



SENATE BILL 148: Juror Excused by Clerk/Int'l Ed. Spec. Judge.

2017-2018 General Assembly

Committee:	House Judiciary I	Date:	May 9, 2017
Introduced by:	Sens. Britt, Randleman	Prepared by:	Bill Patterson
Analysis of:	PCS to Second Edition S148-CSTG-20		Committee Co-Counsel

OVERVIEW: *The Proposed Committee Substitute for Senate Bill 148 would:*

- *Allow the chief district court judge to delegate authority to the clerk of court to excuse a person from jury service.*
- *Provide for the nomination and appointment of an emergency special superior court judge to direct International Judicial Programs to be housed at Campbell University School of Law.*

CURRENT LAW: Currently, the responsibility for promulgating procedures to process applications for excuses from jury duty rests with the chief district court judge, or a district court judge designated by the chief, and may also be delegated to the trial court administrator in those counties having one. Requests to be excused from jury service are filed with the chief district court judge, the designated district court judge, or the trial court administrator.

Pursuant to G.S. 7A-45.2, any justice or judge of the appellate division of the General Court of Justice who: 1) retires under the Consolidated Judicial Retirement Act or is eligible to receive a retirement allowance under that Act, 2) has not yet reached the mandatory retirement age, 3) has served at least five years as a superior court judge or as a justice or judge of the appellate division, and 4) whose judicial service ended within the preceding 10 years, can apply to the Governor to become an emergency special superior court judge. Once commissioned, the judge can be assigned by the Chief Justice of the North Carolina Supreme Court to hold special sessions of superior court, and cannot engage in the practice of law during any period for which the judgeship is commissioned.

G.S. 128-1.1(a) permits a person holding an appointive office in State or local government concurrently to hold one other appointive office either in State or local government, but not in federal government.

BILL ANALYSIS:

Section 1 of the PCS would allow the chief district court judge to delegate authority to establish procedures for processing jury service excusal applications to the clerk of superior court, with the consent of the clerk.

Section 2 would allow the chief district court judge to delegate authority to approve jury service excusal requests to the clerk of superior court.

Section 3 (added by the PCS) would authorize the Chief Justice to provide the Governor with the name of an attorney nominated to serve as an emergency special superior court judge authorized to direct International Judicial Programs at Campbell University School of Law for jurists, arbitrators, mediators and judicial system professionals from around the world.

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To be qualified for appointment the nominee must meet the following qualifications:

- Have been a licensed North Carolina attorney for at least 20 years.
- Have taught full-time or as an adjunct professor at an ABA-accredited law school.
- Hold a law degree awarded by a foreign university.
- Hold a Juris Doctor or equivalent law degree awarded by an ABA-accredited law school.

If satisfied that the nominee meets these qualifications and is able to perform the duties of a superior court judge, the Governor would issue a commission appointing the nominee as an emergency special superior court judge.

The appointee would be eligible to serve in the same way as other judges appointed as emergency special superior court judges, except that he or she would be permitted to practice law while holding the commission. The appointee would not be permitted to appear as attorney of record for any party in superior court, and would hold office until reaching mandatory retirement age for judges.

The appointee would not, by virtue of the appointment, be deemed to be a State employee or eligible for judicial retirement benefits. He or she would be paid expenses and compensation of \$400 per day of actual service holding court as an emergency judge; however, for any days in which the appointee is otherwise compensated for work by the State, he or she would receive only actual expenses for service as a judge.

The appointee would be permitted concurrently to hold another appointive office either in State or local government or in federal government.

EFFECTIVE DATE: This act is effective when it becomes law.