

2018 State of the Judiciary
Chief Justice Mark D. Martin, North Carolina Supreme Court
Message to the North Carolina State Bar Association meeting
June 22, 2018

The year is 2008. Over 600 delegates are assembled in Vienna, Austria, for the World Justice Forum, a conference devoted exclusively to improving adherence to the rule of law by nations around the world. After several days of hard work, and great progress, the delegates gather on the final day for the last general session. Suddenly, a delegate from Egypt rises from his seat. He praises the members of the American delegation, who, in his words, had missed their Independence Day celebrations in order to help other countries improve their adherence to the rule of law and their legal systems. Why this affection and respect for the American legal system? Because, said the delegate, despite its imperfections, the American legal system remains the gold standard, the system that is the most respected around the world.

I have given that remark a great deal of thought since 2008. We could talk about resources, we could talk about laws, we could talk about adherence to procedures, but what really separates our legal system from others is adherence to the rule of law, and respect for the roles of judges and lawyers in our adversarial system. It's our tradition of respect for the Constitution, and also a deep and abiding respect for fairness, for impartiality, and for the independence of our courts.

See, we have inherited something very valuable in the United States, and here in North Carolina. Something that is worth defending, worth improving, and worth passing along to the next generation.

So I am honored today, as your Chief Justice, to address the North Carolina Bar Association, and to report on the state of the judiciary

And I am pleased to report that the state of our judiciary is strong. But we can always do more things to improve the state of our courts—and to make our courts even worthier of today's North Carolina.

We've made great strides in our pursuit of justice for all. You may recall that in 2015, I addressed the General Assembly, and I indicated my intent to convene a multi-disciplinary commission to study our legal system and to make recommendations for improving our courts. That Commission worked long and hard and issued its report in March 2017. And many of you that worked on that Commission are right here with us today. You now know that we are working hard to implement the report's recommendations. We didn't want a report that just sat on a shelf.

So, what have we done so far? First of all, we've raised the age for juvenile court jurisdiction in our criminal justice system. Before the Juvenile Justice Reinvestment Act was signed, we were the only state in the nation that tried 16-year-olds as adults across the board. I'm happy to say that we're no longer an outlier among the fifty states—we've now raised the cutoff age for juveniles to 18 for most offenses. I'm so proud of the General Assembly for enacting this legislation.

With Raise the Age in place, our young people will no longer be at a competitive disadvantage in the global marketplace as compared with young people in the other 49 states.

At the same time, let me say this: While we endeavor to help those who are struggling, including our young people, we must never lose sight of our duty to support the victims of crime with the full range of services that they deserve.

Improving access to justice was another key recommendation of the Commission. Put simply, we want to make sure that every North Carolinian has meaningful access to the justice system. And, as lawyers, each of us has a key part to play. Rule 6.1 of the Rules of Professional Responsibility encourages lawyers to perform 50 or more pro bono hours each year.

Together, we've already made progress. I'd like to thank you—our state's lawyers—for the impressive quantity and quality of pro bono services that you've provided to bridge the access-to-justice gap. It's vital to remember that law is a profession, and that professionals have a duty to promote the public good. Our state's Pro Bono Resource Center is always ready to connect lawyers to the pro bono projects that best suit their interests. The Center's user-friendly website lists ongoing pro bono projects, and the Center can also match lawyers individually to clients in need. I encourage each and every one of you to reach out and discover how you can help. We can make a difference here. The Center can connect you with people who have dire legal needs. We must be there when these fundamental issues arise.

It's exciting to note that the number of lawyers recognized by our Pro Bono Honor Society, for performing at least 50 pro bono hours per year, more than doubled from 2016 to 2017, from 170 lawyers to 345. In total, North Carolina lawyers reported over 48,000 hours of pro bono service last year.

And our state's law schools have also been stepping up to the plate, encouraging law students to embrace an ethic of service. I am so proud of our state's law schools. Campbell operates the Blanchard Community Law Clinic in downtown Raleigh. Duke law students staff the annual Bull City Stand Down, helping veterans with their legal needs. Our veterans were there for us—will we be there for them? Duke law students have resoundingly said “yes.” NC Central law students work in conjunction with the City of Durham to serve the Durham community with a full range of access-to-justice services. Elon is placing its law students in semester-long experiential learning externships, and many of those students are assisting at legal aid clinics across the state. Wake Forest just hired a former Legal Aid managing attorney to lead its pro bono efforts. And last but not least, one hundred percent of the UNC Law Class of 2018 did pro bono work while in law school, and I was so proud to go to Chapel Hill and give an award to those students.

Our pro bono efforts are growing every day. We have principled young lawyers coming out of our law schools who want to make a difference. Let's be role models for them. Let's show them the nobility of our profession. Alexis de Tocqueville observed the habits of Americans and concluded that, although the new world did not have a nobility, it did have lawyers, and their work supported the functioning of a written constitution. And that is how our rights and freedoms have endured.

