



North Carolina Advocates for Justice Legislative Goals and Principles

Access to the Courts

Our State and Federal constitutions guarantee every citizen's right to a jury trial. Similarly, those charged with a crime have the right to an effective attorney. An under-funded judicial system infringes upon these basic rights. We support a fully-funded judicial system, oppose financial and other restrictions on court access, and defend the right to jury trials and adequate legal representation.

That Government Which is Closest to the People...

A government without accountability can neither be closest to -- nor protect -- its people. We believe that a person harmed by the negligence of a local government employee has the same rights as one harmed by a private business or state government. We propose a Local Government Tort Claims Act, along the lines of the State Tort Claims Act, so that the government closest to its people is also responsible to its people.

Collaboration and Consensus-Building in the Workers' Compensation System

We plan to continue to work in collaboration with other major stakeholders in the workers' compensation system to implement the 2011 and 2012 changes to the Workers' Compensation Act. We will also work to find solutions to workers' compensation insurance coverage and compliance issues.

Protect the Civil Justice System

Proposals that diminish the rights of injured people are not *reform*. Instead, they deform the justice system. We support true reform that enhances personal responsibility.

Comparative Fault: Fairness and Common Sense

We believe contributory negligence is a barrier to justice for all North Carolinians; forty-six other states agree. We support the Uniform Apportionment of Tort Responsibility Act, a common-sense system that fairly balances the interests and rights of all parties.

Eminent Domain

When the government seizes the real property of its citizens, landowners have the right to be made whole.

Criminal Justice Reform

North Carolina's criminal justice system can be made more fair and efficient. We support a more just habitual felon law, updated prescription drug statutes, more



reasonable parole eligibility laws, and reclassification of certain minor offenses so that resources are allocated sensibly and effectively.

A More Fair and Efficient Criminal Calendaring System

All other States' criminal systems -- and North Carolina's civil system -- give every party a say as to when cases are set for trial. The current criminal calendaring system gives the prosecutor complete control over the calendar. We support a criminal justice system in which both the prosecutor and the accused have equal input in setting the calendar.

Juvenile Justice – Raise the Age

North Carolina is the only state to treat all 16 and 17 year olds as adults when they are charged with criminal offenses. We support raising the age of juvenile jurisdiction to 18, resulting in even-handed treatment of accused juveniles, effective punishment and rehabilitation for juvenile offenders, and long-term cost savings for the State.

Nursing Home Reform

We support laws requiring nursing homes to disclose to their residents and families critical information concerning the ability to adequately protect residents. Disclosure of that ability (including the scope of liability insurance, self-insurance, and risk pools) should be both welcomed and mandatory. Additionally, we support enactment of medical record statutes which lessen the burden on families seeking to obtain medical records of their loved ones and clarify that only negligence related to the provision of medical care constitutes medical malpractice.

SBI Crime Lab Reform

We support the establishment of a state crime lab independent of law enforcement and unbiased in its search for the truth. We favor a study to ensure that the state crime lab meets the standards recommended by the National Academy of Sciences.

Capital Punishment Reform

The number of cases that are charged capitally bears no logical relation to the number of capital convictions. Unilateral inflation of capital charges leverages the criminal justice system and its all-too-limited resources. Narrowing the range of offenses eligible for capital punishment will bring speedier trials, save taxpayer dollars, and provide the balance guaranteed by our State and Federal constitutions. We also support limitations on capital punishment for defendants with severe mental illness.

Immigrant Rights

Denying immigrants the right to obtain drivers licenses also prohibits them from obtaining liability insurance. As a result, North Carolina citizens may be injured in car accidents and have no financial recourse against a negligent immigrant



driver. All residents of North Carolina should have access to testing for drivers' privileges or permits. We oppose legislation intended to marginalize residents based upon their immigration status or lack of English proficiency.

Civil Rights

We support revising the Racial Profiling and Checkpoints statutes to more effectively protect the rights of all residents. We support legislation designed to allow attorneys' fees for claims brought under the state constitution, just as such fees are now provided for violations of federal law.

Financial Responsibility for Trucking Enterprises

We support legislation to ensure that commercial trucks in North Carolina comply with the federal standards for motor vehicle insurance and interstate commerce.

Protect Consumers from Oppressive Clauses in Form Contracts

Consumers are routinely presented with form contracts that waive their procedural rights to contest wrongdoing of the other party -- such as arbitration clauses, venue clauses, or clauses to waive the statute of limitations. We support legislation to protect consumers from these practices.

Extend Uninsured Motorist Coverage

When -- in a "no contact" situation -- the evidence demonstrates that a motor vehicle caused bodily injury or property damage to an insured motorist, uninsured motorist coverage should be available along the lines of protections provided by South Carolina and Tennessee.

Migrant Workers' Rights

North Carolina law should provide migrant farm workers with safe places to work and live. We support safer pesticide regulations, the adoption of a heat stress standard, and mandatory bathroom breaks for poultry processors. We continue to support basic humanitarian improvements in migrant housing.

Child Labor

North Carolina's family farm heritage should be preserved, but corporate farms should not be permitted to employ young children. We support changing North Carolina's labor law so that children who work in non-family agricultural enterprises are treated the same as those in other industries. Minimum age restrictions, reasonable hours of employment, and rest breaks are fundamental rights for our employed children.

Limit Lawsuits Under Business Court Jurisdiction

We support reserving jurisdiction of the North Carolina Business Court for specific areas of corporate law -- such as securities, antitrust, trademarks, and unfair competition.



Protect Homeowner Rights

North Carolina homeowners have some of the most limited rights in the country. We support a Homeowner's Bill of Rights to enhance the legal protections and remedies available to homeowners in this state.

Judicial Selection

We seek to ensure that North Carolina's judges are highly qualified and that candidates for judicial positions are elected by a well-informed electorate, unfettered by the influence of campaign spending by outside interest groups.

Employee Misclassification

Misclassifying employees hurts workers, strains government resources, and gives employers who don't play by the rules an unfair advantage. We support reforms that provide workers with notice of their classification at the start of employment, remedies for misclassification, and protection against retaliation.