



# North Carolina Association of Women Attorneys

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Dear Senator Bishop, Senator Daniel, Senator Rabon, Representative Burr, Representative Lewis, and Members of the Joint Select Committee on Judicial Reform and Redistricting:

On behalf of the North Carolina Association of Women Attorneys (NCAWA), we would like to express our opposition to any legislation that provides for a system of judicial selection that may not lead to an increase in the number of women in the judiciary or that does not promote and improve the administration of justice.

Forty years ago, NCAWA was founded by a vibrant group of women attorneys dedicated to speaking out on issues affecting women in North Carolina, both within and outside the legal profession. Today, NCAWA's volunteer board and lobbyist, in collaboration with local chapters and members across the state, continue the organization's powerful mission of promoting the participation of women in the legal profession and advancing the rights and welfare of women under the law.

NCAWA has adopted resolutions to further its mission and goals of promoting and improving the administration of justice, and increasing the effective participation by women in the justice system, in public office, and within the legal profession. In 2001, NCAWA adopted Resolution #33. Access to Judicial Office. It reads:

**WHEREAS, it is a principal goal of the North Carolina Association of Women Attorneys to increase the effective participation of women in the justice system, in public office and within the legal profession; and**

**WHEREAS, it is a principal goal of the North Carolina Association of Women Attorneys to promote and improve the administration of justice; and**

**WHEREAS, women are now under-represented among the North Carolina judiciary; and**

**WHEREAS, women are now under-represented among the North Carolina judiciary; and**



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**WHEREAS, it is in the best interest of the people of North Carolina for all members of the judiciary to be selected on the basis of merit, and for the process of selecting appellate judges to be apolitical; and**

**WHEREAS, the elements of merit selection should be:**

- 1. A nonpartisan nominating commission, generally reflective of the gender and racial composition of the community, which recruits applicants for judicial vacancies, screens judicial candidates, and submits a list of qualified judicial candidates to the governor or other appointing authority; and**
- 2. A requirement that the nominating commission take into account diversity on the bench in submitting the list of names to the governor or other appointing authority; and**
- 3. A requirement that the governor or other appointing authority is constrained to choose the judicial appointee from the list of names submitted by the nominating commission; and**

**WHEREAS, a system of merit selection of judges may lead to an increase in the number of women in the judiciary, therefore,**

**BE IT RESOLVED that NCAWA supports legislation providing for the merit selection of judges, provided that such merit selection system includes the elements described above.**

As attorneys, we are in a unique position to analyze and provide input on the North Carolina judiciary. In 2017, the General Assembly took actions that we believe will inhibit the administration of law and justice in North Carolina. For example, the General Assembly enacted legislation that made all judicial races in North Carolina partisan [HB 100] and eliminated judicial primaries [SB 656]. The General Assembly also introduced legislation that would end all sitting judges' terms in December 2018 and shorten all judges and state Supreme Court justices' terms to two (2) years [SB 698] and that would subdivide larger judicial districts [HB 717].



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Given the General Assembly's recent legislative actions, and in consideration of NCAWA's mission and Resolution #33, NCAWA's Board of Directors is deeply concerned about the rumor that in the early months of 2018, the North Carolina General Assembly might propose a Constitutional Amendment to eliminate judicial elections. Although the replacement system will allegedly be called "merit-based," we understand that it is likely to be a legislative appointment system of judicial selection.

NCAWA strongly opposes a judicial selection system that is politicized; that is susceptible to nepotism and favoritism; that undermines judicial independence; that enables special interest organizations to "spend money to secure favorable judicial appointments" by the legislature; and that "may push judicial selection decisions behind closed doors."<sup>1</sup> NCAWA supports legislation that promotes "a selection process that ensures the highest caliber of judges and justices and minimizes the potential impact of campaigning and fundraising on judicial independence and public accountability."<sup>2</sup>

We would appreciate the opportunity for our leadership to meet with you to discuss NCAWA's concerns about changing the state's judicial selection system. Please contact Alyssa Levine at alyssalevine18@gmail.com or call (704) 609-7374. We are happy to meet with you in your office in the Legislative Building at a time convenient for you.

Thank you for your service to North Carolina and the opportunity to provide input on these most pressing matters.

Alyssa Levine  
**President**

Samantha Sliney & Meisha Evans  
**Government Action Committee Co-Chairs**

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<sup>1</sup> Douglas Keith and Laila Robbins. "Legislative Appointments for Judges: Lessons from South Carolina, Virginia, and Rhode Island - North Carolina's legislative leaders may soon propose replacing its system of electing judges with a system in which the state legislature selects judges to fill vacancies." (September 29, 2017; internal citations omitted). <https://www.brennancenter.org/analysis/legislative-appointments-judges-lessons-south-carolina-virginia-and-rhode-island>

<sup>2</sup> The Public Trust and Confidence Committee Report, Final Report, North Carolina Commission on the Administration of Law & Justice, p. 67. (March 2017; internal citations and references omitted). [https://nccalj.org/wp-content/uploads/2017/pdf/nccalj\\_public\\_trust\\_and\\_confidence\\_committee\\_report.pdf](https://nccalj.org/wp-content/uploads/2017/pdf/nccalj_public_trust_and_confidence_committee_report.pdf)