But even with all of this progress, many North Carolinians still have unmet legal needs. We must do more. And we must work together as a profession to ensure that our legal aid organizations have the resources that they need to help bridge this access-to justice gap.

[APPLAUSE]

The opioid crisis may be the most significant challenge that we face in this state at this hour. We find ourselves in a very reactive mode. In recent years, including this past year, drug abuse has killed more North Carolinians than car accidents. I could list many other sobering statistics, as I have in past speeches, but the bottom line is simple: the status quo is unacceptable. To solve this epidemic, we'll need everyone to get involved—not just the judiciary, the bar, and law enforcement, though of course they all have important roles to play. We also need the medical profession, the pharmaceutical industry, and each of our local communities to work with us in pursuit of our common public-health goals.

One way that we're fighting this crisis is through an Intensive Reunification Program, right here in New Hanover County. This program helps mothers who've abused opioids get treatment, while building and maintaining meaningful relationships with their children. Counselors and social workers work with the mothers while also keeping the children safe during the mothers' treatment schedules. This allows these families to develop a normal parent-child relationship.

We also have 30 specialized drug courts operating in 19 counties. These specialized courts help people who are struggling with addiction find the assistance and treatment that they need. But there's no state funding for these courts. Most of them depend on funding by local governments. A few are funded by federal grants. And five of them have no designated funding at all. I urge you to advocate on behalf of these drug courts, both with your legislators and with local community groups, to ensure that these courts get the resources they need to carry out their critical mission. We know that they are making a difference in the lives of our people.

School safety is another crucial issue for our state. As with the opioid crisis, many groups need to work together to make sure that our schools are safe. On our end, the judiciary has responded by developing School Justice Partnerships in several counties. These partnerships pull together a number of groups and institutions: schools, courts, law enforcement, social services, mental health professionals, and, most importantly, students and parents. Our courts are also collaborating with the Department of Public Safety, the Center for Safer Schools, and the Governor's Crime Commission to work on school safety issues.

And I'm proud to say that our School Justice Partnership in New Hanover County has already paid dividends. Juvenile referrals to the court system have gone down by 47 percent. We also have School Justice Partnerships in five other counties—Wayne, Greene, Lenoir, Brunswick, and Mecklenburg—and we're not stopping there. We'll be launching additional programs in more counties soon. We need to be dealing with minor matters at the schoolhouse, and not through the criminal justice system.

[APPLAUSE]

Human trafficking is another serious issue facing our state today. I'm glad to say that resources are now being dedicated for investigation and prosecution of human trafficking. This year, assuming that Senate Bill 335 becomes law, the NC Human Trafficking Commission will be housed within the Administrative Office of the Courts. The Commission is working on several fronts to fight the evil of human trafficking. It's educating law enforcement officers and the public, funding research, and suggesting policy changes. And a \$1.5 million grant has been appropriated specifically for victim services. The Administrative Office of the Courts also played a key role in drafting the Human Trafficking Restorative Justice Act, which will increase protections for victims of human trafficking.

I'd like to pass on some good news. The General Assembly approved the largest budget for the Judicial Branch in our state's history for the upcoming fiscal year: \$551 million. We're particularly grateful for the 2 percent pay raise for most Judicial Branch employees, and for the much-needed Clerk and Assistant District Attorney positions that have been created. These employees are essential if we want our courts to resolve cases fairly and efficiently in today's North Carolina. Our state has also led the nation by raising the minimum salary for its state employees to \$31,200, a change that will benefit 88 Judicial Branch employees.

Let me be clear. There will be times when we disagree with the General Assembly, but we will do what lawyers always do. We will continue to engage in good-faith discussions with legislative leadership to further the fair, impartial, and independent administration of justice in our state.

[APPLAUSE]

Amidst all of these challenges, it's good to look back and reflect on how far this state and its judiciary have come. Next year, our state's Supreme Court will mark its 200th anniversary. I'd like to thank the General Assembly for allowing our Court to travel for the next three years, to bring our Court to your communities. Last month, we held court in Morganton, Hendersonville, and Asheville, and we are most grateful for the warm welcome that attorneys and other residents of these areas gave us. And this October, we'll be traveling to the eastern part of the state—Halifax, Greenville, and New Bern. We are very excited about this opportunity to reconnect the Supreme Court to the people that we serve.

Ten years have now passed since the international rule of law conference in Vienna, and we will soon be celebrating our July 4th Independence holiday. Let's work together to maintain that gold standard—a legal system that is admired and respected around the world, that values the rule of law and the roles of judges and lawyers in our adversarial system, that promotes respect for the Constitution, and that cultivates a deep and abiding commitment to fairness, impartiality, and independence for our courts. Join with me to cultivate in our citizens an appreciation for all of these principles. Our legal system in North Carolina always aspires to honor these principles, and we are always striving to do justice under our Constitution in each and every case. Thank you very much, and may God continue to bless our great state.