

# Judicial Independence Symposium

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2022 Association Annual Meeting

June 24, 2022

**NORTH CAROLINA**  

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## Judicial Independence Symposium

### 2022 Association Annual Meeting

#### MODERATORS and SPEAKERS

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**Former Justice Robert H. “Bob” Edmunds Jr.** served as an appellate judge for 18 years, most recently as Senior Associate Justice of the Supreme Court of North Carolina. Justice Edmunds now serves clients with that same dedication as part of Fox Rothschild’s Appellate group.

Justice Edmunds helps clients navigate complex criminal and civil appeals in state and federal court. He also protects clients’ interests in constitutional and other high-stakes litigation. Justice Edmunds draws from his breadth of experience in government and the private sector. He is board certified as a specialist in appellate practice, state criminal law and federal criminal law.

**Representative Joseph R. “Joe” John**, a UNC-CH School of Law graduate, began his public service career in Greensboro working as a Legal Aid attorney, Assistant DA and partner in a small law firm, then District and Superior Court Judge. Thereafter he served on the NC Court of Appeals, was Deputy NCDMV Commissioner and Director of the SBI State Crime Laboratory. A member of the NC House since 2016, he became Chair of the NC Courts Commission in 2018. Rep. John is the only person in NC history to have high-level experience in all 3 branches of state government. He is married to Evelyn and the couple have 3 adult children and 7 grandchildren.

**Former Representative Richard B. “Rick” Glazier** is the Executive Director of the NC Justice Center. Previously, he had been elected seven times to the North Carolina House of Representatives from Cumberland County. Rick received his JD from Wake Forest University in 1981. He was a Visiting Professor in Criminal Justice at Fayetteville State University for 8 years and has been teaching pre-trial civil law, as well as trial and appellate advocacy, at Campbell University School of Law for 28 years. In 1996, he was elected to the Cumberland County School Board and served for six years, two as Chairman. Rick started his professional career in Fayetteville as Assistant Public Defender, then served 5 years as a law clerk to two federal judges, James C. Fox and Wallace Dixon, and spent 15 years as a member, partner, and for 8 years, managing partner, of the Beaver, Holt law firm.

Rick has received many legislative honors and awards, including the *President's Award* from NCAE, *Common Cause's Democracy Award*, *Defender of Justice Award from the NC Justice Center*, *Outstanding Legislator Award* from the NC Academy of Trial Lawyers, and *Legislator of the Year Award* from numerous organizations, including Equality NC, NC Social Workers, NC Autism Society, NC Mental Health Alliance, NC Association of Teacher Assistants, NC League of Conservation Voters, NC Association of Superintendents and Administrators, NC Guidance Counselors Association, the United States Department of Health and Human Services Commissioner's Award, and the Ruth Easterling Award from the Covenant for NC's Children. He also received the Citizen Lawyer Award from the NC Bar in 2012 for his work in public office, the Patrick Henry Award from the National Guard Association of the United States, the N.C. Council of Churches Faith in Public Service Award, and in 2015, the Order of the Long Leaf Pine.

Rick is also a former member of the Z Smith Reynolds Foundation Advisory Board, the UNC-TV Board of Trustees, the Chief Justice's Committee on the Future of the Business Courts in North Carolina, the NC Public School Forum Board of Directors, the Cumberland County Children's Advocacy Center Board, and the Fayetteville Urban Ministry Board. Rick currently serves on North Carolina's Actual Innocence Inquiry Commission and as a member of the Chief Justice's Equal Access to Justice Commission as well as the Chief Justice's Faith and Justice Alliance.

**Former Representative Paul B. "Skip" Stam Jr.** has practiced law in Apex for 46 years. He served 16 years in the North Carolina House of Representatives, the last 10 as Republican Leader and Speaker Pro Tem (2007- 2016). His practice concentrates on real estate and state constitutional law. For a complete biography and dozens of articles on public policy issues see [www.paulstam.info](http://www.paulstam.info). In 2009 and 2013 he worked extensively on constitutional amendments providing for appellate judges to be appointed by the Governor with confirmation in periodic retention elections and by the Assembly – no screening committee. Contact him at [paulstam@stamlawfirm.com](mailto:paulstam@stamlawfirm.com).

**Dr. Michael Bitzer** holds the Leonard Chair of Political Science and is a professor of politics and history at Catawba College (Salisbury, NC), where he has been since 2002. Dr. Bitzer's teaching and research interest areas are American politics, public law, public administration & policy, and modern US and world history, with specializations in North Carolina politics, Southern politics, U.S. campaigns and elections, U.S. constitutional law, and genocide in the 20th Century. He is the founder and a contributor to the blog [OldNorthStatePolitics.com](http://OldNorthStatePolitics.com) and tweets at [@BowTiePolitics](https://twitter.com/BowTiePolitics).

**Loretta Boniti (moderator)** is an award-winning anchor and senior political reporter with Spectrum News 1. She hosts a weekly public affairs program that covers all the issues important to folks across North Carolina called “In Focus with Loretta Boniti”. She has been reporting on all of the big legislative, election, and state government issues across our state for over a decade now, with previous experience covering politics in both Virginia and Georgia. Loretta is a New York native and Syracuse University graduate.

**Tim Boyum (moderator)** has been a journalist for nearly 25 years, mostly in North Carolina. He grew up in Minnesota and attended college at St. Cloud State University and Southern New Hampshire University.

Tim came to North Carolina from Eureka, California where he was a reporter. He came to North Carolina in 2002 to help launch what was then News 14 Carolina. Tim is a three-time Emmy winner for his political coverage and currently serves as Spectrum News 1’s political anchor hosting the nightly Capital Tonight, weekly podcast Tying it Together, and monthly political magazine show Front Porch Politics.

**Christopher A. Cooper** is Robert Lee Madison Distinguished Professor of Political Science and Public Affairs and Director of the Public Policy Institute at Western Carolina University. Dr. Cooper’s teaching and research focuses on state politics, North Carolina politics, southern politics and electoral behavior. He is also co-author of *The Resilience of Southern Identity: Why the South Still Matters in the Minds of its People*, co-editor of *The New Politics of North Carolina* (both published by the University of North Carolina Press), and author or co-author of over 50 peer reviewed journal articles. Cooper is frequently quoted by international, national and state media, has served as an expert witness for voting rights cases, contributes to [www.oldnorthstatepolitics.com](http://www.oldnorthstatepolitics.com), and tweets at @chriscooperwcu.

**Jeanette Doran** is President and General Counsel of the North Carolina Institute for Constitutional Law. She started her career as a law clerk in the Middle District of North Carolina after graduating with honors from Campbell Law School. Her experience includes a clerkship in the Middle District of North Carolina, work at the Federal Public Defender as the Research Attorney, and a staff position at the School of Government at UNC-Chapel Hill. Jeanette joined NCICL in 2005 and became Executive Director in 2011.

