



HOUSE BILL 239: Reduce Court of Appeals to 12 Judges.

2017-2018 General Assembly

Committee:	House Judiciary IV	Date:	March 8, 2017
Introduced by:	Reps. Burr, Lewis, Stevens	Prepared by:	Kara McCraw
Analysis of:	Second Edition		Committee Co-counsel

OVERVIEW: *The 2nd edition of HB 239 would:*

- *Reduce the size of the Court of Appeals from 15 to 12.*
- *Create an appeal of right to the Supreme Court for trial court decisions regarding class action certification.*
- *Provide for discretionary review by the Supreme Court in matters where the Supreme Court determines the subject matter of the appeal is important in overseeing the jurisdiction and integrity of the court system.*

CURRENT LAW: G.S. 7A-16 provides that the Court of Appeals, as of December 15, 2000, have 15 judges.

G.S. 7A-27(a) provides for appeals of right directly to the Supreme Court in the following cases:

- Cases in which the defendant is convicted of murder in the first degree where the superior court judgment includes a sentence of death.
- Final judgments in cases designated as mandatory complex business cases or discretionary complex business cases.
- Certain interlocutory orders of a Business Court Judge.

G.S. 7A-31 provides for discretionary certification for review by the Supreme Court either before or after a case has been determined by the Court of Appeals. The Supreme Court may certify a case before determination by the Court of Appeals when the Supreme Court determines, in its opinion, any of the following:

- The subject matter of the appeal has significant public interest.
- The cause involves legal principles of major significance to the jurisprudence of the State.
- Delay in final adjudication is likely to result from failure to certify and thereby cause substantial harm.
- The work load of the appellate courts is such that the expeditious administration of justice requires certification.

BILL ANALYSIS: The 2nd Edition of HB 239 would make the following changes:

Section 1: Reduce the number of judges on the Court of Appeals from 15 to 12 by abolishing three seats whenever the seat of an incumbent judge becomes vacant on or after January 1, 2017.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

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Section 2: Allow an appeal of right to the Supreme Court of any trial court's decision regarding class action certification under G.S. 1A-1, Rule 23.

Section 3: Allow the Supreme Court to certify a case for review before determination by the Court of Appeals in matters where, in the opinion of the Supreme Court, the subject matter of the appeal is important in overseeing the jurisdiction and integrity of the court system.

EFFECTIVE DATE: HB 239 would become effective when it becomes law.