

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 1398  
Senate Judiciary I Committee Substitute Adopted 7/6/10  
Proposed Conference Committee Substitute H1398-PCCS50975-ST-2

Short Title: Determining Senior Resident Sup Ct Judge.

(Public)

Sponsors:

Referred to:

April 13, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO CHANGE THE METHOD FOR DETERMINING THE SENIOR RESIDENT  
3 SUPERIOR COURT JUDGE FOR A DISTRICT.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 7A-41.1(b) reads as rewritten:

6 "(b) There shall be one and only one senior resident superior court judge for each district  
7 or set of districts as defined in subsection (a) of this section, who shall be:

8 (1) Where there is only one regular resident superior court judge for the district,  
9 that judge; and

10 (2) Where there are two or more regular resident superior court judges for the  
11 district or set of districts, ~~the judge who, from among all the regular resident~~  
12 ~~superior court judges of the district or set of districts, has the most~~  
13 ~~continuous service as a regular resident superior court judge; provided if two~~  
14 ~~or more judges are of equal seniority, the oldest of those judges shall be the~~  
15 ~~senior regular resident superior court judge.~~ the Chief Justice of the Supreme  
16 Court shall designate one of the judges as senior resident superior court  
17 judge to serve in that capacity at the pleasure of the Chief Justice. In  
18 exercising the authority to appoint senior resident superior court judges  
19 pursuant to this subdivision, the Chief Judge shall consider the seniority,  
20 experience, and management competence of the regular resident superior  
21 court judges. In addition, the Chief Justice shall consult with the regular  
22 resident superior court judges, the chief district court judges, the members of  
23 the district bar, the clerks of court, district attorneys, and public defenders  
24 within the district."

25 **SECTION 2.** This act becomes effective October 1, 2010, but each senior resident  
26 superior court judge seated on that date in a multi-judge district shall continue to serve as senior  
27 resident superior court judge until that judge vacates the seat.