**James “Jim” Drennan** joined the faculty of School of Government (then the Institute of Government) in 1974. He was the Albert Coates Professor of Public Law and Government until he retired from full-time teaching in 2011. He remains on the faculty on a part-time basis where he teaches and advises on court administration issues, judicial ethics and fairness, criminal sentencing, and judicial leadership. While on leave from 1993 through 1995, he served as director of the North Carolina Administrative Office of the Courts. He earned a B.A. degree from Furman University and a J.D. degree from Duke University School of Law, where he served on the editorial board of the *Duke Law Journal*.

**Mitch Kokai** is senior political analyst for the John Locke Foundation. It is a free-market, state-policy-oriented think tank based in Raleigh. Mitch joined Locke in December 2005 after working for four years as chief state government reporter at the News 14 Carolina television channel. Before television, Mitch spent seven years leading local radio news departments in Whiteville, Chapel Hill, and Raleigh. He writes a weekly column for Locke’s CarolinaJournal.com. He also offers commentary regularly on radio and television, including PBS North Carolina’s “Front Row” program. Mitch graduated from UNC-Chapel Hill. He has lived in Raleigh since 2000.

**Joe Stewart** (moderator) is Vice President for Governmental Affairs for the Independent Insurance Agents of North Carolina (IIANC).

Joe’s a recipient of the Bob Slocum Award for Excellence in Advocacy from the Association Executives of NC (AENC), and the IIANC Chairman’s Citation for his work on hands-free driving legislation, and the 2020 Maurice G. Herndon Legislative Award from the Independent Insurance Agents and Brokers of America for his work on legislative issues and political engagement.

Prior to his current position, Joe was the Executive Director of the NC Free Enterprise Foundation (NCFREE), a non-profit, nonpartisan political research organization, and he remains a media source for objective political insights and is a regular guest political analyst for Capital Tonight on Spectrum News and on UNC-TV’s Front Row with Marc Rotterman.

Joe’s resume includes Political Director of the NC Chamber of Commerce, Chief Deputy State Treasurer of North Carolina, and Assistant Secretary of the NC Department Public Safety. He has more than 35 years of experience in government, politics, association management, issue advocacy, campaigns and fundraising in North Carolina and Washington, DC.

Joe serves on the Board of The NC Institute of Political Leadership (IOPL) and is a former Board President of the Association Executives of North Carolina (AENC) and former member of the NC Chapter of the National Federation of Independent Businesses (NFIB) Leadership Council.

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# Judicial Independence Symposium 2022 Association Annual Meeting

## TABLE OF CONTENTS

### **CHAPTER I**

#### **Current Views of the Judiciary and Judicial Independence in North Carolina**

Moderator: *Joe Stewart – Cary*

Panelists: *J. Michael Bitzer – Salisbury*

*Christopher A. Cooper – Cullowhee*

*Mitch Kokai – Raleigh*

Polling Results .....	I-1
Pope v. Easley.....	I-7
Senate Bill 698.....	I-13
The Removal of Special Superior Court Judges: An Assault on Separation of Powers.....	I-15

### **CHAPTER II**

#### **Current and Political Methods of Judicial Selection**

Moderator: *Tim R. Boyum – Raleigh*

Panelists: *Former Justice Robert H. “Bob” Edmunds Jr. – Greensboro*

*Jeanette Doran - Raleigh*

*James C. Drennan – Chapel Hill*

**See Chapter I for materials**

### **CHAPTER III**

#### **Discussion of Judicial Independence in North Carolina**

Moderator: *Loretta M. Boniti - Raleigh*

Panelists: *Former Justice Robert H. “Bob” Edmunds - Greensboro*

*Representative Joseph R. “Joe” John – Raleigh*

*Former Representative Richard B. “Rick” Glazier - Raleigh*

*Former Representative Paul B. “Skip” Stam Jr - Apex*

**See Chapter 1 for materials**

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# CHAPTER I

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## Current Views of the Judiciary and Judicial Independence in North Carolina

Moderator: *Joe Stewart*

*Independent Insurance Agents of North Carolina  
Cary, NC*

Panelist: *J. Michael Bitzer*

*Catawba College  
Salisbury, NC*

Panelist: *Christopher A. Cooper*

*Western Carolina University  
Cullowhee, NC*

Panelist: *Mitch Kokai*

*John Locke Foundation  
Raleigh, NC*

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North Carolina**

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Polling Results .....	I-1
Pope v. Easley.....	I-7
Senate Bill 698.....	I-13
The Removal of Special Superior Court Judges: An Assault on Separation of Powers.....	I-15

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## NCBA Judicial Independence Symposium Polling Results

### Polling Performed by Cygnal

Likely Voter Polling: May 9 – 10, 2022 | n=630 | ±3.85%

Attorney Polling: May 16 – 17, 2022 | n=853 | ±3.30%

### TRUST IN FEDERAL BRANCHES OF GOVERNMENT

#### United States Judicial Branch led by United States Supreme Court

Please indicate how much trust you have in the Judiciary Branch of the U.S. Government which is led by the Supreme Court of the United States.		Voters	Attorneys
	A great deal	15.2%	21.4%
A fair amount	32.9%	43.2%	
Not very much	33.4%	28.3%	
None at all	17.5%	7%	
No opinion	1.1%	.1%	

#### United States Congress

Please indicate how much trust you have in the Legislative Branch of the U.S. government also known as the United States Congress		Voters	Attorneys
	A great deal	4.8%	1.6%
A fair amount	17.4%	20.2%	
Not very much	45.2%	60.1%	
None at all	31.1%	17.8%	
No opinion	1.6%	.3%	

#### Executive Branch led by the President of the United States

Please indicate how much trust you have in the Executive Branch of the U.S. Government which is made up of the President and his/her Cabinet and Administration.		Voters	Attorneys
	A great deal	14.2%	13.4%
A fair amount	23.7%	40.6%	
Not very much	19.9%	29.8%	
None at all	41.0%	15.9%	
No opinion	1.2%	.3%	

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## TRUST IN NORTH CAROLINA COURTS

### North Carolina Appellate Courts

Please indicate how much trust you have in North Carolina's Appellate Courts.		Voters	Attorneys
	A great deal	7.6%	19.6%
	A fair amount	43.6%	58.9%
	Not very much	30.8%	16.2%
	None at all	8.9%	2.5%
	No opinion	9.1%	2.8%

### North Carolina Trial Courts

Please indicate how much trust you have in North Carolina's Trial Courts.		Voters	Attorneys
	A great deal	7.8%	29.6%
	A fair amount	44.1%	52.3%
	Not very much	31%	13.8%
	None at all	8.1%	1.7%
	No opinion	9.1%	2.7%

## JUDICIAL SELECTION

### Appointment vs. Election of Judges

Should state judges be appointed by the state government or elected by the voters?

