

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE
MECKLENBURG COUNTY BAR
REGARDING
FUNDING FOR THE JUDICIAL BRANCH OF GOVERNMENT IN
NORTH CAROLINA**

March 25, 2004

WHEREAS, the people of the State of North Carolina established the Constitution of North Carolina “[t]hat the great, general, and essential principles of liberty and free government may be recognized and established, and that the relations of this State to the Union and government of the United States and those of the people of this State to the rest of the American people may be defined and affirmed;”

WHEREAS, the Constitution of North Carolina provides that “[t]he judicial power of the State shall, except as provided in Section 3 of this Article, be vested in a Court for the Trial of Impeachments and in a General Court of Justice,” including the District Courts, the Superior Courts, the Court of Appeals and the Supreme Court;

WHEREAS, the Constitution of North Carolina provides that “[t]he General Assembly shall have no power to deprive the judicial department of any power or jurisdiction that rightfully pertains to it as a co-ordinate department of the government;”

WHEREAS, the Constitution of North Carolina provides that “[t]he General Assembly shall provide for an administrative office of the courts to carry out the provisions of this Article;”

WHEREAS, the Constitution of North Carolina provides that “[t]he operating expenses of the judicial department, other than compensation to process servers and other locally paid non-judicial officers, shall be paid from State funds;”

WHEREAS, all of the recent Chief Justices of the Supreme Court of North Carolina have noted that the court system in North Carolina has not been adequately funded and have called on the General Assembly to appropriate sufficient resources for the courts to meet the needs of the citizens of North Carolina;

WHEREAS, the judicial branch also does not have the flexibility or authority to adequately manage the resources it does receive

WHEREAS, legislation such as the “Judicial Branch Fiscal Integrity and Accountability Act” has been introduced in the General Assembly that will allow the judicial branch the authority to manage its resources while also providing accountability to the General Assembly in the use of judicial branch funds;

WHEREAS, the lack of adequate resources and the lack of ability to adequately manage its resources diminishes the judicial branch's ability to provide for the proper and timely administration of justice for the people of North Carolina and the citizens of the United States of America who come under the jurisdiction of the courts of North Carolina;

WHEREAS, the General Assembly has failed to provide sufficient funding for the judicial branch of government for it to properly carry out its duties under the Constitution of North Carolina and the laws promulgated by the General Assembly thereunder;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Mecklenburg County Bar calls on the members of the General Assembly within the 26th Judicial District of North Carolina to attend to the funding deficiency of the judicial branch of government and to support legislation to allow the judicial branch adequate authority, flexibility and responsibility to manage the resources it receives, paying proper attention and deference to the constitutionally mandated role of the judicial branch of government as a co-equal branch of the government of the State of North Carolina, responsible for the administration of justice and the due process of the law for the citizens of North Carolina.