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May 29, 2013

Re: Funding for Special Superior Court Judges, Trial Court Reporters, and  
Administrative Office of the Courts

Dear [Senator] [Representative] \_\_\_\_\_:

We write as recent Presidents of the North Carolina Bar Association and the North Carolina State Bar, respectively, as well as working trial and appellate lawyers. We believe we have a perspective on proposed cuts to the Judicial Branch of State Government that is worth sharing, and hope you find this letter helpful.

We were alarmed to learn that the Senate's proposed budget eliminates funding for Special Superior Court Judgeships, dispenses with half of the State's Trial Court Reporters, and cuts funding for a number of critical functions of the Administrative Office of the Courts.

The Special Superior Court Judgeships exemplify the issue. These judgeships handle a disproportionately large caseload in some of the most difficult matters in our legal system. Among them are capital murder cases, complex business and personal disputes, and matters so locally charged that assignment of non-local judges is critical to the appearance and the actuality of justice. The Special Superior Court judgeships are a bargain and a necessity. They are not a luxury that can be eliminated without grievous harm to the quality of justice our citizens enjoy. Elimination of funding for the special judgeships would quickly increase, not decrease, costs, to say nothing of the damage it will do to public perceptions of the judicial system.

Likewise, eliminating funding for so many Trial Court Reporters would seriously diminish the quality and competence of trial and appellate court deliberations. Those who work day in, day out in our trial courts know that witnesses mumble, slur, speak in accents and near whispers or are otherwise unable to fully articulate due to physical limitations or the stress of the moment. Recurring background noise regularly "overrides" testimony from the witness stand. For ensuring an accurate record, there is no substitute for the live court reporter who observes a witness and asks for a response to be repeated when necessary. The backup audio recording system that has been proposed

as a substitute for a court reporter does not begin to deal with the daily realities of our courtrooms. An electronic box will not ask a witness to slow down or repeat a response. And without a clear trial record, correct and timely disposition of appeals will prove impossible. As a result, serious trial court errors amounting to miscarriages of justice will go uncorrected. In sum, creating a record in which judges, counsel and parties have confidence could not be more important. The citizens of North Carolina deserve better than an electronic box standing in for a trained court reporter.

We do not believe the AOC is either overstuffed or overfunded for its critical functions. Quite the reverse is true. We are fortunate to live in a state that has experienced substantial population and economic growth in recent years. With this growth has come a commensurate increase in the demands on the judicial system. Yet year after year, funding for our judicial system decreases. These funding cuts proceed while the complexity of cases in our courts increases. Our judges and court personnel are far more important to making North Carolina a progressive state than this level of funding suggests.

We support the General Assembly's efforts to make North Carolina a business-friendly state. For many years, our law practices — we represent business clients in three major metropolitan areas — have provided us with a close-up view of what business leaders face as our companies confront intense competition at home and abroad. The critical importance to our economy of a judicial system in which business leaders have confidence is far too often overlooked. An underfunded and, as a result, less efficient court system will hamper North Carolina's ability to maintain and recruit new businesses and increase employment opportunity for our citizens. The degree to which an employer's commitment to an otherwise attractive business environment is compromised by an underfunded judicial system is, in our experience, greatly underestimated.

We also know from our business clients that well-funded courts are critical to economic prosperity and a healthy business climate. The U.S. Chamber of Commerce, in its 2012 evaluation of "lawsuit climate," gave North Carolina only a mediocre ranking, with that rank dropping further from a survey two years before. Fiscal support for our courts is one of the reasons for this decline.

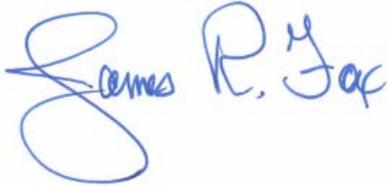
There is simply no substitute for courts that "get it right" where the lives and property of our neighbors and corporate citizens are at issue. The people of North Carolina should not, and we think ultimately will not, tolerate anything less than a first-rate court system. A way needs to be found to restore these proposed cuts.

Please contact any of us should you wish to discuss the points above, or if we can provide assistance to the General Assembly as its budget deliberations move forward.

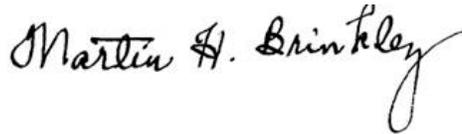
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Respectfully yours,



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