

Transcript of Chief Justice Cheri Beasley's 2020 State of the Judiciary Address

Thank you, LeAnn, and thank you so much for your leadership this year. I am so grateful to you and all of the staff at the North Carolina Bar Association for making it possible for me to bring you the State of the Judiciary Address, even though we cannot come together in person for our usual summer conference.

I'd also like to recognize my colleagues on the Supreme Court, Justice Paul Newby, Justice Robin Hudson, Justice Sam J. Ervin IV, Justice Michael Morgan, Justice Anita Earls, and Justice Mark Davis along with Chief Judge McGee and the members of the Court of Appeals.

These are unprecedented times. The COVID-19 pandemic has presented challenges that the modern judiciary and our courts have never before faced, and calls for racial justice have gripped the nation's attention. But challenging times also present opportunities. COVID-19 has required us to think creatively about improving the administration of justice in ways that even a year ago seemed impossible. The demonstrations happening in North Carolina and across the nation have given us the opportunity to confront disparities in our justice system and ensure that the people of this state have trust and confidence that courts are a place where every case is decided based on principles of law and justice free from bias.

And so, while this is truly an unprecedented and stressful time for our entire Judicial Branch and for the Bar, it is also an immensely hopeful time.

The COVID-19 pandemic remains a grave concern for our state and for our court system. I know that the reduced operations of our courts have been difficult for you and for your clients. But these necessary steps have reduced the risk of illness for our court personnel and for the public. I am immensely proud of the way that judicial officials all across the state have responded to this crisis with a spirit of tenacity and resilience that is truly inspiring.

While in-person proceedings have been limited, our courts have remained open. We continue to carry out our constitutional functions as fully as possible while carefully balancing the need to protect public health and safety. Even with dramatically reduced staff and limited resources, local courts have handled more than 20,000 cases a week all across North Carolina since the pandemic began.

Since June 1st, courts have begun hearing a greater number of cases in-person. And I know that many of you are deeply concerned about the risk of coming to court. Remote hearings remain the safest way to conduct court business and I urge you to handle as many matters as possible remotely through WebEx.

Under my emergency directives, courtrooms have been marked for social distancing and court calendars are more limited in number. Our partners in county government have installed plexiglass barriers and provided cleaning services and hand sanitizer. Judges, clerks, bailiffs, attorneys, court reporters and others have implemented safety measures and adjusted operations to keep the public as safe as possible. Governor Cooper has helped to secure critically needed PPE, and I am excited that, in partnership with his administration, we will soon have cloth masks to give to anyone who comes to court without a face covering.

While we cannot completely eliminate the risk of exposure, we know that each of these safety measures reduces the risk of infection for everyone in the courthouse. When they are all implemented together, we can significantly increase the likelihood that our staff and you stay safe.

Unfortunately, despite these efforts, we have already had more than a dozen court system judges and employees contract COVID-19 and hundreds of others have endured the stress and anxiety of known exposures in their workplaces. We are praying for the speedy recovery of those who are sick and for the continued health of those who may have been exposed.

When someone in a court facility contracts COVID-19, the operations of the entire court are jeopardized. Sessions of court must be cancelled, staff are sent to be tested and quarantined, facilities must be sanitized. The only way to avoid these disruptions is to make sure that anyone visiting a local court facility takes the simple steps to help us keep our staff safe and our courts operating. Sanitize your hands as you enter, wear a face covering, and maintain social distancing while you are in the building.

The pandemic has also caused a delay in jury trials—a step that has not been taken lightly. Jury trials are a bedrock principle of our system of government. But they also present unique safety challenges. Additional space is needed to socially distance jurors, and potential jurors tend to be older and at higher risk of serious complications if they contract COVID-19. While we have every hope that we will be able to resume jury trials beginning in August, we will only do so if that can be done safely.

I appointed our COVID-19 Task Force, co-chaired by Senior Resident Superior Court Judge Don Bridges and Chief District Court Judge Jay Corpening, which has worked tirelessly for weeks to compile best practices, case priority guidelines, innovations in court case and docket management, and resiliency tools for court personnel, which will soon be distributed to all court personnel and available on the NCCourts website. They have done such tremendous work and I know the entire Judicial Branch joins me in extending our deepest thanks to all of the members of the Task Force.

