



A RESOLUTION TO ASSURE THE INDEPENDENCE OF AND ADEQUATE FUNDING TO THE COURTS

WHEREAS, the existence of an independent judiciary, composed of experienced, able judges, conducting the public's business in its Courts, dispensing justice without favor or fear of reprisal based on the identity of the parties, or the momentary public or political popularity of its decisions, is essential to the effective, fair administration of justice in this State; and

WHEREAS, the Constitution of North Carolina establishes that the legislative, executive, and judicial powers of the State government shall be forever separate and distinct from each other, Art. I, § 6; provides that the Judicial Department shall not be deprived of any power or jurisdiction that rightfully pertains to it as a co-ordinate department of the government, Art. IV, § 1; and provides that the right of jury trial in civil cases shall remain sacred and inviolable, Art. I, § 25; and

WHEREAS, adequate funding to the judiciary is essential to preserve the separation of powers among the three co-equal branches of government; to protect the power and jurisdiction of the Judicial Department as a co-ordinate department of government, equal in authority and responsibility to the Legislative and Executive Departments, established by Articles II and III respectively of the Constitution of North Carolina; and to preserve the effective right of jury trial in civil cases; and

WHEREAS, the provision of adequate resources, facilities, and personnel to the Courts to enable them to perform their functions, which are indispensable in any free society, is a paramount responsibility of any form of democratic government to its citizens; and

WHEREAS, the North Carolina Association of Defense Attorneys is composed of attorneys whose careers are spent principally in litigating civil matters on behalf of the citizens of North Carolina in the Courts of this State; and

WHEREAS, the North Carolina Association of Defense Attorneys exists to bring together by association, communication, and organization the attorneys licensed by the State of North Carolina who devote a substantial amount of their professional time to the handling of litigation; to support and work for the improvement of the adversary system of jurisprudence; to promote improvements in the administration of justice; to work for the elimination of court congestion and delays in civil litigation; and to work for better service by the legal profession to its clients and to the citizens of North Carolina; and

WHEREAS, the North Carolina Association of Defense Attorneys is committed to preserving and advancing the independence and strength of the Judicial Branch of government in order to assure the rights of the citizens of this State to be secure in their individual freedom and their property;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE NORTH CAROLINA ASSOCIATION OF DEFENSE ATTORNEYS, through its Board of Directors: that it respectfully but strongly petitions the General Assembly of North Carolina to adequately fund the General Court of Justice so that the Judicial Department of our State's government may perform its constitutional powers and duties as an independent and separate branch of government and thereby have the actual and full ability to assure the security of the people of this State in their individual freedoms and their property.

Adopted this 1st day of July 2002
Raleigh, North Carolina

D. Clark Smith, Jr.
President
North Carolina Association of Defense Attorneys