

5 January 2015

Investiture Ceremony

Chief Justice Martin's Remarks

It is an honor to be installed for a full term as the 28th Chief Justice of the Supreme Court of North Carolina. I wish to thank the people of North Carolina for entrusting me with the responsibility of leading the judicial branch of government.

At the outset, I apologize that guests of the Court are seated in three locations. A chief justice should be installed in the Supreme Court, but our courtroom only holds about 100 people. I am advised that over 600 people are in attendance and people are sitting in three locations. Thank you for understanding our predicament, and I look forward to seeing you in person at the reception.

I wish to thank Governor McCrory, Judge Wynn, and Bill Robinson for their gracious remarks. I also want to thank my wife, Kym, my children, and my family for supporting me during the two-year election cycle and for allowing me to pursue my passion of public service.

During my tenure on the Supreme Court, which began in January 1999, I have had the distinct honor and privilege of serving with four different chief justices: Burley B. Mitchell, Jr.; Henry Frye; I. Beverly Lake, Jr.; and Sarah Parker. These leaders of our Supreme Court and court system fully devoted themselves to the fair and impartial administration of justice. They set a very high bar for future chief justices to follow.

Our founders clearly understood the importance of our courts, and that is why they made the courts a separate and co-equal branch of government; a co-equal branch which has a critical function to perform on behalf of the people of North Carolina. That function requires adequate resources, and my top goal as Chief Justice will be working to strengthen our courts through adequate funding and efficient administration.

As part of the twenty-first century judiciary, court systems, both in North Carolina and around the country, will need to stress innovation and efficiency without losing focus of the paramount objectives of any court system: Fairness, impartiality, commitment to the constitution, uniform application of law, administrative accountability, decisional independence, and equal justice under the law.

To begin the dialogue about how best to achieve these objectives, I issued a comprehensive administration of justice plan in February 2014. Over the past several months, I received invaluable feedback on that seven-point plan, and those proposals to strengthen the administration of justice in North Carolina remain my administrative blueprint as I begin my term of office. I would like to use this opportunity to speak to you briefly about each of those seven points.

First, we must apply innovation to strengthen our courts. In order to ensure that we innovate in a deliberate and logical way, we will establish a multi-disciplinary study commission similar to the Bell Commission of the 1960s and the Medlin Commission of the 1990s. This panel will evaluate the operation of our court system and issue a report and recommendation.

This commission will bring together stakeholders not only from within the judiciary, but will also include members of the General Assembly, leaders from the private sector, attorneys who practice in our courts, and members of the public. If we are to achieve meaningful reforms that enable our courts to meet twenty-first century expectations, this multidisciplinary commission must include a broad spectrum of people who are committed to the administration of justice at all levels.

There are also proposals that we can move forward with in the near future. For instance, we are committed to successfully implementing the Business Court Modernization Act, and there is no reason why we cannot be a national leader on this front. Additionally, I am committed to calendaring more appeals for full briefing and argument at the Supreme Court, a process my colleagues and I have already started. Finally, I desire to establish an office of central staff at the Supreme Court, similar to offices already being used by many other states and the Court of Appeals. This new office will enable justices to consider more appeals, issue more written opinions, and provide appropriate guidance to legal system stakeholders and the public-at-large.

We must also incorporate the improved use of technology within the judicial branch. The primary objective here is the implementation of electronic filing systems in all North Carolina courts. Thirty-five states and the federal judiciary have already moved forward with e-filing. When we implemented electronic filing here at the Supreme Court in 1996, we were national leaders. The focal point of our justice system is the county courthouse. By expanding the use of e-filing in the trial courts, we will seek to eliminate paper filing requirements and make justice system filings available

online whenever possible, thereby enhancing the openness and transparency of court operations.

To fulfill our obligation to promote the fair and impartial administration of justice, we must also promote civics education and strengthen the rule of law. These related goals are critical to ensure that the public understands the vital role of courts in promoting the rule of law and supporting our democracy. This discourse should start in our schools, as it is critical that young people understand the important role of courts and their status as a co-equal branch of government.

