

# **EXHIBIT A**

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**From:** Flood, Patricia A. <paf@coa.nccourts.org>  
**Sent:** Wednesday, November 22, 2023 10:30 AM  
**To:** Millen, Press <Press.Millen@wbd-us.com>  
**Subject:** RE: Inquiry No. 23-081

External (paf@coa.nccourts.org)

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Press,

In light of the court's order from yesterday afternoon, please let me know if Justice Earls would like to schedule an interview. Staff remains available on the mornings of November 27, 28, and 29. If those dates do not work, we could make it work to schedule an interview early in the week of December 4. And regardless of whether Justice Earls chooses to be interviewed, she is still welcome to submit a written response and any relevant materials by December 1.

Best,



**Patricia A. Flood**  
Commission Counsel  
North Carolina Judicial Standards Commission  
**North Carolina Judicial Branch**  
O 919-831-3630

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**From:** Millen, Press <[Press.Millen@wbd-us.com](mailto:Press.Millen@wbd-us.com)>  
**Sent:** Monday, November 20, 2023 9:08 AM  
**To:** Flood, Patricia A. <[paf@coa.nccourts.org](mailto:paf@coa.nccourts.org)>  
**Subject:** RE: Inquiry No. 23-081

Patricia,

You really haven't answered my question which was why this December 8 deadline for the Panel to act is anything other than arbitrary?

As I mentioned, we think it is appropriate to give the Court adequate time to rule and, if the ruling is in favor of the Commission, an interview can then be scheduled for a time convenient to all parties.

As currently contemplated by your correspondence, the Court is not given time to rule and my client is put to a difficult choice of whether or not to cooperate without the benefit of a ruling which both sides acquiesced to put before the Court on a schedule chosen by the judge.

As you know, our position is that the Commission's decision to investigate Justice Earls is itself a violation of her First Amendment rights because of its chilling effect. By insisting on moving forward with your investigation, you are not allowing her any opportunity to raise her First Amendment claim and effectively insisting that she waive her rights as she understands them. Is there any reason why the Commission cannot delay its investigation until the federal courts have addressed her claims?

Again, I would request that we put off any interview until the Court has had a chance to rule.

Barring that, please check with your counsel as to their position in the event we were to seek a TRO in order to allow the Court the opportunity to decide the preliminary injunction motion.

Thanks for your attention to this matter.

Press

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**From:** Flood, Patricia A. <[paf@coa.nccourts.org](mailto:paf@coa.nccourts.org)>  
**Sent:** Friday, November 17, 2023 12:19 PM  
**To:** Millen, Press <[Press.Millen@wbd-us.com](mailto:Press.Millen@wbd-us.com)>  
**Subject:** RE: Inquiry No. 23-081

Press,

Thanks for your email. My understanding is that the Commission informed the court that, under the normal course of business, the Commission would not take any further action on this matter before November 1. Staff is responsible for completing the investigation in time for the panel to be prepared to address the matter as scheduled at the December 8 meeting. That said, as mentioned before, we prefer to schedule an interview, if any, in late November in hopes that the parties will receive a ruling on the motion before then. Please let me know if Justice Earls would like to schedule an interview.

Best,



**Patricia A. Flood**  
Commission Counsel  
North Carolina Judicial Standards Commission  
**North Carolina Judicial Branch**  
O 919-831-3630

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**From:** Millen, Press <[Press.Millen@wbd-us.com](mailto:Press.Millen@wbd-us.com)>  
**Sent:** Wednesday, November 15, 2023 11:36 AM  
**To:** Flood, Patricia A. <[paf@coa.nccourts.org](mailto:paf@coa.nccourts.org)>  
**Subject:** RE: Inquiry No. 23-081

Patricia,

Sorry to be slow getting back to you, but my client is out of town.

Given that the Court has had less than two weeks to consider a fairly complex motion, is there any reason why this investigation has to go forward now toward a deadline of December 8 (which doesn't seem to be otherwise mandated)?

My proposal is that the Commission simply put things off until such time as the Court has ruled.

Can that work?

Press

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**From:** Flood, Patricia A. <[paf@coa.nccourts.org](mailto:paf@coa.nccourts.org)>  
**Sent:** Monday, November 13, 2023 4:52 PM  
**To:** Millen, Press <[Press.Millen@wbd-us.com](mailto:Press.Millen@wbd-us.com)>  
**Subject:** RE: Inquiry No. 23-081

Press,

As you are well aware, the matter involving Justice Earls is scheduled to come back before the investigative panel at its next scheduled meeting, December 8. I know we are awaiting the district court's ruling on your preliminary injunction motion. In the meantime, we wanted to reach back out to see if Justice Earls is interested in finding a convenient time to speak with the Commission staff about the statements in the article in case your motion is denied or otherwise not ruled upon by that time. If Justice Earls would like to speak with staff, we would prefer the interview be completed by December 1, a week prior to the meeting, which is our typical deadline for materials to be submitted to the investigative panel for review.

