

Federal Judge Denies Preliminary Injunction in Judicial Ethics Investigation



In a recent legal development, U.S. District Judge William Osteen, based in Greensboro, rejected North Carolina Supreme Court Justice Anita Earls' request for a preliminary injunction. Earls sought to prevent the North Carolina Judicial Standards Commission from investigating her in response to comments she made regarding the lack of diversity within the state's judiciary.

The Rejected Injunction

Judge Osteen, appointed by former President George W. Bush, dismissed Earls' plea for a preliminary injunction, asserting that it was essential to safeguard her freedom of speech. The rejection comes despite Earls' claims that the ongoing investigation by the Judicial Standards Commission is an infringement on her constitutional rights.

The Appeal

Pressly Millen, representing Earls from the law firm Womble Bond Dickinson, expressed dissatisfaction with the ruling and pledged to appeal to the 4th U.S. Circuit Court of Appeals. Millen contended that the court failed to recognize the constitutional violations faced by Justice Earls throughout the Commission's investigations.

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The Origins of the Investigation

The Judicial Standards Commission initiated its inquiry following Justice Earls' comments to Law360 in June. In the interview, Earls addressed issues such as "implicit biases" among colleagues, the underrepresentation of Black law clerks, and the disbandment of a commission focused on examining racial and gender inequality within the judicial system.

Allegations and Violations

The Commission, comprised of 16 members, notified Earls in August that they were investigating whether her remarks violated the North Carolina Code of Judicial Conduct. The focus was on whether Earls' comments alleged that her colleagues were making decisions based on racial, gender, or political bias, potentially violating Canon 2A of the Code, which emphasizes a judge's responsibility to promote public confidence in the integrity and impartiality of the judiciary.

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Earls' Response

In a lawsuit filed in August, Earls characterized the Commission's actions as a direct assault on her First Amendment rights. She claimed the investigation had coerced her into declining speaking and writing opportunities. Despite her arguments, Judge Osteen declined to intervene in an ongoing state proceeding, emphasizing the state's interest in enforcing the Code and maintaining the judiciary's integrity.

Judicial Integrity Concerns

Judge Osteen acknowledged the plausibility that Earls' statements constituted core political speech protected by the First Amendment. However, he also noted the potential implication that her statements suggested a group of justices prioritizing ideology over the law. In recognizing the state's interest in such allegations and their potential

impact on judicial integrity, Osteen opted not to interfere in the ongoing investigation.

This legal development unfolds in the case of Earls v. North Carolina Judicial Standards Commission, et al., within the U.S. District Court for the Middle District of North Carolina, docket number 23-cv-00734.

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