



December 4, 2017

The North Carolina Chapter of the American College of Trial Lawyers adopted the enclosed statement regarding Senate Bill 698 currently before the North Carolina General Assembly. We appreciate the opportunity to share this statement concerning the need to preserve an independent judiciary in our state.

The American College of Trial Lawyers is a fellowship of trial lawyers of diverse backgrounds. The College seeks to improve the standards of trial practice, professionalism, ethics, and the administration of justice. The North Carolina Chapter currently consists of 115 attorneys who have been inducted as Fellows.

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Statement Opposing Legislation Threatening An Independent Judiciary
by the North Carolina Chapter of the American College of Trial Lawyers

The genius of the United States and North Carolina Constitutions lies in the manner in which our founding fathers provided for a separation of powers among the branches of government. An independent judiciary is essential to the rule of law and the protection of freedoms we hold dear.

The General Assembly is now evaluating legislation that threatens the independence, integrity and effectiveness of our state's judiciary. Senate Bill 698 provides for a constitutional amendment to shorten the terms of office of all judges in our state to two years. Most of our states' judges, at the trial and appellate levels, currently have terms of eight years. The exception is District Court Judges, who have terms of four years. No other state has terms as short as two years for general jurisdiction judges. If the proposed bill becomes law, North Carolina will become a stand-alone outlier among the fifty states.

One severe detrimental effect of two-year terms will be the entire judiciary of our state constantly running for office, campaigning and raising money. Such a system may frequently take judges out of their courtrooms and chambers, limiting their ability to preside, study and rule in cases involving civil disputes and criminal charges.

Judicial independence demands our judges' full confidence that they are answerable only to our Constitution, our laws, and principles of fairness. Reducing judges' terms to two years converts judges into perpetual politicians, excessively exposing them to the influence of political organizations and donors.

We agree with Chief Justice Mark Martin of the North Carolina Supreme Court, who opposes this legislation and has stated: "Nowhere in America do voters elect their general jurisdiction judges for two year terms of office. This is as it should be. Electing judges for two-year terms would force judges to campaign and raise money constantly, and would disrupt the administration of justice."

We are Fellows of the American College of Trial Lawyers, an organization of trial lawyers dedicated to improving the standards of trial practice, the administration of justice and the ethics of the legal profession. (www.actl.com) Our Fellows practice in small and large law firms and in towns and cities across our state. We represent defendants and plaintiffs in civil cases and the prosecution and defense in criminal cases. Our Fellows hold differing political views but share a steadfast dedication to an effective court system whose foundation is an independent judiciary.

Our Fellows go into courtrooms across this state for small and large businesses, government officials and individual citizens from every walk of life. We believe it is critical the clients we represent come away from their experiences in our courts with full respect for and confidence in our system of justice. Electing judges every two years stands contrary to accomplishing this goal. For that reason, we oppose this legislation and any attempts to undermine the independence of our state's judiciary.