

2019 State of the Judiciary  
Chief Justice Cheri L. Beasley, North Carolina Supreme Court  
Message to State Bar Meeting  
June 22, 2019

Thank you, Judge Mann. It is wonderful to be here with all of you today, and I want to especially thank Jackie Grant and the North Carolina Bar Association for inviting me to bring you the State of the Judiciary Address. I also want to welcome and recognize my colleagues from the Supreme Court, along with Chief Judge McGee and the members of the Court of Appeals who are in attendance. I am so honored to stand before you as the 29th Chief Justice of the Supreme Court of North Carolina.

Our Supreme Court is celebrating its 200th anniversary. It's exciting that we are taking our Court to the people and hearing cases all across North Carolina. Last year we held court in Morganton, Hendersonville, and Asheville. This year we have traveled to Halifax, Greenville, and New Bern, and we held Court in the Old State Capitol. We look forward to holding court this fall in Guilford, Rowan, Randolph, Forsyth, Orange and Johnston Counties, and will travel more next year to more historic towns. Each of the communities we have visited have been such gracious and wonderful hosts, opening up their courthouses and community buildings, and we so appreciate the warm welcome we have received.

Last week I had the opportunity to visit Jones County, one of the many counties in the eastern part of our state that suffered hurricane damage last fall. The dedicated staff there are still operating out of temporary facilities in very difficult conditions, as are their colleagues in Onslow and Pender counties. Many of those folks are not only displaced at the courthouse; they are also personally displaced. And, even in the midst of that, they are carrying on their work for the people of North Carolina and that is really a testament to their resilience and tenacity. I certainly appreciate their commitment and dedication to carrying out the business of our courts.

I also want to commend the North Carolina Bar Association and the NC State Bar for the swift response to the devastation of Hurricane Florence, quickly requesting an order from the Supreme Court to allow out-of-state attorneys to temporarily practice in North Carolina to assist in processing relief applications for so many of our community members who were displaced by the storm. I know that many of you gave of your time to assist in that effort as well and I know that the residents of our eastern counties join me in thanking you for that service.

How appropriate that the theme for this annual meeting centers around wellness. I think it's important to remember that building and maintaining your personal reputation for professionalism is a lifelong task, and one way you can do that is by fostering relationships with your colleagues. Those personal connections allow us to put professionalism into practice; to offer assistance and counsel to one another; to continuously evaluate our own competence and well-being as well as that of our colleagues. In fact, one of the most difficult components of our professional and ethical duties arises when we see a colleague who is struggling, or when we ourselves are struggling — whether that be with mental illness, with addiction, with dementia or declining faculties, or simply having a hard time balancing strenuous, competing demands.

Practicing law is emotionally and mentally taxing. Deadlines are fixed, and the pressure to get it right every time is tremendous. So, if you find yourself in need of assistance, please reach out and ask for that help. And, if you see a colleague who is struggling, you can be kind and supportive by offering help before it jeopardizes their license or their clients. The North Carolina State Bar's Lawyer Assistance Program and the Bar Association's BarCARES programs both offer confidential counseling for lawyers, law students, paralegals, and their families. These are tremendous services and I encourage you to make use of them.

You can also make a confidential request through the Chief Justice's Commission on Professionalism. Often we are afraid to act because we only think of the State Bar as one that renders punishment and we don't want anyone to get in trouble, including ourselves. The Commission on Professionalism, which is led by Executive Director Mel Wright, does a really wonderful job reaching out to folks when someone needs those supports, and the support he offers is absolutely confidential.

As you know, as Chief Justice, I have two distinct roles. I lead the Court administratively, hearing and deciding cases along with my colleagues and overseeing the operations of our Court, but I also lead the Judicial Branch and its nearly 6,500 dedicated employees – elected judges, district attorneys, and clerks of court, public defenders, magistrates, court reporters, judicial support staff, and a whole host of others. It is my responsibility to ensure that they have the resources they need to serve you and your clients, and to ensure that our courts are running properly, hearing cases in a timely manner, and treating litigants fairly.

I have spent my first 100 days traveling the state, meeting with the public servants who keep our branch running, and I am proud to tell you our Judicial Branch is healthy and strong. It is strong because of those dedicated public servants. My pledge to them has been and continues to be that I will work to make sure they have the resources and support they need to carry on that important work. My pledge to you as lawyers and the people of North Carolina is that I will work to assure that our courts are capable of serving you in a timely, efficient and just manner and that, as a branch, we work to uphold the rule of law.