And we will work to strengthen the rule of law by adopting best practices to ensure equal access to justice for all persons. We must promote a thorough understanding of the rule of law and its importance to the preservation of our constitutional rights and responsibilities. Our state is great because her people are great; and our people deserve a judiciary that is second-to-none and that is open and accessible to all.

Another important part of the plan is improving justice system mental health resources for individuals and families. Our state, like so many others, has experienced success with the adoption of so-called “specialty” or “problem-solving” courts that are specifically tailored to address issues like family court or dependency and drug treatment. We also have two relatively new Veterans Courts that address issues specific to those who have served our country. Rather than merely meting out punishment, these courts seek to rehabilitate offenders in an effort to lower recidivism rates and reduce costs. I am committed to evaluating the establishment of mental health courts

within the General Court of Justice that would empower individuals and families to proactively address mental health issues. In order to assure the long-term success of these mental health courts, we will also encourage public-private partnerships to cultivate justice system mental health resources.

None of the proposals that I have just described will be feasible without adequate funding. Each of these projects promises significant return on investment in the long-run, not only economically but for the better administration of justice. I look forward to working with legislative leaders in order to promote consensus on critical funding needs.

Funding shortfalls impact our citizens in a very real way. For instance, courts struggle to pay jury fees to those who are called for jury duty. In some cases, sessions of court have even been cancelled even though the judge and parties were present and ready to proceed, because there was no court reporter or interpreter available. These delays result in inconvenience and increase costs to our citizens who rely on the court system.

Another critical shortcoming is the severe delay in obtaining forensic evidence. I am advised that delays of a year or more for blood-alcohol analysis in DWI cases, or DNA testing in felony cases, have become the norm rather than the exception. These delays erode confidence in our judicial system.

It is a fundamental principle that justice delayed is justice denied. North Carolinians who are endangered by impaired drivers, abused by family members, or victims seeking confidence that their perpetrator has been caught and fairly tried--all

deserve better. We must provide access to our courts and timely justice to our citizens, and that can only be accomplished by adequately funding our courts.

The employees of the judicial branch are a tribute to the people of this great state. During the recession, we tightened our belts, and we worked diligently to ensure that courthouses remained open to serve you. Our people are the most important part of the court system, and they need adequate resources to effectively serve you. At a time when district attorneys wait a year or more for blood-alcohol tests in DWI cases; at a time when our courts' operating budget has made it difficult to pay jurors and conduct trials; and at a time when many of our assistant clerks work multiple jobs to make ends meet, it is time to adequately support our courts so that we may better serve you, the people of North Carolina.

Finally, in accordance with good government principles and in conjunction with increased funding to adequately and sustainably carry on the business of the courts, we must promote institutional transparency and accountability. We can start by improving judicial branch websites in order to facilitate better access to public record materials. We will also increase the information available to the public by issuing an improved annual report on the judiciary.

As you can see, we are embarking on a challenging set of goals to strengthen our justice system. These goals are tangible and achievable, but I will need your help to succeed. Fully-functioning courts are vital to any healthy society. A government's legitimacy depends on the impartial administration of justice, which requires adequate staffing and funding for the courts. I will devote my term as your Chief Justice to

ensuring that our judicial branch has the resources and the character to be worthy of the public's trust.

I want to conclude by thanking each of you for being a part of this ceremony. I so appreciate your presence.

As the ceremony concludes, I would ask you to stay seated when the ceremony is adjourned so that the Justices and the Governor can leave the courtroom. At that point, I hope you will join me for a reception at the Governor's Mansion. There will not be a formal receiving line, but I look forward to greeting each of you throughout the event. Again, thank you for being here today.

At this point, I am pleased to call upon Lynette Troyer Lewis to pronounce the Benediction. Following the Benediction, Madam Clerk, please adjourn this ceremonial session.