

Proponent Testimony

SCR #1611

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Former North Carolina Supreme Court Justice Robert Edmunds

Chair Humphries and members of the committee:

Thank you for this opportunity to testify before the Kansas House of Representatives. My name is Robert Holt Edmunds, Jr. By way of introduction, I was an elected judge on the North Carolina Court of Appeals for two years before being elected to two terms on the Supreme Court of North Carolina. I am now Counsel with the firm of Fox Rothschild, LLP in its Greensboro, North Carolina office. I am also serving as Jurist in Residence at High Point University School of Law, where I teach Legal Writing and Criminal Law.

I testify today in favor of popular election of judges and justices. In my fifty years as an attorney, I have become acquainted with many methods by which judicial officials reach the bench. None are perfect; I can recite the strengths and weaknesses of each. And I acknowledge that almost all judicial officials favor the system that worked for them.

That said, I have concluded that popular election is the best way to fill the ranks of the judiciary. This belief is based upon what I believe to be fundamental principles of democracy. First, elections tap into the largest talent pool. In an elective system, any attorney in good standing can throw his or her name into the ring and run for a seat. It does not matter if that attorney has friends in high places or is an unknown, if she or he is from a small town or a large city, what type of law he or she practices, etc. Second, it gives the voters a chance to have a voice in who their judges are. Voters in a democracy are jealous of their right to vote and like to see judges who have reached the bench through election.

In my career, I have run in four statewide judicial elections, winning three, and two statewide primaries. At different times, these elections were partisan and non-partisan, publicly financed and privately financed. (It appears that the North Carolina General Assembly likes to tinker with judicial election formatting.) Although I had no political “godfather” who ushered me through the process, elections gave the opportunity to put my name out and run on my resume. I learned that many voters are knowledgeable about judicial races and want to learn about the candidates. As an incumbent running for re-election, I could not hide in chambers but instead had to hit the campaign trail and familiarize myself with the concerns of the voters. At the same time, I could educate less-sophisticated voters about the role of the judiciary in government.

Judicial elections are not without their weaknesses. In privately financed races, candidates have to raise money, though that was not an issue when North Carolina for a brief time had publicly financed appellate court races. Running for reelection takes substantial time from usual judicial duties. Many who would make excellent judges decide not to make the

substantial commitment of time, effort, and expense to run for the office—but they could run if they were sufficiently desiring of serving on the bench.

Acknowledging the imperfections of judicial elections does not mean that other systems are superior. Appointment robs the citizens of the right to choose their leaders while also thwarting the ambitions of those who would gladly serve but do not have the recognition or political backing necessary to attract the attention of the appointing board or win the governor's attention. Judges who never have to leave their chambers and rub shoulders with the voters can lose touch with what life is like for most.

We've elected judges in North Carolina for over a century. The voters seem to like it that way. And I think we've had a pretty good judiciary over the years. Thank you.