

North Carolina Supreme Court Justice Files Lawsuit Alleging Suppression of Diversity Critique



North Carolina Supreme Court Justice Anita Earls has taken legal action against the state's Judicial Standards Commission, claiming that an ongoing investigation into her actions is an attempt to hinder her outspoken criticism of the lack of diversity within the state's courts. In a federal lawsuit filed on Tuesday, Justice Earls, one of the two Democrats among the seven-member state high court, asserted that the ethics commission's probe is a response to her vocalization of concerns about diversity issues.

The controversy stemmed from Earls' interview with legal news outlet Law360 in June, during which she addressed what she referred to as "implicit biases" prevalent among her colleagues. She also highlighted the absence of Black law clerks in hiring processes and criticized the disbandment of a commission tasked with addressing racial and gender disparities in the judicial system by the court's new conservative majority.

Earls has called upon the U.S. District Court for the Middle District of North Carolina to halt the ongoing investigation. Her legal team argued in the filed complaint that her remarks during the interview fall under the umbrella of political speech, safeguarded by the First Amendment of the U.S. Constitution. In an official statement, she contended that the commission's actions constitute a "blatant attempt to chill my First Amendment rights to freedom of speech," causing her to decline opportunities to further discuss race and gender-related matters.

Asserting the commission's stance, Brittany Pinkham, the executive director of the non-partisan body, emphasized that the organization is obligated by statute to investigate any potential instances of judicial misconduct. She refrained from making further comments due to the ongoing nature of the investigation.

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Anita Earls, a former civil rights attorney, secured her position on the North Carolina Supreme Court in 2018. As the sole Black woman currently serving on the high court, she holds a distinctive position in a landscape that witnessed a shift in the ideological balance last November, resulting in the loss of the court's liberal majority.

According to details presented in the lawsuit, on August 15, the Judicial Standards Commission informed Justice Earls of the reopening of a prior investigation that pertained to comments she made subsequent to her Law360 interview. Patricia Flood, legal counsel for the commission, penned a letter to Earls, suggesting a potential violation of the North Carolina Code of Judicial Conduct. Flood cited concerns about Earls' claims that her colleagues' decisions might have been influenced by factors such as racial, gender, or political bias, possibly contravening Canon 2A of the Code of Judicial Conduct. This Canon explicitly mandates that judges maintain a demeanor that fosters public confidence in the impartiality and integrity of the judiciary.

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The legal battle underscores the delicate interplay between judicial accountability, freedom of expression, and diversity considerations within the justice system. Justice Earls' lawsuit hinges on her assertion that her comments represent constitutionally protected speech, and that the investigation is a form of retaliation against her critique. The outcome of this case could potentially set a precedent for how judges' public statements are evaluated in terms of their constitutionality and ethical implications.

Amid this legal standoff, the broader legal community watches with interest, as the case could contribute to shaping the contours of judicial discourse, ethics investigations, and the scope of protected speech within the realm of the American legal system.

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