

**Remarks made by District Court Judge Athena Fox Brooks  
(on behalf of the NC District Court Judges' Association)  
before the NC House Judicial Redistricting Committee on Sept. 19, 2017**

Thank you. Good afternoon. I am Athena Fox Brooks. I am the Chief District Court Judge from District 29 B, which is Henderson, Transylvania, and Polk counties. I am the immediate past president of the North Carolina District Court Judges' Association. Our current president is Judge Elizabeth Heath. She is currently in our juvenile abuse, neglect, and dependency court with twenty-seven cases, and unfortunately couldn't be with us today.

I am also a Republican, and I am in a district that is not affected by House Bill 717. I am here today to speak to you as to what is best for the administration of law and justice for the court system here in North Carolina.

There are twenty-five (25) volumes of the North Carolina General Statutes. There are three hundred and sixty-nine (369) books of Case Reporters for the North Carolina Supreme Court for its one hundred and ninety-eight (198) years that it's been hearing cases. There are two hundred and forty-two (242) Case Reporters of decisions for the fifty (50) years that the [NC] Court of Appeals has been hearing cases.

Today there are two hundred and seventy-two (272) District Court judges in your 100 counties hearing cases and applying those laws to their cases in the areas of:

- Criminal (both misdemeanors and felonies)
- Juvenile delinquency cases
- Cases of abuse, neglect, and dependency of a juvenile
- Child support
- Child custody
- Divorce
- Equitable distribution
- Civil cases of all types, including jury trials
- Involuntary commitments
- Domestic violence and restraining orders

The District Court system was established over fifty (50) years ago to unify the court system and guarantee the uniform administration of justice. It replaced the Recorder Courts and Justice of the Peace systems, which were not uniform across the state, and did not promote the fundamental principles of fairness, and equal access to justice across the state. Through the years, the districts have been modified as populations and needs have changed. One big influence was the Racial Justice modifications to some districts in the 60's and 70's.

**Recently Becki Gray of the John Locke Foundation noted in her article in The Carolina Journal entitled "Redrawing Judicial Districts:" "Make sure we get it right. Changes to the judicial system, that affect every North Carolinian, deserve careful thought, advice from experts, thorough review, tough scrutiny, and thorough**

**debate.”** As an aside, Ms. Gray points to the Courts Commission as the entity best equipped to handle this task.

The Board of Directors of the NC Association of District Court Judges adopted the following as our official position statement regarding House Bill 717:

**Although some realignment and redistricting in the courts might be needed, the process needs to be done in a transparent and orderly fashion with input from a wide variety of citizens, legislators, and court officials. The maps as presented in House Bill 717 force turnover in a short period of time that will result in disruption to the bench and the administration of justice. In several districts between 20 twenty (20) to fifty (50) percent of the District Court Judges will be replaced by 2020, either by double-bunking or by having their positions eliminated. These judges will be replaced without any regard to their fitness or job performance - which will result in the loss of years of judicial experience.**

The new districts which are drawn in these districts, have few lawyers living in those districts. They are Republican leaning without many lawyers living in them. As a result there will be few candidates to choose from for these positions.

Further, as I can tell you about from my own district: When you split a judicial district, you tax the resources that are already in place. My district split in 2006. It split from five counties to two districts of three and two. We did not get new judicial assistants. We didn't get new clerks. We didn't get new staff. So for over ten years, for my four judges I've had one judicial assistant, and she's had to manage about 2500 cases. That's civil. That's not juvenile delinquency and that's not abuse, neglect, and dependency cases and criminal. That's only the civil cases.

**Redistricting is a process that should be accomplished in a deliberate manner; a thorough process which includes all judicial and legal stakeholders with the ultimate goal of the fair and impartial administration of law and justice [always](#) at the forefront of the process. We urge the committee to draw on the resources available to it, including the resources of the AOC [Administrative Office of the Courts] - which has not been involved - of the judges, lawyers, and laypeople from across the state. And to make a systematic study of how the districts should be fashioned.** The General Assembly is charged in the constitution with establishing the districts for the District Courts. With great power comes great responsibility. And here, that responsibility should be to ensure that justice continues to be fairly and impartially administered. The nature of law and conservatism is to proceed slowly while preserving the best of the past.

**In each of those District Courts today sitting in those 100 counties, there are citizens of this state who expect their judge to listen to the facts, apply the law, not as they wish it were, or as they wish it might be, but as it is here today in this state. You expect those judges to do that in a deliberate, impartial, and thorough fashion. We, as the citizens of the state of North Carolina, expect our General Assembly to also make their decisions in a thorough and deliberate fashion with a mind as to what is best for the administration of justice in the state of North Carolina.**