

Chief Justice Mark Martin
2017 State of the North Carolina Judiciary
Meeting of the North Carolina Bar Association in Asheville, North Carolina
June 24, 2017

What an honor it is to be here before the North Carolina Bar Association to present the State of the Judiciary address. Congratulations to President-elect Caryn McNeill and to all of the incoming Bar Association leadership.

I'd like to thank all of the new officers for being willing to take up the mantle of public service. I also want to thank my colleagues—Justice Jackson and Justice Ervin—and all of the current and former judges in this room. Let's give these judges a round of applause. If there was any doubt whether the judges support this association, I hope that the number of judges here today confirms it 110%

It is my honor and privilege to report to this distinguished group on the state of the judiciary.

As we come together once again, I am pleased to reflect on the many improvements that we've made to our judicial system in recent years. North Carolina is now the ninth most populous state, and the demands on our judiciary are growing each and every day.

Our society is experiencing rapid growth. Our state, our court system, and our judicial officials are working hard to maintain the highest standards of access, fairness, and impartiality. The Judicial Branch has made great progress in its pursuit of justice for all. And now it is positioned to pursue more reforms that will help our court system meet 21st century demands and expectations. It is both exciting and humbling to represent the Judicial Branch at such a pivotal time in the history of our courts. The state of our judiciary is strong, and, with your help, we can work together to make it even stronger.

But before we move forward, let's look back on what we've accomplished over the past few years. When I became chief justice, the Judicial Branch was in dire financial straits despite the incredible effort of every-body in this room. We had tried, year after year, to operate on a very small percentage of the state budget. But stakeholders through-out the Judicial Branch and the bar came together to support our courts and the fair and impartial administration of justice. Working together, we were successful. The members of this association played a big role in this success.

When I delivered my first State of the Judiciary address in 2015, I promised to promote justice for all. To do this, we convened a multi-disciplinary commission that comprehensively evaluated our justice system. In March, after 15 months of thorough study and deliberation, the Commission on the Administration of Law and Justice released its final report. The report identifies how to improve our modern court system, and how to maintain the public's faith in that system. These evidence-based recommendations will be our roadmap as we continue to pursue justice for all.

The NCBA has been a key partner in this process. In fact, remember that it was with you, at the Bar Center, that we began this project. You were there at the beginning. Now we'll need your help to ensure that the recommendations of the commission are implemented.

When we reflect on the commission's recommendations, we see, at its core, that justice itself has three basic components:

- First, fairness: respect for due process and procedural protections, as well as a fair and just set of substantive laws;
- Second, access to justice: access to a lawyer, to information about the law and the legal system, and to the courts themselves; and
- Third, uniform treatment: courts should always treat like cases alike, and give equal treatment to all parties that appear before them.

Our judicial system strives to honor all of these values each and every day. When we in the Judicial Branch speak of the fair and impartial administration of justice—when we speak of the rule of law—we mean adhering to these three values, in order to protect and preserve justice for all. We mean a court system that is open to all, that secures our rights and applies the law equally and fairly, and that treats everyone with equal dignity. A court system that enables the people to conduct their affairs with confidence that their agreements will be honored and without fear of arbitrary or unjust legal sanction. The rule of law, and the concept of justice for all, are what allow our society to be truly free.

I don't know about you, but I do not want the commission's report to gather dust. So we're already moving forward on the recommendations. This report and its recommendations are all about serving the people of our great state. So what do the people need? They need a website that's accessible and user-friendly, so we're completely redesigning the NC Courts website, and we plan to unveil the new website by next summer.

They need access to the tools of citizenship, so we've launched a civics education initiative and a speakers bureau with volunteers throughout the state.

They need lawyers to represent them even when they can't pay, so we've established a Pro Bono Honor Society that recognizes lawyers who, pursuant to Rule 6.1 of the Rules of Professional Responsibility, provide at least 50 hours of pro bono service each year. And I just signed almost 200 certificates for the group of lawyers this year that did just that.