	Voters	Attorneys
<b><u>Appointed by the state government</u></b>	<b><u>11.7%</u></b>	<b><u>37.1%</u></b>
<i>Definitely appointed by the state government</i>	4.2%	11.7%
<i>Probably appointed by the state government</i>	7.4%	25.4%
<b><u>Elected by the Voters</u></b>	<b><u>80.4%</u></b>	<b><u>52.2%</u></b>
<i>Probably elected by the voters</i>	26.8%	25.1%
<i>Definitely elected by the voters</i>	53.6%	27.1%
<b><u>Unsure</u></b>	<b><u>7.9%</u></b>	<b><u>10.7%</u></b>

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### Elections: Partisan vs. Nonpartisan

If state judges were to be elected by the voters, should the elections be partisan, meaning the judge would run as part of a political party such as Republican or Democrat, OR should they be nonpartisan, meaning the judge would run without the official backing of a political party?

	Voters	Attorneys
<b><u>Partisan</u></b>	<b><u>23.1%</u></b>	<b><u>21.7%</u></b>
<i>Definitely partisan</i>	16.8%	11.4%
<i>Probably partisan</i>	6.3%	10.3%
<b><u>Nonpartisan</u></b>	<b><u>70.9%</u></b>	<b><u>75.6%</u></b>
<i>Probably nonpartisan</i>	12.0%	12.7%
<i>Definitely nonpartisan</i>	58.9%	62.9%
<b><u>Unsure</u></b>	<b><u>6.0%</u></b>	<b><u>2.7%</u></b>

### Appointment of Judges: Governor or General Assembly

If state judges were to be appointed and either the Governor or the North Carolina General Assembly could appoint them, which would you prefer?

	Voters	Attorneys
<b><u>Governor</u></b>	<b><u>22.6%</u></b>	<b><u>47.8%</u></b>
<i>Definitely the Governor</i>	9.9%	18.1%
<i>Probably the Governor</i>	12.6%	29.6%
<b><u>General Assembly</u></b>	<b><u>52.1%</u></b>	<b><u>32.3%</u></b>
<i>Definitely the General Assembly</i>	25.4%	13.3%
<i>Probably the General Assembly</i>	26.7%	19.0%
<b><u>Unsure</u></b>	<b><u>25.3%</u></b>	<b><u>19.9%</u></b>

### Appointment of Judges: Governor, General Assembly or Nonpartisan Commission

If state judges were to be appointed and either the Governor, the North Carolina General Assembly, or a nonpartisan commission could appoint them, which would you prefer?

	Voters	Attorneys
<b><u>Governor</u></b>	<b><u>7.9%</u></b>	<b><u>9.8%</u></b>
<i>Definitely the Governor</i>	3.6%	2.9%
<i>Probably the Governor</i>	4.3%	6.9%
<b><u>General Assembly</u></b>	<b><u>17.0%</u></b>	<b><u>14.4%</u></b>
<i>Definitely the General Assembly</i>	9.6%	7.4%
<i>Probably the General Assembly</i>	7.5%	7.1%
<b><u>Nonpartisan Commission</u></b>	<b><u>63.1%</u></b>	<b><u>71.0%</u></b>
<i>Definitely the Nonpartisan Commission</i>	36.9%	45.5%
<i>Probably the Nonpartisan Commission</i>	26.2%	25.5%
<b><u>Unsure</u></b>	<b><u>12.0%</u></b>	<b><u>4.7%</u></b>

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## SPEED OF JUSTICE

Do you think North Carolina's court system operates too slowly, at about the right speed, or too fast?

	Voters	Attorneys
<b>Too slowly</b>	<b>60.6%</b>	<b>65.5%</b>
<i>Much too slowly</i>	31.1%	24.6%
<i>Somewhat too slowly</i>	29.5%	40.9%
<b>About the right speed</b>	<b>12.6%</b>	<b>25.8%</b>
<b>Too fast</b>	<b>1.4%</b>	<b>0.7%</b>
<i>Somewhat too fast</i>	0.6%	0.4%
<i>Much too fast</i>	0.8%	0.4%
<b>Unsure</b>	<b>25.5%</b>	<b>8.0%</b>

## NUMBER OF TRIAL JUDGES

Right now, there is one trial judge for every 27,632 citizens in North Carolina. Do you think North Carolina's court system has enough judges?

	Voters	Attorneys
<b>Enough</b>	<b>15.1%</b>	<b>27.0%</b>
<i>Definitely enough</i>	4.5%	5.9%
<i>Probably enough</i>	10.5%	21.1%
<b>Not Enough</b>	<b>69.2%</b>	<b>63.8%</b>
<i>Probably not enough</i>	36.9%	32.4%
<i>Definitely not enough</i>	32.3%	31.5%
<b>Unsure</b>	<b>15.7%</b>	<b>9.1%</b>

## POLITICAL PARTIES INFLUENCE ON JUDGES

How much influence do you think political parties in North Carolina have over North Carolina's judges?

	Voters	Attorneys
A great deal	34.7%	32.7%
A fair amount	39.5%	42.1%
Not very much	8.5%	18.9%
None at all	4.0%	1.7%
Unsure	13.3%	4.5%

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## FAIRNESS

### Court Outcome Fairness

In general, do you think North Carolina courts' outcomes are fair or unfair?

	Voters	Attorneys
<b>Fair</b>	<b>31%</b>	<b>65.3%</b>
<i>Very fair</i>	7.4%	14.3%
<i>Somewhat fair</i>	23.6%	51.0%
<b><u>Neither fair nor unfair</u></b>	<b>12.4%</b>	<b>10.6%</b>
<b>Unfair</b>	<b>27.6%</b>	<b>14.5%</b>
<i>Somewhat unfair</i>	19.7%	11.7%
<i>Very unfair</i>	7.9%	2.8%
<b>Unsure</b>	<b>29%</b>	<b>9.5%</b>

### Wealth Impact on Fairness

In general, how much of an impact does a defendant's wealth and social status have on a court outcome in North Carolina?

	Voters	Attorneys
A great deal	51.5%	36.4%
A fair amount	25.4%	37.6%
Not very much	7.1%	16.7%
None at all	3%	3.5%
Unsure	12.9%	5.9%

### Race Impact on Fairness

In general, how much of an impact does a defendant's race have on a court outcome in North Carolina?

	Voters	Attorneys
A great deal	38.6%	21.8%
A fair amount	22.7%	35.3%
Not very much	14.2%	25.7%
None at all	11.6%	10.3%
Unsure	12.9%	7%

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# Pope v. Easley

Supreme Court of North Carolina

September 10, 2001, Heard In the Supreme Court ; December 18, 2001, Filed

No. 206PA01

## Reporter

354 N.C. 544 \*; 556 S.E.2d 265 \*\*; 2001 N.C. LEXIS 1237 \*\*\*

J. ARTHUR POPE, Plaintiff v. MICHAEL EASLEY, Governor of North Carolina, and ROY COOPER, Attorney General of North Carolina, Defendants, and LORETTA C. BIGGS, HUGH B. CAMPBELL, JR., and ALBERT S. THOMAS, JR., Additional Defendants

**Prior History:** [\*\*\*1] On discretionary review pursuant to N.C.G.S. § 7A-31, prior to a determination by the Court of Appeals, of an order and judgment entered on 14 February 2001 by Farmer, J., in Superior Court, Wake County.