We are working hard to modernize our courts. I have requested that the legislature fund an eCourts system that would open the door for countless North Carolinians to be able to have greater access to their courts and would be attractive to businesses in our global economy.

We are prepared to roll out e Courts. As our business community races ahead with new and innovative technologies allowing us to bank, communicate, shop, and work online, our courts are not keeping pace. Here in North Carolina, you can pay your utility bill online, but not civil court costs. You can electronically file and view deeds in every North Carolina county, but you have to physically carry court files from one county to the next because they are not accessible online. I want to make sure that all people in North Carolina have access to justice and are able to access the services of our courts. It's important to be able to access our courts whether you live in Avery County, Wake County or Edgecombe County.

By modernizing our Courts, we can make court services available remotely, removing barriers to access, especially in rural communities where the courthouse may be 20 miles from someone's

home. This access will help lawyers and judges who will be able to access files from remote locations and also allow the public to handle more of their court business online. For instance, in 16 North Carolina counties right now, victims can file for a domestic violence protective order online. That life saving service could and should be available in all 100 of our Counties. eCourts will help us do that. I know that we can do better, and that is why we have asked the General Assembly this year for \$15 million to fund our eCourts initiative. I thank the NC Bar Association for your support for eCourts. Over the next five years, we will bring electronic document filing to all 100 North Carolina counties. This effort will revolutionize the way our courts operate and allow us to more effectively evaluate our needs and improve the services we provide.

We will also focus on how best to evaluate the priorities of the branch. One way we will do that is by reconvening the State Judicial Council. This council was created by the legislature to advise the Chief Justice about the needs of our Judicial Branch. The Council will be chaired by Associate Justice Robin Hudson and will be comprised of elected judicial officials and employees of the Judicial Branch, along with attorneys in private practice. Appointments are made by each of our three branches of government and by each of the conferences within the Judicial Branch. This cross - section of stakeholders will advise me on the priorities for our budget requests, and monitor the administration of justice and the effectiveness of the Judicial Branch in serving the public. I have asked Justice Hudson and the State Judicial Council to immediately review our allocation of employees among our 102 courthouses to be sure that we are deploying our resources efficiently and in a way that best supports judges and other members of the branch as they work to ensure that we are disposing of cases in a timely and just manner.

With NC's population of about 10 million, more than 2.2 million North Carolinians qualify for free legal services; 71% of them will experience at least one civil legal problem this year. And yet, of those that seek free legal help, more than half will be turned away. We must remove the barriers that make it difficult, or even impossible, for our friends and neighbors to access our state courts. I am grateful to the North Carolina Bar Association for your continued support for adequate and proper funding of our legal services community. You are well aware that legal services programs assist many in need to include domestic violence victims, veterans, the disabled and the elderly. And the members of the North Carolina Bar Association should be so proud of the work you are doing to guarantee that we meet that obligation. Last year, 1,200 attorneys provided more than 50,000 hours of pro bono legal services, and I want you to know that the Chief Justice's Equal Access to Justice Commission is working right alongside you to close the justice gap here in North Carolina.

In courthouses all across North Carolina, community leaders are coming together to craft innovative solutions to enhance the prosperity, safety, and health of their communities. Many judges and district attorneys, with the support of local sheriffs are regularly reviewing their county jail rolls so that no person spends more days in jail awaiting trial than he would have spent in jail if he had been convicted.

Many judicial districts are evaluating their bail policies. Counties big and small, urban and rural, are changing the way they handle criminal cases pre - trial, and they are seeing many positive results. Jails are less crowded. Defendants keep their jobs. Families stay in their homes. These

communities are finding that this process does not compromise their safety and helps keep their taxes low.

All across our state, thousands of North Carolinians are jailed every year because they can't afford to pay a fine. Our counties spend more than \$1,100 on every person that is jailed for their inability to pay. But, on average, they only owe \$500. That simply does not make sense. It is costly to the public and does not allow people to be out working. I know that several local jurisdictions have already taken steps to end this practice, and I look forward to seeing many others join them in that effort.