They need courts to protect them from domestic violence, so we've created a program that allows domestic violence victims to file protective orders and have court hearings online.

They need to be able to access their trial courts remotely—anytime, anywhere—so we're creating a statewide electronic filing system.

They need clear and consistent rules of practice, so we're creating a working group to simplify and unify local rules statewide.

They need judges who have the research help that they need to decide the cases that come before them, so we've launched a fellowship that will provide research support to our district and superior court judges.

They need specialty courts with judges who have expertise in resolving particular kinds of disputes, and I'm pleased to share that we've just opened our fourth Business Court at the Wake Forest University School of Law. And we continue to address the needs of our veterans with our Veterans Treatment Courts.

Importantly, the people need to be safe, in terms of both their physical safety as well as their personal-data security. So I'm pleased to announce that I am forming the Courthouse and Cyber Security Task Force. This group will comprehensively review courthouse and cyber security procedures and make recommendations to improve them. Thousands of our residents visit our courthouses every day, and thousands more file documents that contain very personal information. We can't afford to cut any corners or neglect any precautions when it comes to their safety and the security of their data.

Critically, the people also need to be free from the tragic consequences of drug abuse and addiction. The Judicial Branch has joined the fight against drug overdose and opioid addiction, which claimed the lives of almost 1,500 North Carolinians just last year. This epidemic has hit our state hard, and the statistics are staggering. Drug over-dose deaths have increased by 350% since 1999. Heroin-related deaths have increased by 884% since 2010. And drug overdoses now cause more deaths than either firearms or motor vehicle accidents, and result in over 20,000 ER visits per year. According to a CBS report, four North Carolina towns—Wilmington, Fayetteville, Hickory, and Jacksonville—are among the nation's top 20 areas that have been hardest hit by the opioid abuse epidemic. Many of you have witnessed the tragic consequences of this epidemic in your local communities. Now, the legal community must do its part to address this crisis.

I recently accepted an invitation to join the Regional Judicial Opioid Initiative, a working group of state court officials that was created to develop solutions to this problem. The Governor's Task Force on Mental Health and Substance Use began the effort to reduce drug abuse and increase treatment opportunities. The opioid initiative's work will help our courts and our state health officials as they build on the work of the taskforce. And it was my honor to serve alongside other members of the Judicial Branch in this important work. In fact, our state is sending a multi-agency delegation to an opioid policy conference in Indianapolis later this month.

Our communities have too much at stake to remain passive in the face of this growing threat. Let's do all that we can to protect all North Carolinians from drug overdoses and prescription drug abuse.

Now, in addition to these other essential tasks, the people need us to implement one of the commission's most researched and most essential recommendations—raising the juvenile age from 16-years-old to 18-years-old.

As I stand here today, 44 states and the District of Columbia set the juvenile age at 18; five states set it at 17. That makes North Carolina the only state in the entire country with a juvenile age of 16. And that puts young people from our state at a huge competitive disadvantage compared with young people from the rest of the country as they compete in a global marketplace.

While juvenile proceedings are confidential, adult criminal proceedings and their consequences are a matter of public record. And a criminal record can affect eligibility for employment, for military service, and even for college financial aid, among other things.

The good news is, we can avoid these negative consequences while also reducing crime. National data suggests that recidivism rates among 16- and 17-year-olds whose cases are handled by the adult criminal justice system are more than twice as high as for those whose cases are handled in our juvenile courts. So working with our youth within the juvenile justice system will not only serve them, it will also promote public safety.

Both chambers of the General Assembly have made significant progress on this initiative this session and have included the raise-the-age proposal, as well as the necessary funding, in this year's budget bill. I applaud our legislature for its leadership on this issue, and I look forward to implementing this important reform. By investing in our children and ensuring that they graduate from high school and college instead of entering the adult criminal justice system, we'll secure a brighter future for them and a stronger and more robust economy for us all.

