

August 13, 2026

RE: Veto House Bill 377 (2026 Court Changes.)

The Honorable Josh Stein
Delivered by Email

Dear Governor Stein:

On behalf of the **14 undersigned organizations**, we respectfully urge you to **veto House Bill 377 (2026 Court Changes)**.

HB 377 significantly expands the power to impose consequences on judges through the judicial disciplinary process. The bill allows the Chief Justice, upon recommendation of the Judicial Standards Commission, to suspend a trial court judge without pay while an investigation is still pending, before any final determination of misconduct.

In doing so, HB 377 significantly concentrates existing disciplinary power in the hands of Chief Justice Paul Newby. These changes are especially troubling given Chief Justice Newby's record of publicly criticizing judges and judicial decisions with which he disagrees. Judicial discipline should be governed by strong institutional safeguards and fair, independent processes, not structured in a way that gives one individual greater power to impose serious professional and financial consequences on judges before misconduct has been established.

These changes cannot be considered in isolation. They follow earlier changes that increased political influence over North Carolina's judicial disciplinary process and come at a time when judges are increasingly being publicly criticized for issuing rulings that political leaders dislike. Against that backdrop, HB 377 creates a serious risk that a system intended to address genuine judicial misconduct could instead become a mechanism for pressuring or punishing judges for their decisions.

The threat to judicial independence does not require anyone to explicitly tell a judge how to rule. The possibility of suspension without pay, professional discipline, or other consequences while an investigation is still pending can itself create a powerful chilling effect. Judges should be able to decide cases based on the facts and the law without having to consider whether an unpopular ruling could jeopardize their livelihood or career.

These concerns are not hypothetical. HB 377 comes after several years of controversy surrounding the use of North Carolina's judicial disciplinary process. In 2023, Justice Anita Earls faced a Judicial Standards Commission investigation after speaking publicly about racial bias and diversity within the state judiciary, an investigation that ended after she filed a federal First Amendment lawsuit. Justice Allison Riggs subsequently faced an ethics

complaint shortly before her 2024 election. At the same time, lawmakers have changed the composition of the Judicial Standards Commission and expanded the Chief Justice's influence over the judiciary.¹

Against this backdrop, granting additional authority to suspend judges without pay before misconduct has been established, and allowing the Supreme Court to impose discipline beyond the Commission's recommendation, creates a serious risk that judicial discipline will be perceived, or used, as a tool for exerting pressure on judges over their decisions or public statements.

HB 377 does not arise in isolation. Across the country, state lawmakers have increasingly sought greater political leverage over courts, particularly after judges issue decisions that elected officials oppose. The Brennan Center for Justice identified at least **117 bills attacking judicial independence or court powers in 2025 alone**, including **19 bills in five states aimed specifically at politicizing judicial discipline**.² Four of those judicial-discipline measures became law. In Montana, lawmakers weakened safeguards designed to prevent judicial ethics proceedings from being used against sitting judges, while Texas shifted greater control over its judicial conduct commission to political appointees.³ These efforts followed a similar pattern in 2024, when lawmakers in multiple states proposed measures increasing political influence over judicial discipline, limiting courts' authority, enabling judge-shopping, and making judges more vulnerable to retaliation for unpopular decisions.⁴

HB 377 should be viewed against this national backdrop: a growing effort to give political actors additional tools to investigate, discipline, financially penalize, or otherwise pressure judges whose decisions they dislike.

These developments are especially concerning when viewed against international experience, which demonstrates how weakening safeguards around judicial discipline can undermine judicial independence. In **Poland**,⁵ **Hungary**,⁶ **Georgia**,⁷ and other democracies experiencing democratic backsliding, **changes to judicial oversight and disciplinary systems have been used to increase pressure on independent judges**. International courts and rule-of-law institutions have repeatedly warned that concentrating disciplinary authority and exposing

¹ Billy Corriher, *North Carolina Republicans Want to Let Justices Remove Democratic Judges*, Democracy Docket (Aug. 10, 2026).

² Michael Milov-Cordoba, *Legislative Assaults on State Courts in 2025*, Brennan Center for Justice (Jan. 26, 2026)

³ *Ibid.*

⁴ Michael Milov-Cordoba, *Legislative Assaults on State Courts in 2024*, Brennan Center for Justice (Dec. 18, 2024).

⁵ European Court of Human Rights, *Morawiec v. Poland* (Feb. 5, 2026)

⁶ European Parliament, *Report on the Commission's 2025 Rule of Law Report* (Apr. 29, 2026)

⁷ European Commission for Democracy Through Law (Venice Commission), *Joint Opinion on the Draft Law Making Changes to the Law on Disciplinary Liability and Disciplinary Proceedings of Judges of General Courts of Georgia*, CDL-AD(2014)032 (Oct. 14, 2014)

judges to serious professional or financial consequences without adequate safeguards can undermine judicial independence.⁸

North Carolina should learn from these warning signs, not replicate them. Judicial accountability is essential, but accountability systems must include strong protections for judicial independence, impartiality, and due process. HB 377 moves North Carolina in the opposite direction.

For these reasons, **we respectfully urge you to veto House Bill 377.**

Respectfully,

ACLU of North Carolina

Advance Carolina

Common Cause North Carolina

Democracy North Carolina

El Pueblo Inc.

Emancipate NC

Forward Justice Action Network

League of Women Voters of North Carolina

NAACP North Carolina State Conference

N.C. Asian Americans Together in Action

N.C. For The People Action

NC League of Conservation Voters

North Carolina Black Alliance

Pro-Choice North Carolina

⁸ Court of Justice of the European Union, *European Commission v. Republic of Poland*, Case C-791/19, Judgment of July 15, 2021