

**ADDRESS OF JULIAN MANN, III
UPON THE ADMINISTRATION OF THE OATH OF OFFICE AS
CHIEF ADMINISTRATIVE LAW JUDGE BY THE HONORABLE
CHIEF JUSTICE I. BEVERLY LAKE, JR.
IN THE SUPREME COURT
JULY 9, 2001**

I believe it was Mark Twain who said: "I wrote you a long letter because I didn't have the time to write a short one."

I will be brief.

Robert Mueller accepted his nomination as the new FBI Director in 79 words. My count of Abraham Lincoln's Gettysburg Address was 271 words. By comparison this address should be over now.

The purpose of my remarks is merely to say, "Thank You."

Thank you Pastor Yount for your opening prayer. You said yesterday in the children's sermon that the children's parents were their supreme court.

Sister, Matilda, we had a good supreme court, didn't we ... we still have part of that court residing this summer independently in Blowing Rock, our mother at 92 years.... Wife, Diane, you had a good supreme court and part of that court still survives.... Son, Bonner, you will not be given podium privileges today.

Chief Justice Lake ... you must have had it tough since your supreme court was part of the real Supreme Court.

Please let me first thank you for your trust and confidence. I admire your faith, professionalism, humility, and integrity and have watched your career advance from one of the most effective state senators in the late 1970's, to candidate for Governor, to Superior Court Judge, to Supreme Court Justice, and to now its Chief Justice. The Chief Justice has always maintained his small town community sincerity and greets everyone as if he were meeting an old friend on the street corner in Wake Forest.

As recorded in the Gospel of St. Luke, we are admonished to live in humility for whoever humbles himself will be made great.

I thank, too, his predecessors, Chief Justices Frye, Mitchell and Exum, under whom I have served.

To my law partner of 15 years, Chuck Green, who taught me to practice law the old fashioned way, as if we were practicing in Louisburg or Engelhard in Hyde County, thank you.

Let me thank, too, Senior Administrative Judge Fred Morrison who lets me think that I actually run the Hearings Division. One day if OAH collapses, it will be because Fred Morrison is no longer there.... Fred, I know how much you do. Thanks to our fine team of Administrative Law Judges, Beecher Gray, Sammie Chess, Melissa Owens Lassiter, Beryl Wade, Jim Conner and Butch Elkins ... and to the administrative law judges who have retired or moved on to greater things and some of whom serve now as temporary administrative law judges or mediators at OAH along with a very fine pool of emergency ALJs who work so hard for us.

Thanks to our Deputy Director Camille Winston who constantly struggles with an over stretched budget and brings us through our financial audits, and to Molly Masich our Publications Director...they give me the title of Codifier of Rules but we all know who the real codifier is. ...And to Ed Smith who directs the very difficult and strenuous Civil Rights Division and always makes everything look effortless.

... And to all of the employees at OAH who work so hard on our mission to serve the public ... thank you.

To all the members of the judiciary who have supported us along the way and made a little room for us as the bottom, thank you.

To all the members of the General Assembly, and particularly the leadership, who created North Carolina's central panel tribunal, funded us, and strengthened us by taking a chance on a new concept that is good for government and good for the citizen, thank you some of the results are now in, demonstrating that their wager is paying off.

And lastly, to everyone in this room whom I have not mentioned, because everyone here has helped us along and each of you know your special contribution you have made to administrative justice, even if not publicly acknowledged here.

There is but one issue that I wish to address by way of conclusion and that is the changing face of administrative law. We yearn for the more simple times when the face of administrative law was the balding old man often found in the basement of a government building conducting an administrative hearing while operating a tape recorder. Procedures were simple and the issues were simple. Property interests then were small, but now they sometimes range in the millions of dollars. The statutorily created causes of action in administrative law differ from the judicial causes of action but they are becoming as complex. With that kind of stakes, litigants demand heightened procedures. We are seeing this complexity in special education, competitive bidding, environmental, hospital certificate of need and public employee discharge contested cases.

Sadly, I identify with Representative David Redwine's remarks in Sunday's paper: "It's a lot different than when I started 18 years ago... Now it seems ... there are more complicated issues than there were back then"

Complexity has come to administrative law because government has become more complex and pervasive. Government is no longer simple; there are deep disputes between the regulated and regulators over competing interests. Just observe the last issue of the *Administrative Law Review* of the American Bar Association. Over two thirds of the articles were devoted to central panel tribunals like North Carolina's OAH. I have never seen such treatment of state administrative law issues because this publication generally only covers federal issues.

Even the North Carolina Supreme Court's web site alludes to this in Martin Brinkley's excellent history of the Supreme Court. He writes: "The primary function of the Supreme Court is to decide questions of law that have arisen in the lower courts and before state administrative agencies."

Courts as well as administrative law tribunals deal with corporate and individual rights. The only way to resolve disputes fairly and impartially is to follow the rule of law. The genius of Montesquieu's concept of separating the judiciary from the legislative and executive functions of government

provided the independence that allowed courts to enforce the rule of law over the rule of men. This same concept of separation has been also the key to the success of the central panels in administrative law.

In reporting on judicial reforms in Russia, Washington Post Correspondents Peter Baker and Susan Glasser wrote: "Perhaps most critical to Russia's future is judicial reform. In the current court system many judges are bought off by bribes, and prosecutors serve the whims of political leaders and business oligarchs. Without a reconstituted judicial system based on the rule of law and cleansed of corruption, many analysts agree, other reforms won't mean much."

This separation of the judiciary is the model that has served our judicial system for over two hundred years, a concept that should be adopted throughout the world, and one that has served administrative law well in North Carolina for the last 15 years.