As we move forward through this public health crisis together, I am confident we will discover even more innovations that will help us protect the public and make our court operations more efficient far into the future. Virtual hearings, teleconferenced calendar calls,

time certain scheduling, and improved court date notifications and reminders are just a few examples of the ways that our court system is becoming more efficient as we respond to the pandemic.

As part of our eCourts initiative, WebEx has allowed our courts to conduct thousands of hearings remotely during the pandemic, and both the Court of Appeals and the Supreme Court of North Carolina have held arguments via WebEx.

And despite the strains on our resources these last few months, our contract with Tyler Technologies for a complete overhaul of our 30-year old DOS-based computer system continues to meet its targets for an anticipated launch next year.

The pandemic has made clear to us all that operating a paper-based system in the 21st century is simply not acceptable. Every year, more than 30 million individual pages of paper are added to state court case files, and more than four miles of shelving are needed to store them. Clerks of superior court are forced to use attics, basements, and off-site storage, further decreasing efficiency and adding unnecessary costs to our court system.

Our eCourts initiative will change that. Electronic filing, online access to court records, better data and case management, and overall improved efficiencies to our Judicial Branch will benefit businesses and the public. Our Business Court has shown how important these improvements in access and efficiency are for our business climate in North Carolina. It is vital that we continue to move forward with this project and I appreciate the support of legislative leadership for their commitment to provide the necessary funding. The support of the Bar Association has been critical to our efforts and I thank all of you for your continued advocacy.

I am deeply committed to a court system that lives up to the highest ideals and expectations of the people it serves. These improved technologies will help to ensure that our courts are transparent, accessible, and efficient. But technology updates are far from our only need.

When Chief Justice Martin convened the Commission on the Administration of Law and Justice just a few years ago, a majority of North Carolinians said they lacked faith and confidence in the system. We have borne witness to the outward expression of those frustrations as people all over North Carolina and the nation have come together in protest over the last month. Too many people believe that the system works against them. Too many people believe that justice is rendered with bias. Too many people feel left behind in a system that is unwilling to change. Their beliefs are grounded in their experiences -- they have seen and felt the difference in their own lives.

Lady justice is blind, but our courts cannot be. We cannot close our eyes to the disparities that exist or look the other way while we wait for someone else to bring change to our courtrooms. We must be willing to do the painstaking work of introspection and reflection. We must be willing to acknowledge that disparities exist despite our best efforts at rooting them out.

We must be willing to look critically at the results our system produces. And we must have honest, constructive conversations about whether those results are truly just. And, if not, we must set about the even more difficult work of change. I am excited about working with our elected officials all across the state who are committed to this important work, dozens of whom have reached out to me in recent weeks to express their commitment to improving the administration of justice in North Carolina.

We are returning to the work of the Commission on the Administration of Law and Justice, which made a number of important recommendations to help shore up public trust and confidence in our justice system. Many of those recommendations were directly aimed at reducing racial and ethnic disparities created or perpetuated by our justice system, like Raise the Age, which finally allowed North Carolina to join every other state in the nation in making the important decision not to charge children as adults in our court system.

An important component of that effort is the creation of School Justice Partnerships, which invite local schools, law enforcement, judicial officials and others to think transformatively about handling misbehavior and minor disciplinary issues in our schools. Since last August, our chief district court judges have worked tirelessly to implement local School Justice Partnerships and I am proud to report that 26 North Carolina counties now have partnerships in place with dozens more in the planning stages. By coming together in this way, we will keep thousands of children in the classroom instead of sending them to a courtroom.

Yesterday, Governor Cooper signed the Second Chance Act into law, which fills the gap in the implementation of Raise the Age and puts North Carolina on a path toward automatically clearing criminal records for folks who were never convicted of a crime. In partnership with the Criminal Justice Innovation Lab, the Justice Center, and district attorneys all across North Carolina, we will soon put this important legislation into action, setting hundreds of young people back on a clear path to success.

