

State of North Carolina



BEVERLY EAVES PERDUE
GOVERNOR

EXECUTIVE ORDER NO. 137

TEMPORARILY MODIFYING THE JUDICIAL SELECTION PROCESS ESTABLISHED IN EXECUTIVE ORDER NO. 86

WHEREAS, the Constitution and the Laws of the State of North Carolina entrust the Governor with the duty of appointing Justices and Judges of the General Court of Justice when vacancies occur; and

WHEREAS, on April 5, 2011, I issued Executive Order No. 86 establishing the Judicial Nominating Commission ("the Commission") to assist me in the appointment of Justices and Judges in North Carolina; and

WHEREAS, the Commission has been very helpful to me in exercising my duty to make judicial appointments, as has been the opportunity to receive public input on the qualities citizens believe are most characteristic of an able judiciary; and

WHEREAS, the members of the Commission have performed a valuable public service through their work on the Commission, and I am grateful to them for their diligent efforts; and

WHEREAS, based on information communicated to me by members of the Commission, it is apparent that time constraints will make it difficult, if not impossible (1) for the Commission to perform in a timely fashion its role of evaluating and nominating candidates to fill judicial vacancies that currently exist or that arise between now and the end of my term as Governor; and (2) for me to then properly perform my duty to fully consider the qualifications of the candidates nominated by the Commission to fill those vacancies; and

WHEREAS, a temporary modification of the judicial selection process established in Executive Order No. 86 will enable me to best perform my constitutional and statutory duty to fully and thoroughly consider the qualifications of candidates before filling judicial vacancies that currently exist or that arise between now and the end of my term as Governor, so that the most qualified candidate for each vacancy can be appointed.

NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and laws of the State of North Carolina, **IT IS ORDERED:**

Section 1. With respect to all judicial vacancies that currently exist or that may arise between the present date and the end of my term as Governor, the process contained in Executive Order No. 86 shall be modified as set out herein. For such vacancies, I will exercise my constitutional and statutory authority to fill the vacancies without first receiving nominations from the Commission. However, I plan to consult with individual members of the Commission as I deem appropriate to seek their input regarding the qualifications of specific candidates for appointment.

Section 2. I urge future Governors to continue utilizing the Commission to assist them in filling judicial vacancies for all of the reasons set forth in Executive Order No. 86.

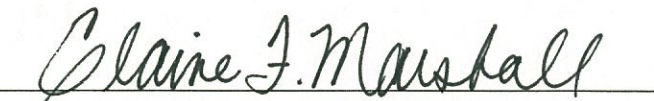
Section 3. This Executive Order is effective immediately and supersedes all other Executive Orders on this subject. It shall remain in effect until the end of my term as Governor.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 5th day of December in the year of our Lord two thousand and twelve, and of the Independence of the United States of America the two hundred and thirty-seventh.




Beverly Hayes Perdue
Governor

ATTEST:


Elaine F. Marshall
Secretary of State