

RESOLUTION TO ADVOCATE PROPER FUNDING OF JUSTICE SYSTEM

WHEREAS, the founding fathers of this country conceived a republican form of government which had, as its core, three separate but equal branches of government with Legislative, Executive and Judicial responsibilities; and

WHEREAS, the people of the State of North Carolina adopted a concurrent constitutional form of government which divided the powers of government among the executive branch, the legislative branch and an independent judiciary; and

WHEREAS, the people of the State of North Carolina delegated to the General Assembly all of the legislative power of the State under Section 1 of Article II of the Constitution of North Carolina; they assigned to the Governor all of the executive power under Section 1 of Article III of the Constitution of North Carolina; and they granted to an independent judiciary, the General Court of Justice, all of the judicial power under Section 1 of Article IV of the Constitution of North Carolina, this is the doctrine of separation of powers; and

WHEREAS, the doctrine of separation of powers among the coordinate branches of government in North Carolina is a fundamental part of the law of the land, which has been historically preserved and protected by our courts; and

WHEREAS, an independent judiciary, free from the constraint, control or domination of any other branch of government, is solely vested with the responsibility of interpreting the written and common law of North Carolina regardless of whether all citizens agree with these interpretations; and

WHEREAS, the North Carolina Bar Association is dedicated and committed to the concept that in order for the citizens of this State to enjoy the benefits of freedom and liberty, which are guaranteed by our Constitution, a fully functional and independent judiciary must be maintained; and

WHEREAS, actions by any other branch of our government through funding decisions or otherwise, which adversely affect the ability of our judiciary to effectively and efficiently carry out its constitutional role in protecting the citizens of the State of North Carolina, serve to undermine judicial independence.

THEREFORE, BE IT RESOLVED, that the North Carolina Bar Association actively supports and will advocate for the proper funding of our justice system, so that our judiciary can effectively and efficiently carry out its constitutional role as a coequal branch of government and so that our justice system can properly serve the citizens of the State of North Carolina.

Adopted this 22nd day of January, 2009
by the Board of Governors of the North Carolina Bar Association



Charles L. Becton
President, North Carolina Bar Association