

North Carolina Supreme Court Justices

The Supreme Court of North Carolina is the state’s highest appellate court. It consists of 6 associate justices and one chief justice who are elected by the people to 8 year terms in statewide nonpartisan elections. In recent years, there has been much controversy over judicial selection and retention in the NC Supreme Court. Some people believe that good justices are being removed from office by the people for reasons entirely unrelated to their performance in court. Instead of the people electing justices statewide, some argue, the governor should appoint justices to take office immediately, and then require them to participate in a “retention election” at least 18 months after their appointment. In a retention election, the people would simply vote “yes” or “no” as to whether or not the justices should be retained.

Write a letter to your representative in the NC General Assembly explaining whether or not you think state Supreme Court justices should be elected by the people or appointed by the governor. You may use the following information, your own experiences, observations, and/or readings.

“Only Russia, Switzerland and the United States elect any appellate judges. Here, only a small handful of states still elect their appellate judges by statewide partisan elections. Study after study has shown that the public of North Carolina simply is not informed about statewide judicial candidates for our appellate courts. The great majority of our citizens never bother to mark their ballots for either candidate in elections for appellate judges or justices. This makes it very easy for single issue groups of the right and left, which can only be described as extreme, to have an impact on appellate judicial elections far disproportionate to their numbers or to the public’s acceptance of their views.”

-Former NC Supreme Court Justice Burley Mitchell

“The principal argument of those who advocate nonpartisan election for the selection and retention of judges is that it removes partisan political considerations while ensuring the same type of judicial accountability as do partisan elections. Thus, so it is argued, judges are more likely to be selected based upon qualifications than upon political affiliation. Proponents of nonpartisan election also argue that such a system permits the people to retain their right to vote for judges, while at the same time reducing the frequent turnover on the bench that occurs in many partisan election states.”

- Peter D. Webster, Florida State University Law Review

“The best method of selecting Supreme Court Justices is appointment by the Governor with the assent of a supermajority of the Senate. The supermajority requirement would be intended to prevent the appointment of persons known to be partisans of marginal political views that they might be tempted to impose on the people. Because governors and senators are themselves politically accountable to the people to be served if they seat a bad Justice, the case for Voter Confirmation as an additional requirement is less strong. It would, however, serve to emphasize that the Justices are not solely indebted for their power and status to partisan politicians, but also owe their power to all the people.

-Paul Carrington, Former Dean of Duke Law School

As you write your letter, remember to:

- ☑ Clearly state and support your opinion.
- ☑ Consider the purpose, audience, and context of your letter.
- ☑ Organize your letter so that your ideas progress logically.
- ☑ Include relevant details that clearly develop your letter.
- ☑ Edit your letter for standard grammar and language usage.