More than 1 million drivers in North Carolina have had their driver's license revoked, simply because they were too poor to pay a court fine or failed to show up for court. But, revoking driver's licenses isn't helping us collect court debts. What we know is that when a court debt is not paid within a year, it is not likely to ever be paid. And the collection rate is not improved by the revocation of a driver's license. In fact, the average length of a driver's license suspension resulting from a failure to pay court debt is 16 years. That is unacceptable.

So, many districts are holding clinics to help their community members bounce back after hitting a bump in the road. These expungement clinics and driver's license restoration clinics change lives. Judges, district attorneys, and defense attorneys are partnering to give people a new start on their lives. I am working to support their efforts by expanding the availability of expunctions and automating the process. There are many who are eligible for expungements, but don't even know it. We are working with partners in the legislature to automatically expunge charges when they are dismissed, because no person should be haunted by a criminal charge they were never even convicted of.

There are opportunities to partner with leaders in the faith community. We have already begun to hold Faith and Justice roundtables to create partnerships among faith leaders, court leaders, law enforcement and other community leaders to discuss ways that our judicial system can better serve every North Carolinian. Houses of worship are excited about the opportunity to partner with district attorneys, judges and community leaders to help host driver's license restoration clinics and expungement clinics to help people move forward with their lives.

I am also calling on the legislature to expand the availability of our recovery courts. All across our state, people are dying as a result of addiction, to opioids and to other drugs. More than 2,000 people died last year as a result of a drug misuse disorder. Governor Cooper is participating in a national opioid task force. Legislative leaders passed the STOP Act to curb prescription misuse. Our courts must be a partner in that work. We must bring treatment courts to every North Carolina county, because a person who lives in Jackson County or Perquimans County or Robeson County ought to have the same opportunity to receive treatment instead of jail time as a person who lives in Wake County. Gone are the days when we could think of our courts as simply a place where disputes are settled. They are the place where families turn to help them when in crisis. They are the protectors of the children of the opioid crisis. And we must make these recovery tools available to all who need them. We appreciate the NC Bar Association's support for adequate funding for drug courts, in addition to business courts, veterans courts and family courts.

I want to thank the General Assembly for passing Raise the Age to ensure that we no longer prosecute children as adults for many offenses. I know that they are working hard during their budget negotiations to fully fund its implementation and we look forward to continuing to partner with them to make sure that we provide the services that our young people need to ensure their future success.

And while we celebrate that momentous step forward, we must not stop there. More than 11,000 children were referred to our courts last year, often for behavior that twenty years ago would have landed them in a principal's office, not a courtroom. And let's face it, when 1 in 5 children in North Carolina is hungry, there are bound to be disciplinary and learning problems. Childhood hunger is an access to justice issue and these are our children.

We know that even a single interaction with our juvenile justice system can alter the course of a young person's life, making him or her less likely to graduate high school, more likely to engage in addictive behaviors, and more likely to later be involved in the criminal justice system as an adult. We must work to stem this tide. So, I will soon be releasing a toolkit to empower our local leaders to build School Justice Partnerships across North Carolina. In these partnerships, school administrators, law enforcement and the courts work together to implement restorative justice and graduated discipline responses to keep our young people in their classrooms and out of our courts. I recently joined Chief Judge Jay Corpening and other New Hanover County community leaders for a ceremony marking the renewal of their School Justice Partnership, which has reduced referrals of children to the court system by 67%. And we are seeing similar results in Brunswick, Greene, Lenoir, Mecklenburg, Stanly and Wayne counties, and more than thirty other counties are working to follow suit.

The changes we are making in our judicial system will be difficult, and we need your support. You hold a unique position to lead — to shine a light that needs to be shining brightly — on the threats to judicial independence that are growing, and that are a part of other challenges to core elements of our form of government. I urge you to support preservation of the Judicial Standards Commission, whose sole purpose is to enforce ethical standards for judges and to protect the public. Please stand up and lead the way to oppose any measures which compromise the independence of judges and the Judicial Branch. The people of North Carolina need your voice, and we would be so grateful.

I am so very proud to have taken the helm of our judiciary at such an exciting time. I am grateful to the roughly 6,500 elected officials and employees who make up the Judicial Branch for their energy and enthusiasm during this first 100 days of my tenure as Chief Justice. I know that they share my vision for a court system that is transparent, fair, and accessible to every North Carolinian and I am excited about what that future holds.

Thank you again for the invitation to speak with you today and I do hope that if I or my office can be of service to you and your local communities, you will let us know. Thank you and God bless you.