**Disposition:** AFFIRMED.

## Core Terms

election, appointment, judgeships, appointees, trial court, fill, vacancies, effective, temporary, terms

## Case Summary

### Procedural Posture

Appellee legislator filed a declaratory judgment action in the Superior Court of Wake County, North Carolina, against appellant state officials and judges challenging the constitutionality of an amendment to N.C. Gen. Stat. § 7A-16 increasing the number of judges on the court of appeals. The trial court held a portion of the statute unconstitutional and severed that portion from the remainder of the statute. The officials and judges appealed.

### Overview

The state general assembly passed an amendment to

N.C. Gen. Stat. § 7A-16 in 2000 which purported to increase the size of the state court of appeals from 12 to 15 judges. The statute provided that each of the new judgeships would be created at the time of appointment of an individual to the particular position and that each judge would thereafter hold office until facing an initial retention election in 2005. The legislator argued that the provision allowing the new judges to serve for that period of time conflicted with the provisions of N.C. Const. art. IV, § 19, which required a judge appointed to a vacancy to stand for election at the next general election. The appellate court held that the statute did in fact conflict with the state constitution and N.C. Gen. Stat. § 163-9 and was therefore unconstitutional. Despite the legislature's attempt to make the judgeships effective on appointment, the judgeships were created by the statute, and vacancies in those judgeships had to be filled according to law. The remaining portions of the statute could however stand alone and the trial court had properly given effect to a severance clause.

### Outcome

The order of the trial court was affirmed.

## LexisNexis® Headnotes

Civil Procedure > ... > Judges > Inability to Proceed > Successor Judges

Governments > Courts > Creation &

Organization

Governments > Courts > Judges

**HN1**  **Inability to Proceed, Successor Judges**

**HN5**  **Courts, Creation & Organization**

See N.C. Gen. Stat. § 7A-16.

In order to fill an office there must be one already created. If the term of the office is to begin in the future it is competent for the legislature, or other appointing power, to fill it, provided that there has then been such an office created, but not at a time when there is no such office in existence.

Constitutional Law > State Constitutional Operation

Governments > Legislation > Interpretation

**HN2**  **Constitutional Law, State Constitutional Operation**

Governments > Courts > Judges

Acts of the general assembly are accorded a strong presumption of constitutionality.

**HN6**  **Courts, Judges**

While the general assembly has the constitutional authority to determine the structure, organization, and composition of the court of appeals, the general assembly may not bypass the express provision in N.C. Const. art. IV, § 19, by delaying the effective date for judgeships until the moment of appointment by the governor.

Constitutional Law > State Constitutional Operation

Governments > Legislation > Interpretation

**HN3**  **Constitutional Law, State Constitutional Operation**

Governments > Legislation > Interpretation

The Constitution of North Carolina is not a grant of power; rather, the power remains with the people and is exercised through the general assembly, which functions as the arm of the electorate. An act of the people's elected representatives is thus an act of the people and is presumed valid unless it conflicts with the constitution.

Governments > Legislation > Severability

Governments > Courts > Creation & Organization

**HN4**  **Courts, Creation & Organization**

**HN7**  **Legislation, Interpretation**

See N.C. Const. art. IV, § 19.

The test for the severability of an unconstitutional part of a statute is whether the remaining portion of the legislation can stand on its own and whether the general assembly would have enacted the remainder absent the offending portion. When the statute can be given effect had the invalid portion never been included, it will be given such effect if it is apparent that the legislative body, had it known of the invalidity of the one portion, would have enacted the remainder alone. Additionally, the inclusion of a severability clause within legislation will be interpreted as a clear statement of legislative intent to strike an unconstitutional provision and to allow the balance to be enforced independently.

Governments > Courts > Creation & Organization

## Headnotes/Summary

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### Headnotes

Judges--additional Court of Appeals judgeships--unconstitutional initial terms--severability

The General Assembly's addition of three new Court of Appeals judgeships in 2000 Sess. Laws, ch. 67, sec. 15.5(a) was constitutionally permissible under N.C. Const. art. IV, § 7, but the provision of section 15.5(a) making the creation of the new judgeships effective upon gubernatorial appointment and allowing appointees to serve initial terms of four years violates the requirement of N.C. Const. art. IV, § 19 that judicial appointees hold their places only until the next election for members of the General Assembly. However, the portion of section 15.5(a) that established the term of office was severable from the portion that created the judgeships. Since section 15.5(a) operated to create vacancies at the Court of Appeals, the three new Court of Appeals seats are required to be placed on the ballot for the 2002 election cycle.

**Counsel:** Stam, Fordham & Danchi, P.A., by Paul Stam, for plaintiff-appellee.

Roy Cooper, Attorney General, by Grayson G. Kelley, Senior Deputy Attorney General, for defendant-appellants and-appellees Easley and Cooper and additional defendant-appellants and-appellees Biggs and Campbell. Boyce & Isley, PLLC, by Eugene Boyce and Laura Boyce Isley, for additional defendant-appellant and-appellee Thomas.

### Opinion

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[\*\*266] [\*545] PER CURIAM.

On 30 June 2000, the General Assembly of North Carolina enacted, and the Governor of North Carolina signed into law, Session Law 2000-67, which authorized, among other things, the expansion of the

North Carolina Court of Appeals from twelve to fifteen judges. Act of June 30, 2000, ch. 67, sec. 15.5, 2000 N.C. Sess. Laws 197, 371-72. Section 15.5.(a) of the ratified bill, adding a new, sixth paragraph to N.C.G.S. § 7A-16, provides, in part, as follows:

**HNT** [↑] On or after December 15, 2000, the Governor shall appoint [\*\*\*2] three additional judges to increase the number of judges to 15. *Each judgeship shall not become effective until the temporary appointment is made, and each appointee shall serve from the date of qualification until January 1, 2005. Those judges' successors shall be elected in the 2004 general election and shall take office on January 1, 2005, to serve terms expiring December 31, 2012.*

Ch. 67, sec. 15.5.(a), 2000 N.C. Sess. Laws at 371 (emphasis added).

Plaintiff, a member of the House of Representatives of the General Assembly, initiated this action on 4 December 2000 against Governor James B. Hunt, Jr. and Attorney General Michael Easley in their official capacities. Plaintiff sought a declaration that section 15.5.(a) conflicts with the North Carolina Constitution by establishing four-year temporary initial terms of office for the three new Court of Appeals judges, that the future judicial appointees could not lawfully hold office, and that the appropriated funds could not be spent to support the new judgeships. Plaintiff also requested that the Governor be enjoined from issuing commissions for the new judgeships.

