

*News Release*



## **North Carolina Association of Defense Attorneys**

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FOR RELEASE: Immediate

FOR ADDITIONAL INFORMATION  
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RE: NCADA Responds to Judicial Criticism by Governor's Office

Yesterday, the North Carolina Court of Appeals dissolved a Stay it had entered earlier this week delaying enforcement of an order entered by Superior Court Judge Ripley Rand. The dissolution of this stay reinstates Judge Rand's ruling that two defendants serving life sentences are now eligible to be released at 5:00 p.m. this afternoon.

The Governor's Office has sharply criticized Judge Rand's decision, and has suggested that the Governor may even consider defying the Courts and refusing to follow their orders. The North Carolina Association of Defense Attorneys recognizes that legitimate disagreements may exist with any ruling from our courts and respects the right of the Governor to disagree and appeal such rulings. However, we urge the Executive Branch to refrain from engaging in criticism of any ruling which calls into question the legitimacy of the Court's authority.

The Legislature, in the 1970's exercised its authority under the North Carolina Constitution when it enacted the statutes governing the length of life sentences issued at that time. Judge Rand and the Court of Appeals performed the duty entrusted to them by the North Carolina Constitution when they enforced the law enacted by the Legislative Branch and the regulations adopted by the Department of Corrections.

The Executive Branch has the authority to appeal Judge Rand's decision if it disagrees with the Court's interpretation of the law. It has the responsibility, however, to conduct itself with proper respect for the Judicial Branch, rather than engaging in harsh, extra-judicial criticisms of the Courts. Such public comments are demeaning to the Executive Branch and inappropriately disrespectful of the Judicial Branch. They also hark back to a period of history in which state chief executives threatened disregard of the Courts jeopardized the stability of the rule of law.

The North Carolina Association of Defense Attorneys brings together civil trial attorneys to promote the exchange of information, ideas, and litigation techniques, and to strengthen the practice, improve the skills, and enhance the knowledge of lawyers defending individuals and businesses in North Carolina. The NCADA represents over 1000 civil litigation attorneys and paralegals in North Carolina. For more information about this response, please contact David N. Allen ([davidallen@parkerpoe.com](mailto:davidallen@parkerpoe.com)) or Lynette Pitt ([lpitt@ncada.org](mailto:lpitt@ncada.org)).

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