The Commission also recommended that the Judicial Branch begin pilot programs to improve our system of pretrial release through evidence-based practices that have been endorsed by the American Bar Association, the National Sheriffs' Association, the Association of Prosecuting Attorneys, and others. The initial results are promising and show that we can keep communities safe while ensuring that no one is detained pretrial just because they are too poor to pay even a relatively low bond. Far too often, these defendants spend more time in jail awaiting trial than they could ever receive if found guilty of the offense.

Let me be clear. These reform efforts do not simply release dangerous people into our communities. Instead, we are exploring policies that ensure that if someone is held pre-trial, it is because they are dangerous, or they're likely to flee, not because they are too poor to pay bail. This is what the Constitution requires, and it also makes sense for the safety of our communities. If a person is likely to be a danger to the community pre-trial, they shouldn't be able to secure

release no matter how much money they have access to. And if a person isn't likely to endanger their community, their poverty shouldn't be what keeps them in jail

We must also continue our decades long efforts to ensure economic fairness in our courts, by helping to bridge the access to justice gap for those of limited means.

The majority of North Carolinians believe that access to the court system is unaffordable, and our data confirms their feeling. Nearly three-quarters of the people we serve come to court without the assistance of a lawyer. Those self-represented litigants face tremendous difficulty in navigating an increasingly complex body of law, rules and procedures, and hundreds of standardized forms. Assisting them as they try to represent themselves strains the already limited resources of our Judicial Branch, especially for our clerks of court, magistrates and judges.

Through the Chief Justice's Equal Access to Justice Commission, we continue to make great strides in bridging the gap. The commission's Pro Bono Resource Center held dozens of clinics this year, connected hundreds of lawyers with pro bono volunteer opportunities, and launched a special project to provide free legal services to small businesses and non-profits facing difficulties as a result of the COVID-19 pandemic. And you have been a vital part of this work. Hundreds of attorneys across the state provided thousands of hours of pro bono service for the people of North Carolina.

The Equal Access to Justice Commission also launched our new Faith and Justice Alliance this month. This Alliance between faith leaders, attorneys and service providers will allow us to bring legal training and pro bono services to communities who need them most, and I am so excited about the work the Alliance will do to bring the faith and legal communities together in service to those who are in the greatest need.

We also know that thousands of North Carolinians are trapped in a cycle of court debt that they cannot escape. It often takes 15 years or more to restore a license that has been suspended as a result of court debt. That's why we launched NCFairChance.org. We have worked in partnership with district attorneys and the North Carolina Justice Center to eliminate long-standing court debt and help restore driver's licenses for more than 20,000 North Carolinians. Those with suspended licenses can visit the website to see if they have received relief and get help to reinstate their license.

In addition to that help, we are also taking steps to ensure the fines and fees imposed in our justice system are tempered so that no family is asked to forego their rent or utilities or food in order to pay a court debt, especially now as North Carolinians face devastatingly high rates of unemployment and economic uncertainty. We can do better. We can **be better**.

There are so many other important initiatives that our Judicial Branch continues to pursue, to include increased access to drug and mental health courts, specialty veterans' courts, online access to services for victims of domestic violence, and so many others. The State Judicial

Council continues to examine a multitude of similar initiatives that show such promise for improving the administration of justice in North Carolina and I am immensely hopeful about the future of our court system.

As we strive to make these improvements to our system, we must also be mindful of the stress that is affecting everyone in our court system in this challenging time. As lawyers, you are facing an unending string of rapid changes to court processes and procedures as well as substantive law. You are worried about your own health and the health of your loved ones. You and your clients are facing mounting economic uncertainty. I encourage you to take advantage of the services offered by BarCares and the Lawyers Assistance Program. Confidential assistance is also available through Mel Wright, Executive Director of the Chief Justice's Commission on Professionalism.

North Carolinians are resilient and resourceful, and we approach our challenges with a spirit of cooperation and innovation. I am confident that as we move through the challenging months ahead, we will continue to come together to find new and exciting ways to ensure that our courts embody the fundamental principles of fairness and equality and that we administer justice efficiently with the health and safety of every North Carolinian at heart.

I thank each of you for all of the ways that you lead in your communities and move us forward as we improve the administration of justice. Our court system is better because of your service and I am so proud to serve as your Chief Justice.