On 14 December 2000, the trial court denied plaintiff's [\*\*\*3] motion for a preliminary injunction. On 5 January 2001, Governor Hunt appointed Loretta C. Biggs, Hugh B. Campbell, Jr., and Albert S. Thomas, Jr. to the newly created seats on the Court of Appeals. On 18 January 2001, plaintiff filed a motion to amend his complaint to add the three newly appointed judges as additional defendants. Plaintiff also moved to substitute the newly elected Governor and Attorney [\*546] General for the original defendants holding such offices. The trial court allowed these motions on 5 February 2001.

In an order and judgment entered 14 February 2001, the trial court determined that, while the General Assembly's expansion of the Court of Appeals was constitutionally permissible, its creation of four-year temporary initial judgeship terms in section 15.5(a) was inconsistent with the North Carolina Constitution. The trial court further ruled the portion of section 15.5(a) that established the term of office was severable from the portion that created the judgeships. By severing [\*\*267] the portion establishing four-year initial terms, the trial court purported to transform the newly created judicial seats into vacancies. The trial court ordered these vacancies to be filled [\*\*\*4] according to the provisions of Article IV, Section 19 of the North Carolina Constitution and N.C.G.S. § 163-9. This outcome established initial temporary terms of two years rather than four years, requiring the three new Court of Appeals seats to be placed on the ballot in the 2002 election cycle rather than, as provided by the General Assembly in section 15.5(a), the 2004 election cycle.

On 14 March 2001, plaintiff and additional defendant Thomas each filed notices of appeal. On 26 March 2001, defendants Easley and Cooper and additional defendants Biggs and Campbell filed a notice of appeal. On 10 April 2001, the parties filed a joint petition for discretionary review prior to determination in the Court of Appeals, which was allowed by this Court on 3 May 2001.

At the outset, we observe that *HN2* acts of the General Assembly are accorded a strong presumption of constitutionality. *State ex rel. Martin v. Preston*, 325 N.C. 438, 448, 385 S.E.2d 473, 478 (1989). *HN3* The Constitution of North Carolina is not a grant of power; rather, the power remains with the people and is exercised through the General Assembly, which functions as the arm of the electorate. [\*\*\*5] *McIntyre v. Clarkson*, 254 N.C. 510, 515, 119 S.E.2d 888, 891-92 (1961). An act of the people's elected representatives is thus an act of the people and is presumed valid *unless it conflicts with the Constitution. Id.*

Our task, therefore, is to determine whether the

General Assembly's creation of three additional Court of Appeals judgeships, effective upon appointment by the Governor, with initial appointive terms of approximately four years, exceeded the limitations of the North Carolina Constitution. We hold that the General Assembly's enactment of section 15.5(a) created three new judgeships, vacant [\*547] upon creation, and therefore, such positions must be filled consistent with the limitations of Article IV, Section 19.

Article IV, Section 19 of the North Carolina Constitution states that "*HN4* all vacancies occurring in the offices provided for by this article [including judges of the Court of Appeals] shall be filled by appointment of the Governor, and the appointees shall hold their places until the next election for members of the General Assembly that is held more than 60 days after the vacancy occurs, when elections shall be held to fill the offices." In [\*\*\*6] an apparent effort to avoid this specific constitutional limitation, the General Assembly utilized two clauses in the legislation in question. *See* ch. 67, sec. 15.5(a), 2000 N.C. Sess. Laws at 371-72. First, section 15.5(a) declared that "each judgeship shall not become effective until the temporary appointment is made." This language purported to make the effective creation of the new judgeships contemporaneous with appointment -- thus sidestepping the constitutional requirements for vacancies in judicial office. *See* N.C. Const. art. IV, § 19. However, as noted in the concurring opinion of Justice Walter Clark in *Cook v. Meares*, 116 N.C. 582, 589-90, 21 S.E. 973, 975 (1895), *HN5* in order "to fill an office there must be one already created. If the term of the office is to begin in the future . . ., it is competent for the legislature, or other appointing power, to fill it, provided that there has then been such an office created, but not at a time when there is no such office in existence." Thus, any legislative attempt to *not* create the office of Judge of the Court of Appeals *until* the Governor made his appointment simply cannot occur because the office [\*\*\*7] must exist before it can be filled.

Second, section 15.5.(a) states that "each appointee shall serve from the date of qualification until January 1, 2005." This language appears to circumvent the specific provision of Article IV, Section 19 that requires judicial appointees to run at the next general election for members of the General Assembly (in this case, November 2002). As the statutory language clearly results in a term of office for appointees that does not -- and cannot -- comply with the two specific terms of office for judges provided for in the Constitution -- an eight-year elected term, in Article IV, Section 16, and an appointive term requiring the appointee to run in the next even-year [\*\*268] election, in Article IV, Section 19 -- it may not stand. **HN6** [↑] While the General Assembly has the constitutional authority to determine the "structure, organization, and composition of the Court of Appeals," *see* N.C. Const. of 1868, art. IV, § 6A (1965) (amended by Act of July 2, 1969, ch. 1258, sec. 1, 1969 N.C. Sess. Laws 1461, 1471, and ratification by the people [\*548] on 3 November 1970; recodified as Section 7 in similar form in the North Carolina Constitution of 1971), the General Assembly [\*\*\*8] may not bypass the express provision in Article IV, Section 19 of the North Carolina Constitution by delaying the effective date for the judgeships in question until the moment of appointment by the Governor.

Finally, it is necessary for us to determine whether the trial court properly severed the unconstitutional part of section 15.5.(a): "Each judgeship shall not become effective until the temporary appointment is made, and each appointee shall serve from the date of qualification until January 1, 2005. Those judges' successors shall be elected in the 2004 general election and shall take office on January 1, 2005, to serve terms expiring December 31, 2012." Session Law 2000-67 contains a severability clause, section 28.4, which provides: "If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part so declared to be unconstitutional or invalid." Ch. 67, sec. 28.4, 2000 N.C. Sess. Laws at 440. **HN7** [↑] The test for

severability is whether the remaining portion of the legislation can stand on its own and whether the General Assembly would have enacted the remainder absent [\*\*\*9] the offending portion. *See, e.g., Jackson v. Guilford Cty. Bd. of Adjust.*, 275 N.C. 155, 168, 166 S.E.2d 78, 87 (1969) ("When the statute, . . . [can] be given effect had the invalid portion never been included, it will be given such effect if it is apparent that the legislative body, had it known of the invalidity of the one portion, would have enacted the remainder alone."). Additionally, the inclusion of a severability clause within legislation will be interpreted as a clear statement [of legislative intent to strike an unconstitutional provision and to allow the balance to be enforced independently. *Fulton Corp. v. Faulkner*, 345 N.C. 419, 421, 481 S.E.2d 8, 9 (1997).

The inclusion of section 28.4 evinces a clear legislative intent to allow the remaining portion of section 15.5.(a) to stand. *See id.* Furthermore, the balance of section 15.5.(a), "On or after December 15, 2000, the Governor shall appoint three additional judges to increase the number of judges to 15," can be enforced independently of the unconstitutional portions of the section. *See* N.C. Const. art. IV, § 7. We conclude, therefore, that under the *Jackson* test, [\*\*\*10] the trial court properly severed the offending provision and allowed the portion creating the judgeships to stand.

