

**Legal Clerk Justifiably Removed for Multiple Violations, Including Improper Communication with Magistrate**



The North Carolina Court of Appeals, in a 2-1 decision on June 20, upheld the removal of clerk Patricia Chastain from office. The ruling was based on a provision in the state constitution that allows for the removal of a court clerk found "guilty of corruption or malpractice in any office."

The appeals court concluded that Chastain's conduct warranted her disqualification from office, describing it as nothing less than "corruption or malpractice." Referring to a previous opinion, the court defined such misconduct as willful acts that are particularly egregious in nature.

One incident in the court's findings involved Chastain's communication with Franklin County Chief Magistrate James Arnold in June 2020. While assisting local citizens unable to reach a magistrate, Chastain refused to share crucial information with Arnold and threatened to publicly display either Arnold's personal phone number or her own number on the magistrate's office door. Arnold suggested contacting his supervisor, Chief District Judge John Davis, but Chastain adamantly refused. In an inadvertent call lasting only seconds, Arnold overheard Chastain boasting about her conversation with the chief magistrate and her disregard for contacting Davis.

Another incident involved Chastain's attempt to mediate a dispute between neighbors who were under a no-contact order issued by a judge. Chastain, accompanied by a deputy, visited their homes and proceeded to inform one neighbor that the other was abusing the judicial system by making unnecessary emergency calls. When questioned by the second neighbor about the judge's instructions, Chastain claimed to know the law better and implied that the no-contact order applied to both parties. Chastain later instructed a clerk to file a deed copy containing her handwritten note stating that the first neighbor had a legal right of way, which interfered with the ongoing legal dispute regarding an easement.

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Furthermore, Chastain visited the jail after a preliminary hearing to obtain an affidavit of indigency from a murder suspect without consulting the judge beforehand. Additionally, an audit report identified areas for improvement in employee training and increased oversight, with Chastain being subject to these recommendations.

The appeals court concluded that Chastain persistently engaged in misconduct beyond the scope of her authority, undermining the authority of the chief district judge and other judges within the district. She questioned their judgment, disregarded court orders, and altered and filed deeds without authorization, all of which were detrimental to the administration of justice.

A dissenting opinion was provided by Judge April Wood, who argued that Chastain's actions were not severe enough to warrant permanent disqualification from office.

Chastain's attorney, Matthew D. Ballew, acknowledged the dissenting opinion and expressed encouragement. Ballew highlighted that the dissenting opinion aligns with Chastain's arguments on appeal, potentially providing her with the opportunity to have her case heard by the North Carolina Supreme Court.

The North Carolina Court of Appeals' ruling upheld the removal of clerk Patricia Chastain based on her misconduct, which included improper communication, defiance of court orders, and acting beyond the scope of her authority. The decision highlights the importance of maintaining ethical standards within the judicial system and upholding the integrity of the office of court clerk.

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