Many of you know that this was our top legislative priority for this session. And if I did not pause and recognize Judge Marion Warren and Tom Murry, the head of our legislative team, for all of their amazing work on this issue, I would fail indeed in this talk this morning.

Finally, what the people of our state need the most is a qualified and independent judiciary. So today I'm calling on the General Assembly to let the people of North Carolina decide whether to amend the state constitution to change how our judges are selected.

Now we know that we have amazing judges. So any merit selection program should grandfather in our current judges.

You know better than I do: there's never a good time to talk about merit selection. Critics will say that you're trying to help one political party or the other. But I've been working on this issue for a long time. It's a good government issue, not a political one. Over 20 years ago, then-Chief Justice Burley Mitchell asked Chief Judge Rusty Sherrill and me to go over to the General Assembly and support Senate Bill 971. It was 1995. We had the North Carolina Judicial Conference then, and Judge Sherrill and I were co-chairs of its legislative liaison committee.

Now, you know—because many of you were right there with us—that we were not successful. But I continue to believe that the judiciary should be as free as possible from the normal political considerations that are a natural part of the Executive and Legislative Branches of government.

Any merit selection proposal should necessarily have three basic components:

- First, a panel should evaluate judicial candidates in an objective and non-ideo-logical way and rate them as Well Qualified, Qualified, or Not Qualified. Both the governor and the General Assembly should be able to appoint members of this critical panel;
- Second, an appropriate governmental authority with accountability to the people of North Carolina should appoint our state's judges; and
- Third, retention elections should be held at periodic intervals to ensure that the people of North Carolina continue to have a role in this process.

Let's step away from ordinary politics and let the people decide whether our judges should be chosen through a merit selection process rather than partisan elections. In sum, let's let the people decide whether the time for merit selection has come.

We celebrate the work of the Commission on the Administration of Law and Justice. And the Judicial Branch has found several other reasons for celebration over the past year. I would like to recognize Chief Judge McGee for her terrific work as chair of the anniversary commemoration committee. I was honored to attend a ceremony commemorating the 50th anniversary of the court of appeals just a few short weeks ago. This year also marks the 240th anniversary of the superior court. And in 2019 we'll celebrate the 200th anniversary of the Supreme Court of North Carolina. As part of this celebration, the General Assembly has authorized the Supreme Court to leave Raleigh and hold sessions of Court over a three-year period anywhere in North Carolina. Isn't that amazing? Now, there will be one limitation: we'll only be able to go to locations that can actually accommodate seven justices on the bench. Imagine the opportunities here. This will give us an opportunity to both celebrate the rule of law and increase public awareness of how the law works. And recognizing all of these anniversaries will also give us a chance to think about the enduring nature of our courts. The effects of what we do today will live after us for generations to come.

I'd like to take a moment to celebrate Mel Wright. As you may have heard, Mel will be retiring as executive director of the Chief Justice's Commission on Professionalism after 18 years of distinguished service. We've all benefitted from Mel's hard work and from his dedication to the ideals of civility and professionalism. He truly embodies these ideals. So please join me in thanking Mel for his many years of public service.

And I'm pleased to welcome Lisa Sheppard, who will be taking over for Mel after a 30-year career in business and banking law. We're grateful to have Lisa join the Judicial Branch, and I hope that you'll have the chance to meet her as she starts in her role next month.

Make no mistake about it, this is a critical time for the bench, for the bar, and for our society as a whole. We attorneys—the guardians of the rule of law—are facing stark challenges, challenges that are bigger than any of us. How we respond to those challenges will be our collective legacy. Now is the time for us to come together to enact the commission’s recommendations.

Now is the time to prepare our courts for the rest of the 21st century. There’s no better time than now, and there is truly no one better suited to this task than we are. I hope that each of you will join the effort to ensure that justice for all prevails.

Thank you again for inviting me here today. I’m so thankful to each of you for all that you’re doing to uphold our system of justice and the rule of law.

Thank you very much.