[\*549] In summary, the General Assembly enacted section 15.5.(a), which added a new, sixth paragraph to N.C.G.S. § 7A-16, pursuant to its power to determine the "structure, organization, and composition of the Court of Appeals." *See* N.C. Const. art. IV, § 7. This legislative enactment is presumed valid unless it conflicts with the North Carolina Constitution. *McIntyre*, 254 N.C. at 515, 119 S.E.2d at 891-92. Pursuant to our power of judicial review, *DBAYARD v. Singleton*, 1 N.C. 5 (1787), we hold that in enacting the provisions making the creation of the new judgeships effective upon gubernatorial appointment and allowing the appointees to serve for nearly four years before facing election, the General Assembly devised a

statutory framework that does not comport with the constitutional limitation requiring that judicial appointees hold their places only until the next election for members of the General Assembly. *See* N.C. Const. art. IV, § 19. The remaining portion of section 15.5.(a), i.e., the provision creating [\*\*\*11] three new Court of Appeals judgeships, was constitutionally permissible, N.C. Const. art. IV, § 7, and is severable from the unconstitutional provisions. *See Jackson*, 275 N.C. at 168, 166 S.E.2d at 87.

We therefore affirm the trial court's determination that the addition of three new Court of Appeals judgeships under section 15.5.(a) was constitutionally permissible. Additionally, we affirm the trial court's conclusion that section 15.5.(a) operated to create a vacancy at the Court of Appeals, thereby [\*\*269] requiring an election to fill the vacancy in the 2002 election cycle. Accordingly, the order of the trial court is affirmed.

AFFIRMED.

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End of Document

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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SENATE BILL 698

Short Title: Increase Voter Accountability of Judges. (Public)

Sponsors: Senator Rabon (Primary Sponsor).

Referred to: Rules and Operations of the Senate

January 10, 2018

A BILL TO BE ENTITLED

AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO ALLOW  
FREQUENT ELECTION OF JUDGES BY CREATING TWO-YEAR TERMS OF  
OFFICE FOR JUSTICES AND JUDGES.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** Section 10 of Article IV of the North Carolina Constitution reads  
as rewritten:

**"Sec. 10. District Courts.**

(1) The General Assembly shall, from time to time, divide the State into a convenient  
number of local court districts and shall prescribe where the District Courts shall sit, but a  
District Court must sit in at least one place in each county. District Judges shall be elected for  
each district for a term of ~~four~~ two years, in a manner prescribed by law. When more than one  
District Judge is authorized and elected for a district, the Chief Justice of the Supreme Court  
shall designate one of the judges as Chief District Judge. Every District Judge shall reside in  
the district for which he is elected.

(2) For each county, the senior regular resident Judge of the Superior Court serving the  
county shall appoint from nominations submitted by the Clerk of the Superior Court of the  
county, one or more Magistrates who shall be officers of the District Court. The initial term of  
appointment for a magistrate shall be for two years and subsequent terms shall be for four  
years.

(3) The number of District Judges and Magistrates shall, from time to time, be  
determined by the General Assembly.

(4) ~~Vacancies~~ Except as otherwise provided in this section, vacancies in the office of  
District Judge shall be filled for the unexpired term in a manner prescribed by law. Vacancies  
in the office of Magistrate shall be filled for the unexpired term in the manner provided for  
original appointment to the office, unless otherwise provided by the General Assembly.

(5) All terms of office for persons elected prior to July 1, 2018, to the office of District  
Judge shall expire on December 31, 2018. All terms of office for persons appointed to fill a  
vacancy in an elected term for the office of District Judge shall expire December 31, 2018.

(6) All District Judges shall be elected to a two-year term of office beginning with the  
general election held in 2018."

**SECTION 1.(b)** Section 16 of Article IV of the North Carolina Constitution reads  
as rewritten:

**"Sec. 16. Terms of office and election of Justices of the Supreme Court, Judges of the  
Court of Appeals, and Judges of the Superior Court.**





# The Removal of Special Superior Court Judges: An Assault on Separation of Powers

By Representative Paul Stam<sup>1</sup>

## I. Introduction

A recent proposal to remove nearly all of the sitting Special Superior Court Judges inspired debate on the constitutionality of the move.<sup>2</sup> Removing judges during the middle of their terms violates the separation of powers clause of the North Carolina Constitution. By removing a judge midterm, the legislature would impede judicial independence and expose judges and the judicial branch to retaliatory legislation. In addition to the separation of powers question, removing a judge from office during his or her term may also violate the due process clause of the Fourteenth Amendment. Even though judges do not have a property right in the office, they may have a property interest in the term of office. This paper provides a brief historical overview of these issues.

## II. Separation of Powers

North Carolina has a robust separation of powers doctrine. Article I, Section 6 of the Declaration of Rights, provides as follows: “The legislative, executive, and supreme judicial powers of the State government shall be forever separate and distinct from each other.”<sup>3</sup> The instructions Orange County constituents gave to their county delegation in 1776 participating in the drafting of the first North Carolina Constitution illustrates the reasoning behind separation of powers. Instructions to the delegation included the following:

That no person shall be capable of acting the exercise of any more than one of these branches at the same time lest they should fail of being the proper checks on each other and by their united influence become dangerous to any individual who

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<sup>1</sup> Representative Stam is the Speaker ProTempore of the North Carolina House of Representatives. He acknowledges, with thanks, the diligent research assistance he received from his 2013 intern, Dylan Finch.

<sup>2</sup> See Appendix

<sup>3</sup> NC Const. art. 1, § 6.

might oppose the ambitious designs of the person who might be employed in such power.<sup>4</sup>

Court decisions have been protective of this Constitutional Doctrine. In 1787, 16 years before *Marbury vs. Madison*, 5 U.S. 137 (1803), the North Carolina Superior Court (acting as the final court) decided in *Bayard v. Singleton*. The judiciary would give no effect to a law passed by the Assembly that violated the Constitution:

But that it was clear, that no act they could pass, could by any means repeal or alter the constitution, because if they could do this, they would at the same instant of time, destroy their own existence as a Legislature, and dissolve the government thereby established. Consequently the constitution (which the judicial power was bound to take notice of as much as of any other law whatever,) standing in full force as the fundamental law of the land, notwithstanding the act on which the present motion was grounded, the same act must of course, in that instance, stand as abrogated and without any effect.<sup>5</sup>

As far as we know this is the first such ruling in the western hemisphere.

It was quite a surprise then that one of the first bills passed in 2013 (SB 10) entitled “Government Reorganization and Efficiency Act” provided in Section 2.8 that the terms of 12 out of the 15 Special Superior Court Judges (all non-business court judges) would terminate well before the expiration of their stated five year terms.<sup>6</sup> That bill never became law. Although, proponents tried again in the appropriations bill, SB 402, Section 18.B.12.<sup>7</sup> The House refused because of the separation of powers doctrine that it found imbedded in the constitutional doctrines of the state.

