

**A RESOLUTION ADOPTED BY THE NORTH CAROLINA
BAR ASSOCIATION’S BOARD OF GOVERNORS, AS
PROPOSED BY THE NORTH CAROLINA BAR
ASSOCIATION’S JUDICIAL INDEPENDENCE COMMITTEE**

WHEREAS the North Carolina Bar Association acknowledges that preserving public trust in the rule of law is essential to our system of government;

WHEREAS the North Carolina Bar Association acknowledges that a judiciary that exhibits fairness, impartiality, and independence is essential to instilling public confidence in the rule of law;

WHEREAS the North Carolina Bar Association recognizes that recent changes in the way that elections and messaging surrounding elections are conducted has provided an increased need for accurate, objective information surrounding judicial elections and selection processes;

WHEREAS the North Carolina Bar Association recognizes its important role in educating both lawyers and non-lawyers on topics pertaining to the law as well as advocating for policies, programs, and ideals that promote public confidence in the law;

THEREFORE, BE IT RESOLVED THAT the North Carolina Bar Association hereby adopts the following tenets as ideal traits:

For Individuals Serving (or Seeking to Serve) in the Judiciary

1. Is competent in the law and relevant procedures, and able to correctly apply the law to a variety of facts and circumstances with fairness and impartiality;
2. Recognizes and follows the relevant professional and ethical standards for lawyers, judicial candidates, and judges, including the judicial oath of office;
3. Acknowledges that the behavior of any individual serving in the judiciary can affect public perception of the larger institution;
4. Is honorable in their dealings with all people, providing due process of law and fairness to all, regardless of age, race, gender, ethnicity, sexual orientation, language, or socioeconomic status;
5. Understands that although the law is meant to serve the people, the judge’s role is to be responsive to the law, not to the will of the majority or any particular constituency;
6. Will rule in the manner the law requires even if policy implications of a ruling may diverge with their personal viewpoints about an issue;
7. Understands the proper times to recuse themselves or refrain from participation in certain matters where bias or conflicts of interest may arise or reasonably be perceived to arise;

For The Judiciary as a Whole

1. Is viewed by the public as having competent, fair, diverse, and ethical members serving as judges and staff;

2. Is accessible to the public, efficient in its operation, and is able to provide services consistently to people of all backgrounds;
3. Has diversity in both philosophical, cultural, and demographic backgrounds on the bench, and is representative of the surrounding constituency;
4. Participates in a selection method that does not overly expose the judicial branch to messaging that has the effect of delegitimizing the courts;
5. Is not (nor is it viewed by the public as) beholden to political forces or outside spending organizations – maintaining its independence and integrity;
6. Is properly viewed as the final arbiter of how the rule of law and how the rule of law is interpreted;
7. Is properly equipped to hold other branches of government accountable as part of the constitutional separation of powers;
8. Is subject to clearly defined standards of judicial conduct so that the judges and public alike know what to expect from their judges and those seeking to become judges;
9. Has properly functioning appellate processes to safeguard due process of law, the rights of parties, and allow for final resolution of disputes;

Entered this the 22nd Day of June, 2023 pursuant to a vote of the majority of the members of the Board of Governors.

Clayton Doron Morgan, President.