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We are NCAJ

by Bradley Bannon

On June 19, 2017, Brad Bannon was elected president of the North Carolina Advocates for Justice. That night, he gave his inaugural speech at the President's Gala. He thanked his family, past presidents Joe Cheshire and Burton Craige, and the members of the organization for their support and confidence. Below are excerpts of his prepared remarks.

Three years ago, Danny Glover, a man of breathtaking efficiency when leading a meeting or participating in an email thread, stood at this podium and began leading us all through an extraordinary but absolutely necessary transition.

For too long, we had been perceived as aligned with a single political party.

And, when the political winds changed, that reality distracted us and the newly empowered from the truth, which is that we have never strayed from our core mission of protecting people's rights, through community, education, and advocacy.

In his inaugural address, Danny also did not mince words in speaking truth to the new power:

Our members and our clients are under attack from seemingly every side, and as a result NCAJ is faced with significant challenges, some of which are considerably different from those we have faced in years past. As we finish out a short legislative session and face a long session in January, we have to deal with a legislature that seems hell-bent on eroding our clients' rights and our ability to represent them in the courts, due, in general, to the legislature's seeming disdain for not only attorneys, but for our State's court and justice system.

That was true then, and it is true now.

But now we face an even greater danger. Beyond targeted attacks on the rights of our clients in the civil and criminal justice systems, the legislature has now taken aim at the heart of those systems themselves: the independent judiciary.

Since the people of North Carolina elected a new governor and Supreme Court justice last November, the legislature has passed or is in the process of passing over half a dozen laws that do the following:

- Create partisan elections for District, Superior, and Supreme Court.
- Reduce the Court of Appeals from 15 to 12 judges, eliminating the governor's ability to appoint replacements for those seats.
- Increase the Court of Appeals workload with *en banc* review.
- Eliminate the governor's power to appoint District Court judges and consolidate that power in the legislature.
- Eliminate the governor's role in appointing Special Superior Court judges and consolidate that power in the legislature.

- Eliminate the governor's discretion to appoint appellate judges and require him to appoint one of three people submitted by the political party of the vacating judge.

Legislators did all of this without study, meaningful public comment, or stakeholder input, and with fewer lawyers among their ranks than anyone can remember.

The goal is obvious: consolidating *judicial* power in the legislature.

In my 20 years in the legal profession, there has never been a stronger or more coordinated effort to eliminate the line between the legislative branch and the judicial branch. Simply put, the legislature wants to eliminate the firewall of democracy: the independent judiciary.

This concerted effort is staggering in its cynicism and implications for checks and balances and the separation of powers.

At the same time, over the last six to twelve months particularly, we've seen an increase in tribalism, in our state and nationally. We've seen renewed efforts in society—and in the law—to cut everyone up into groups and marginalize those we perceive to be other.

More often than not, at all points in our history, the marginalized in this state and country do not fit the mold I was dumb-lucky enough to be born into: white and male and straight. The marginalized are often poor and lack the power to fight for themselves within the systems of control that were built over hundreds of years of elevating people who look like me, and subordinating everyone else.

This reality was not lost on NCAJ's leadership this year. We did not ignore it or shy away from it. We discussed what we can and should do about it.

In one of our first steps, Jason Taylor and Mark Dorosin came together, across the political party divide, to draft a diversity statement that the Board of Governors, also consisting of various political affiliations, unanimously approved in April.

We stand for the rights of all, regardless of race, age, gender, religion, nationality, disability, political affiliation, sexual orientation, gender identity, or any other quality that defines us. Who we are makes each of us unique. Though different from one another in many ways, we share a commitment to the rights granted to us by our constitutions and statutes. NCAJ remains committed to protecting those rights through our members' representation of their clients, and our legislative, executive and judicial advocacy efforts.

NCAJ is resolute in its dedication to liberty and justice for all, and to a diverse and inclusive community that extends those rights to—and recognizes the humanity of—everyone.

But statements of commitment to diversity mean little without action. So Bill Powers took that action this past year:

- He researched, made a major presentation, and led a Board discussion at Mountain Magic 2016 regarding the status of diversity and inclusion in the organization.
- He created the President's Task Force on Diversity.
- His Task Force has now been converted to a Standing Committee: The Diversity & Inclusion Task Force.
- We drafted and issued the diversity statement.
- We created a Diversity Officer position on the Executive Committee of the Board.
- Tomorrow we begin our leadership diversity training with Dr. Ben Reese.

Even within a group like ours, it is not easy to talk about and confront these things: to talk about how we may be part of the problem ourselves.

Of the dozens of presidents of this organization, only five have been women. Only two have been people of color.

In preparation for Dr. Reese's implicit bias training, I took Harvard's Implicit Bias Test on Race last week and read the painful results: my data "show a strong preference for White people over Black people."

That I was shocked by that result is the greatest evidence that I needed to see it.