Article IV, Section 8 of the North Carolina Constitution delegates the power to “provide by general law for the selection or appointment of special or emergency Special Superior Court

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<sup>4</sup> “Instructions from inhabitants of Orange County to their delegates for the Provincial Congress of North Carolina.” (1776) <http://docsouth.unc.edu/csr/index.html/document/csr10-0410>.

<sup>5</sup> *Bayard v. Singleton*, 1 N.C. 5 (1787).

<sup>6</sup> S.B. 10, 151th Gen. Assemb., Reg. Sess. (NC 2013), <http://www.ncleg.net/Sessions/2013/Bills/Senate/PDF/S10v3.pdf>; See Appendix.

<sup>7</sup> S.B. 402, 151th Gen. Assemb., Reg. Sess. (NC 2013), <http://www.ncleg.net/Sessions/2013/Bills/Senate/PDF/S402v3.pdf>

Judges not selected for a particular judicial district” to the General Assembly.<sup>8</sup> The Special Superior Court judgeships are not created by the Constitution (like most judicial positions); rather, they are created solely by the General Assembly. As a result the Research Division concluded that these judgeships could be terminated midterm, relying on *Efird v. Board of Commissioners*.<sup>9</sup> But that case is distinguishable in that the entire Forsyth County Court was abolished. There was no business left for the judge to conduct.

Does the power to establish an office also bestow upon the General Assembly the power to abolish an office? In *Queen v. Com’rs of Haywood*, the court stated, “If the Legislature had the right to create the court, it had the right to abolish.”<sup>10</sup> However, that power is not without limitation. The separation of powers provision in Article I, Section 6 of the North Carolina Constitution states that all three branches of state government shall be separate and distinct from one another.<sup>11</sup> In *State v. Friedley*, the court explains how legislating a judge out of office infringes upon separation of powers when it said:

To construe [separation of powers] to mean that the legislature can, at its own will, abolish the circuit, and thus legislate the judge and prosecuting attorney out of office . . . would subject the judiciary to the legislative power and utterly destroy all judicial independence.<sup>12</sup>

Justice Faircloth, quoting Daniel Webster, described a government in *Caldwell v. Wilson* (dissenting) without separation of powers:

Everything which may pass under the form of an enactment is not therefore to be considered the law of the land. If this were so . . . acts directly transferring one man’s estate to another, legislative judgments . . . would be the law of the land. Such a strange construction would render constitutional provisions of the highest importance completely inoperative and void. It would tend to establish the union of all powers in the legislature. There would be no general permanent law for

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<sup>8</sup>NC Const. art. 4, § 8.

<sup>9</sup> *Efird v. Board of Commissioners*, 219 N.C. 96 (1941).

<sup>10</sup> *Queen v. Board of Com’rs of Haywood County*, 193 N.C. 821 (1927).

<sup>11</sup>NC Const. art. 1, § 6.

<sup>12</sup> *State v. Friedley*, 34 N.E. 872 (Ind. 1893).

courts to administer or men to live under. The administration of justice would be an empty form, an idle ceremony. Judges would sit to execute legislative judgments and decrees, not to declare the law or administer the justice of the country.<sup>13</sup>

The asserted power to remove a judge from office by legislation violates the distinct independence of the judiciary. If the legislature's judgments were the supreme law of the land, there would be no point for judges to declare the law.<sup>14</sup>

Moreover, if a legislature has the power to legislate a judge out of office by abolishing said office, then judicial officers are exposed to retaliatory legislation for unpopular decisions. As a result, the judicial branch becomes a less objective and independent component of government. In *State of Indiana v. Monfort*, the court supports this contention when it explains:

If the legislature can remove a sitting judge, it has the power to 'direct, control, or impede' the judiciary by the threat of removing judges who make unpopular decision, or by delivering on that threat. The resulting intimidation and potential disruption of courts concerning issues that may be unpopular in legislative circles constitutes an impermissible intrusion of judicial independence.<sup>15</sup>

Article IV, Section 21 states, "[T]he salaries of Judges shall not be diminished during their continuance in office. In no case shall the compensation of any Judge or Magistrate be dependent upon his decision or upon the collection of costs."<sup>16</sup> Clearly, the framers foresaw the possibility of retaliatory legislation aimed at judges. As a result, they included this section to forestall attacks on them economically.

Senate Bill 10 would have effectively removed twelve (12) superior court judges from office during their term.<sup>17</sup> This would also have violated the due process clause of the

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<sup>13</sup> Caldwell v. Wilson, 121 N.C. 425 (1897). (quoting Daniel Webster, "Works of Webster." vol. 5, p. 487)

<sup>14</sup> Daniel Webster "Works of Webster" vol. 5, p. 487

<sup>15</sup> State of Indiana v. Robert V. Monfort. 723. N.E.2d 407 (Ind. 2000).

<sup>16</sup> NC Const. art. 4, § 21.

<sup>17</sup> S.B 10, 151th Gen. Assemb., Reg. Sess. (NC 2013), <http://www.ncleg.net/Sessions/2013/Bills/Senate/PDF/S10v3.pdf>; See Appendix.

14<sup>th</sup> Amendment.<sup>18</sup> If this bill had been enacted it would not have been the first of its kind. In *State Prison v. Day*, the plaintiff had been appointed by the governor as superintendent of the North Carolina State Prison, a position created by previous legislation. On January 26, 1899, the General Assembly, passed legislation that abolished the position of superintendent and all functions of the superintendent were immediately transferred to a Board of Directors.<sup>19</sup> As a result, the court ruled:

All the reported cases from *Hoke vs. Henderson* down to and including *Wood vs. Bellamay*, hold that to have the effect of ousting the incumbent before his term expires, the office must be abolished. It is not sufficient to declare that it is abolished when it is not abolished. The discussion comes down to this: Are the duties of the office of the defendant held abolished or are they transferred to others?<sup>20</sup>

In *Greene v. Owen*, the legislature abolished the Davidson County Board of Education and replaced it with a new board (named differently) that had the same duty. Justice Douglas said, “The only restriction upon the Legislature’s power is that after the officer has accepted office upon the term specified in the act creating the office, this being a contract between him and the state, the Legislature cannot run him out by an act purporting to abolish the office, but which in effect continues the same office in existence.”<sup>21</sup> SB 10 abolished the offices of twelve Special Superior Court Judges, but did not abolish the Superior Court. This is the same type of action the court in *State Prison v. Day* and *Greene v. Owen* held to be unconstitutional.

*Hoke v. Henderson*, which set the legal precedent for *State Prison v. Day*, *Greene v. Owen*, and others, was overturned by *Mial v. Ellington*.<sup>22</sup> In 1903, it had been held in *Hoke v. Henderson* that an official appointed or elected to public office held a property right in the office,

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<sup>18</sup> US Const. Amm. 14.

<sup>19</sup> Act of February 1899

<sup>20</sup> *State Prison v. Day*, 124 N.C. 362 (1899).

<sup>21</sup> *Geene v. Owen*, 125 N.C. 212 (1899).

