief administrative law judge or as an administrative law
9 judge in the Office of Administrative Hearings. The Chief Administrative Law Judge and the
10 administrative law judges shall comply with the ~~Model Code of Judicial Conduct for State~~
11 ~~Administrative Law Judges, as adopted by the National Conference of Administrative Law~~
12 ~~Judges, Judicial Division, American Bar Association, (revised August 1998), American Bar~~
13 ~~Association Model Code of Judicial Conduct for State Administrative Law Judges dated August~~
14 ~~2018,~~ as amended from time to time, except that the provisions of this section shall control as to
15 the private practice of law in lieu of Rule 3.10 of Canon 4G-3, and G.S. 126-13 shall control as to
16 to political activity in lieu of Canon ~~5-4.~~ Failure to comply with the applicable provisions of the
17 Model Code may constitute just cause for disciplinary action under Chapter 126 of the General
18 Statutes and grounds for removal from office. Neither the chief administrative law judge nor any
19 administrative law judge may engage in the private practice of law as defined in G.S. 84-2.1
20 while in office; violation of this provision shall constitute just cause for disciplinary action under
21 Chapter 126 of the General Statutes and shall be grounds for removal from office. Each
22 administrative law judge shall take the oaths required by Chapter 11 of the General Statutes. An
23 administrative law judge may be removed from office by the Director of the Office of
24 Administrative Hearings for just cause, as that term is used in G.S. 126-35 and this section."

25 **SECTION 2.** This act is effective when it becomes law and applies to conduct on or
26 after that date.

