



**BEFORE THE
JUDICIAL STANDARDS COMMISSION**

INQUIRY NO. 10-013

PUBLIC REPRIMAND

**K. DEAN BLACK
DISTRICT COURT JUDGE
JUDICIAL DISTRICT 27B**

This matter came to the attention of the Judicial Standards Commission by a written complaint filed with the Commission. A formal investigation was ordered by the Commission and conducted by the Commission's investigator. During its meeting on June 11, 2010, the Commission completed its review of the investigative report prepared in this matter. The Commission caused a copy of this Public Reprimand to be personally served upon Judge K. Dean Black. In accordance with Rule 11(b) of the Rules of the Judicial Standards Commission, a judge has 20 days within which to accept the Public Reprimand or to reject it and demand, in writing, that disciplinary proceedings be instituted in accordance with Rule 12 of the Rules of the Judicial Standards Commission.

Findings of Fact

1. K. Dean Black was at all times referred to herein, a judge of the General Court of Justice, District Court Division, Judicial District 27B and, as such was subject to the Canons of the North Carolina Code of Judicial Conduct, the laws of the State of North Carolina, and the provisions of the oath of office for a district court judge as set forth in the North Carolina General Statutes, Chapter 11.
2. This matter came to the attention of the Judicial Standards Commission by a written complaint filed by Kathy L. Sisk. Sisk alleged that, in the matter of Kathy Lynn Sisk vs Glenn L. Sisk, Sr., Lincoln County Clerk of Superior Court File No. 06 CVD 00086, no written order of judgment had been filed by the Honorable K. Dean Black since the completion of the hearing on the issue of equitable distribution on July 30, 2008.

3. The parties in the action were both represented by counsel.
4. The trial on the issue of equitable distribution was held over a period of five days, commencing June 10, 2008 and continuing June 11, 2008, June 12, 2008, July 29, 2008 and was completed on July 30, 2008.
5. On July 1, 2009 a status hearing as to entry of the order was held.
6. During the period beginning September 30, 2009 until May 5, 2010, counsel for the plaintiff filed six Notice of Hearings for entry of the order with the Lincoln County Clerk of Superior Court's Office in the above referenced matter.
7. During the period of time the order was outstanding, the parties received numerous assurances from Judge Black that the order was close to completion.
8. The order in this matter was filed July 13, 2010.
9. Contributing to the delay in filing the written order was the complexity of the case, scheduling conflicts with both parties' attorneys, a large caseload, and limited court resources. Judge Black also underwent shoulder surgery during the period of time the written order was pending.
10. Judge Black acknowledged that the order was excessively delayed.
11. Judge Black fully cooperated with the investigation in this matter.

Conclusion

The Commission views such delay as serious misconduct because of the adverse consequences on individual litigants, who are deprived of the opportunity to have their claims decided in a timely manner, and on public confidence in the administration of justice. Such circumstances compel the Commission to act in order to ensure that the public is protected from the deleterious effects of unwarranted delays.

Respondent's delay in entering the written order described above evidences a serious disregard of the principles of professional conduct embodied in the North Carolina Code of Judicial Conduct, including failure to personally observe appropriate standards of conduct to ensure that the integrity and independence of the judiciary shall be preserved (Canon 1), failure to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary (Canon 2A), failure to diligently perform the duties of judicial office (Canon 3), and failure to promptly dispose of the business of the court (Canon 3A(5)). Respondent's actions also constitute conduct prejudicial to the administration of justice that brings the judicial office into disrepute (N.C. Const. art IV, § 17 and N.C.G.S. § 7A-376(a)).

Corrective Action and Acceptance of Terms

Judge Black agrees that he will purposefully ensure the timely entry of written orders in all cases over which he has presided wherein orders are currently pending, and in all future matters, mindful of the potential threat any repetition of his conduct poses to attorneys, litigants and the public’s confidence in the integrity of the judiciary and to the administration of justice.

Judge Black agrees he will promptly read and familiarize himself with the Code of Judicial Conduct.

Judge Black acknowledges that the Commission has caused a copy of this Public Reprimand to be served upon him, and that he had 20 days within which to accept the Public Reprimand or to reject it and demand, in writing, that disciplinary proceedings be instituted in accordance with Rule 12 of the Rules of the Judicial Standards Commission.

Judge Black affirms he has consulted with, or had the opportunity to consult with, counsel prior to acceptance of this Public Reprimand.

Judge Black further agrees that he will not retaliate against any person known or suspected to have cooperated with the Commission, or otherwise associated with this matter.

I, K. Dean Black, hereby accept the terms contained in this Public Reprimand this the 9th day of August, 2010.

ORIGINAL SIGNED BY

K. Dean Black

ORDER OF PUBLIC REPRIMAND

Now therefore, pursuant to the Constitution of North Carolina, Article IV, Section 17, the procedures prescribed by the North Carolina General Assembly in the North Carolina General Statutes, Chapter 7A, Article 30, and Rule 11(b) of the Rules of the Judicial Standards Commission, the North Carolina Judicial Standards Commission, hereby orders that K. Dean Black, be and is hereby PUBLICLY REPRIMANDED for the above set forth violations of the Code of Judicial Conduct. Judge Black shall not engage in such conduct in the future and shall fulfill all of the terms of this Public Reprimand as set forth herein.

Dated this the 13th day of August, 2010.

ORIGINAL SIGNED BY

John C. Martin, Chairman
Judicial Standards Commission