<sup>22</sup> *see also* *White v. Worth* 126 N.C. 570 (1900), *Wood v. Bellamy* 120 N.C. 212 (1897), *State Prison v. Day* 124 N.C. 362 (1899), *Wilson v. Jordan* 124 N.C. 683 (1899), *Greene v. Owen* 125 N.C. 212 (1899), *Abbot v. Beddingfield* 125 N.C. 256 (1899).

unless the office was completely abolished.<sup>23</sup> However, in *Mial v. Ellington* the court declared that a public office is a part of the sovereignty of the State, “If it is true that a public office is private property, the state, instead of being sovereign, finds herself, in effort to perform her governmental functions, bereft of her sovereignty...no officer can have a property right in the sovereignty of the state.”<sup>24</sup>

While this precedent holds, more recent case law suggests that a public official may have a property interest in the term of a particular office. In *Martin v. Preston*, the court distinguished public office from the term length for the office when it stated, “A term of office is one thing. An office holder is something else. The incumbent may go out, nobody come in and the term goes on...A term may come to an end, but the incumbent may rightfully carry on.”<sup>25</sup> A public official does not have a property right in the office,<sup>26</sup> but may have a property interest in the pending term. The Special Superior Court judges that would have been removed by SB 10, may have had a property interest in their respective terms. However, the property interest would not have been absolute. Public office holders, such as judges, can still be removed, regardless of their property interests, for misfeasance, malfeasance, and nonfeasance.<sup>27</sup> This can be accomplished either through impeachment by the House and conviction by the Senate or even by the Supreme Court on recommendation from the Judicial Standards Commission.<sup>28</sup>

### III. Conclusion

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<sup>23</sup> *Hoke v. Henderson* 15 N.C. 1 (1833); *see also* *White v. Worth* 126 N.C. 570 (1900), *Wood v. Bellamy* 120 N.C. 212 (1897), *State Prison v. Day* 124 N.C. 362 (1899), *Wilson v. Jordan* 124 N.C. 683 (1899), *Greene v. Owen* 125 N.C. 212 (1899), *Abbot v. Beddingfield* 125 N.C. 256 (1899).

<sup>24</sup> *Mial v. Ellington*, 134 N.C. 131 (1903).

<sup>25</sup> *Martin v. Preston*, 325 N.C. 438 (1989).

<sup>26</sup> *Mial v. Ellington*, 134 N.C. 131 (1903).

<sup>27</sup> NC Const. art. 4, § 17.

<sup>28</sup> NC Const. art. 4, § 17; NC Gen. Stat. §§ 7A-376, 377 (2011).

The attempt to remove twelve sitting Special Superior Court Judges, runs contrary to the constitutional mandate of separation of powers and the due process clause in the Fourteenth Amendment.

IV. Appendix

**Special Superior Court Judges in North Carolina<sup>29</sup>**

There are 16 Special Superior Court Judge positions, 15 of which are currently filled. Three of these special judges are designated by the Chief Justice as Business Court judges. Special Superior Court Judges are appointed by the Governor for a term of five years. The first two were appointed in 1993 (one of which was abolished in 2000), with subsequent additions in various years up through 2008, when the last two were added. The statutory authority can be found in G.S. 7A-45.1. As of January 9, 2013, the sitting Special Superior Court Judges are:

Judge	Home District	County	Appointment Date	Term Expiration
Jack Jenkins	3B	Carteret	01/26/2001	01/26/2016
Gary Trawick	5	Pender	04/01/1999	10/20/2015
Kendra Hill	10	Wake	12/31/2012	12/31/2017
Lucy Inman	10	Wake	04/30/2010	04/29/2015
Shannon Joseph	10	Wake	01/09/2009	01/08/2014
Bill Pittman	10	Wake	01/09/2009	01/08/2014
Reuben Young	10	Wake	12/31/2012	12/31/2017
Ebern Watson	13A	Columbus	05/02/2013	05/02/2018
Andrew Robinson Hassell	18	Guilford	03/31/2009	01/26/2016
Richard Doughton	23	Alleghany	02/26/2013	02/26/2018
Lisa Bell	26	Mecklenburg	03/18/2013	03/18/2018
Jeffrey Hunt	28	Buncombe	05/16/2013	05/16/2018
<b>BUSINESS COURT:</b>				
John Jolly	10	Wake	01/23/2001	01/23/2016
James Gale	18	Guilford	03/01/2011	02/27/2016
Calvin Murphy	26	Mecklenburg	07/01/2009	06/30/2014

Special judges are commissioned to hold court each week, often handling special sessions of court for lengthy or complex cases, covering regular judges who are holding over in regular sessions of court, or covering emergency situations. They are fill-in judges who take assignments statewide and enable the court system to run without disruption to any court calendar. Current annual salary for special superior court judges is \$125,875.

<sup>29</sup> Provided by William Childs, Fiscal Research Division, North Carolina General Assembly, February 5, 2013.

# CHAPTER II

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## Current and Potential Methods of Judicial Selection

Moderator: *Tim R. Boyum*

*Spectrum News*

*Raleigh, NC*

Panelist: *Former Justice Robert H. “Bob” Edmunds Jr.*

*Fox Rothschild LLP*

*Greensboro, NC*

Panelist: *Jeanette Doran*

*North Carolina Institute for Constitutional Law*

*Raleigh, NC*

Panelist: *James C. Drennan*

*University of North Carolina School of Government*

*Chapel Hill, NC*

NORTH CAROLINA  
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**CHAPTER II**  
**Current and Potential Views of Judicial Selection**

Moderator: *Tim R. Boyum - Raleigh*

Panelists: *Former Representative Robert H. "Bob" Edmunds Jr. - Greensboro*

*Jeanette Doran - Raleigh*

*James C. Drennan - Chapel Hill*

**See Chapter I for materials**

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# CHAPTER III

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## Discussion of Judicial Independence in North Carolina

Moderator: *Loretta M. Boniti*  
*Spectrum News*  
*Raleigh, NC*

Panelist: *Former Justice Robert H. "Bob" Edmunds Jr.*  
*Fox Rothschild LLP*  
*Greensboro, NC*

Panelist: *Representative Joe John*  
*North Carolina General Assembly*  
*Raleigh, NC*

Panelist: *Former Representative Richard B. "Rick" Glazier*  
*North Carolina Justice Center*  
*Raleigh, NC*

Panelist: *Former Representative Paul B. "Skip" Stam Jr.*  
*Stam Law Firm PLLC*  
*Apex, NC*

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## **CHAPTER III**

### **Discussion of Judicial Independence in North Carolina**

Moderator: *Loretta Boniti - Raleigh*

Panelists: *Former Representative Robert H. "Bob" Edmunds Jr. – Greensboro*

*Representative Joseph R. "Joe" John – Raleigh*

*Former Representative Richard B. "Rick" Glazier – Raleigh*

*Former Representative Paul B. "Skip" Stam - Apex*

**See Chapter I for materials**

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