Because that is precisely what I needed to know, and what we must learn and confront about ourselves, as individuals and an organization, so that we may continue to be part of the solution, rather than ignorant of our own contributions to the problem.

Bill deserves all of our respect for pushing that conversation forward into action, in a way we have never seen before.

At the same time, the extraordinarily talented professional staff at NCAJ compiled and rolled out the "I AM NCAJ" communications campaign to show our members—and the broader community—how the identity of each of us is the identity of NCAJ.

We saw and heard from members of difference races, creeds, genders, sexual orientations, political affiliations, and practice areas and locations.

People like Anabel Rosa. Miranda Mills. Drew Haywood. Crystal Rouse. David Daggett. Blija Vang. William Goldfarb. Ann Ochsner. Jason Taylor. Kristen Dewar. Meghann Burke. Jason Orndoff. Deonte Thomas. Bartina Edwards.

Toussaint Romain, who, last fall, in an act of legendary courage, stood between two armies in the streets of Charlotte and undoubtedly prevented bloodshed and loss of life.

And, of course, Bill Powers.

The I AM NCAJ campaign successfully celebrated the individual identities of our members, and now it's time to

build on that spirit and momentum and celebrate our collective identity: WE ARE NCAJ.

Republicans, Democrats, Libertarians, and Unaffiliated.

Black, brown, white, Latino, and Asian.

Women and men.

Gay and straight.

People of different faiths, agnostics, and atheists.

What binds us all together is this fight that calls us, this battle that has consumed our professional lives, and the clients we have sworn to stand with, whether they can pay us or not.

It is a struggle for justice that takes its toll on us, and our friends and families. And, on behalf of my sisters and brothers in this fight, I thank all of those friends and families here tonight.

Because it is a struggle that must continue, a struggle that could not be simpler than Chuck D put it in 1989: *We fight the powers that be.*

But it could not be more urgent and powerful than Frederick Douglass put it in 1857:

Those who profess to favor freedom, and yet depreciate agitation, are men who want crops without plowing up the ground. They want rain without thunder and lightning. They want the ocean without the awful roar of its waters. This struggle may be a moral one; or it may be a physical one, or it may be both moral and physical, but it must be a struggle. Power concedes nothing without a demand. It never did, and it never will. Find out just what people will submit to, and you have found out the exact amount of injustice and wrong which will be imposed upon them. And these will continue until they are resisted with either words, or blows, or with both. The limits of tyrants are prescribed by the endurance of those whom they oppress.

That is who we are.

And “we” goes beyond the legal professionals who make up our 3,000-plus members, who have given me the honor of standing before you tonight.

“We” includes—just as indispensably—NCAJ’s professional staff.

As we continue our struggle for the accused, the injured, the disabled, the workers, and the families of North Carolina, we’re fortunate to have an outstanding new leader of our professional staff: Kim Crouch.

Many of you have met Kim over the last few days, and more have known her from her service as the Director of Governmental Affairs at the North Carolina Bar Association for nine years, where she oversaw all aspects of its legislative program. Kim is an outstanding communicator, experienced in fostering working relationships with state and federal pol-

icymakers and advocating for and developing strategies and policies to promote the rights of all North Carolinians.

I had the honor this past year of serving under Danny Glover on the Selection Committee for our new Executive Director. Early on, we were cautioned by a search expert not to look for a perfect candidate, because there is no such thing. In this case, I’m happy to say, he couldn’t have been more wrong. Without a doubt, Kim is the perfect person, at the right time, to build on the foundation left by Dick Taylor and lead NCAJ into a new era of protecting people’s rights.

And in doing that, she is leading an outstanding professional staff. Kim Williams. Mary Lee. Sonja Way. Lou Ann Vincent. Alex Rogers. Veronica McKoy. Andrea Rutherford. Katie Bryant. Amy Page Smith. Karen Modrow. Liz Avery-Jones.

A lot of you all have heard at this point about “Hamilton,” the Pulitzer-Prize winning Broadway musical written by Lin-Manuel Miranda about the founding of this nation, in the unconventional genre of R&B and hip-hop, performed by an unconventional cast of artists of color.

The simple logo for that amazing piece of storytelling is this: a figure silhouetted in black against gold, standing straight up and pointing to the sky, pushing himself and calling on everyone else around him, to rise up together.

Another refrain of that musical, joyously sung by the Schuyler Sisters, is what I want to close with tonight:

*Look around,
Look around,
At how lucky we are to be alive
Right now.*

Times of change and upheaval and transition present their challenges, for sure. But they also provide us with the greatest opportunities.

To unite.
To rise up.
To push ourselves toward our *greater* selves, and to greater heights.
Together.
Together we make our demands.
Together we seek the concession of power.
We do not always win.
But we do not ever quit.
And we never will.
Because we are NCAJ.

And look around, look around, at how lucky are to be alive *right now.*

Thank you for letting me be your president; I promise I won’t let you down. ♦