Staff are available to meet with Justice Earls on the mornings of November 20, 21, 22, 27, 28, and 29. In hopes that we will receive a ruling on a preliminary injunction before an interview might occur, our preference would be to schedule a meeting, if any, for the week of November 27. If those dates do not work, we could make it work to schedule an interview early in the week of December 4.

Finally, regardless of whether Justice Earls chooses to be interviewed, she is welcome to submit a written response and any relevant materials by December 1.

Thanks,

Patricia A. Flood



Commission Counsel  
North Carolina Judicial Standards Commission  
North Carolina Judicial Branch  
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**From:** Millen, Press <[Press.Millen@wbd-us.com](mailto:Press.Millen@wbd-us.com)>  
**Sent:** Tuesday, August 29, 2023 10:41 AM  
**To:** Flood, Patricia A. <[paf@coa.nccourts.org](mailto:paf@coa.nccourts.org)>  
**Subject:** RE: Inquiry No. 23-081

Patricia,

We have decided to go to federal court to stop these continuing inquiries into Justice Earls and her free-speech rights.

I have attached the complaint that we have filed today, along with the other pleadings.

After you and your counsel have had the opportunity to digest this, please let me know if you will agree to accept service for the Commission members (who are defendants in their official capacities only).

Also, please let me know if the Commission will agree to stand down its investigation until the Court has an opportunity to rule on our preliminary injunction motion. If we cannot agree on that, we are prepared to seek a TRO.

Thanks for your attention to this matter.

Press

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**From:** Flood, Patricia A. <[paf@coa.nccourts.org](mailto:paf@coa.nccourts.org)>  
**Sent:** Monday, August 28, 2023 4:24 PM  
**To:** Millen, Press <[Press.Millen@wbd-us.com](mailto:Press.Millen@wbd-us.com)>  
**Subject:** RE: Inquiry No. 23-081

External ([paf@coa.nccourts.org](mailto:paf@coa.nccourts.org))

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Press,

Thank you for letting me know. I will note this for our records.

Have you and Justice Earls given any thought to if and when you all want to schedule her follow-up interview with the Commission?

Best,



**Patricia A. Flood**  
Commission Counsel  
North Carolina Judicial Standards Commission  
**North Carolina Judicial Branch**  
O 919-831-3630

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**From:** Millen, Press <[Press.Millen@wbd-us.com](mailto:Press.Millen@wbd-us.com)>  
**Sent:** Monday, August 28, 2023 4:16 PM  
**To:** Flood, Patricia A. <[paf@coa.nccourts.org](mailto:paf@coa.nccourts.org)>  
**Subject:** RE: Inquiry No. 23-081

Patricia,

Further to my June 12, 2023 communication to you, I am writing to inform you that Justice Earls continues to waive confidentiality concerning JSC's Inquiry No. 23-081 pursuant to JSC Rule 6(b)(2).

Press Millen

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**From:** Millen, Press  
**Sent:** Tuesday, August 15, 2023 7:51 AM  
**To:** Flood, Patricia A. <[paf@coa.nccourts.org](mailto:paf@coa.nccourts.org)>  
**Subject:** RE: Inquiry No. 23-081

Patricia,

Thanks for sending the article.

I am authorized to accept service of the notification letter.

Press

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**From:** Flood, Patricia A. <[paf@coa.nccourts.org](mailto:paf@coa.nccourts.org)>  
**Sent:** Monday, August 14, 2023 4:08 PM  
**To:** Millen, Press <[Press.Millen@wbd-us.com](mailto:Press.Millen@wbd-us.com)>  
**Subject:** RE: Inquiry No. 23-081

Press,

Please see attached the article I mentioned on the phone. Please let me know, when you know, if you will be accepting service on behalf of Justice Earls for her notification letter.

Best,



**Patricia A. Flood**  
Commission Counsel  
North Carolina Judicial Standards Commission  
**North Carolina Judicial Branch**  
O 919-831-3630

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**From:** Millen, Press <[Press.Millen@wbd-us.com](mailto:Press.Millen@wbd-us.com)>  
**Sent:** Monday, June 12, 2023 11:01 AM  
**To:** Flood, Patricia A. <[paf@coa.nccourts.org](mailto:paf@coa.nccourts.org)>  
**Subject:** Inquiry No. 23-081

Patricia,

In light of our discussion on May 16 that the Judicial Standards Commission has dismissed the complaint that was filed earlier this year concerning Justice Earls, I am writing to inform you that Justice Earls hereby waives confidentiality concerning the inquiry pursuant to JSC Rule 6(b)(2).

Press Millen

### **Press Millen**

Partner  
Womble Bond Dickinson (US) LLP

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