



CHAPTER 7A

ARTICLE 6 - RETIREMENT OF JUSTICES AND JUDGES OF THE APPELLATE DIVISION; RETIREMENT COMPENSATION; RECALL TO EMERGENCY SERVICE; DISABILITY RETIREMENT

N.C.G.S. § 7A-39.14.

Recall by Chief Justice of retired or emergency justices or judges for temporary vacancy.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2009-570, s. 1 — seventh act in the lineage	21 September 2026, 03:03 UTC	dda55f9d22f8ae7f539c9ead - 4506 added9386db26d5349b8e5 - d7d2223591e4f3f7

§ 7A-39.14(a)

In addition to the authority granted to the Chief Justice under G.S. 7A-39.5 to recall emergency justices and under G.S. 7A-39.13 to recall retired justices, the Chief Justice may recall not more than one retired or emergency justice or retired emergency judge of the Court of Appeals, including an emergency justice or judge whose commission has expired because he has reached the mandatory retirement age, in the following circumstances:

- (1) If a vacancy exists on the Supreme Court, he may recall an emergency or retired justice to serve on that court until the vacancy is filled in accordance with law.
- (2) If a vacancy exists on the Court of Appeals, he may recall an emergency or retired justice of the Supreme Court or judge of the Court of Appeals to serve on the Court of Appeals until the vacancy is filled in accordance with law.
- (3) With the concurrence of a majority of the Supreme Court, he may recall an emergency or retired justice to serve on the Supreme Court in place of a sitting justice who, as determined by the Chief Justice, is temporarily unable to perform all of the duties of his office.

- (4) With the concurrence of a majority of the Supreme Court, he may recall an emergency or retired justice of the Supreme Court or judge of the Court of Appeals to serve on the Court of Appeals in place of a sitting judge who, as determined by the Chief Justice, is temporarily unable to perform all of the duties of his office.

§ 7A-39.14(b) No judge or justice may be recalled unless he consents to the recall. Orders of recall issued pursuant to this section must be in writing and entered on the minutes of the court. In addition, if the judge or justice is recalled pursuant to subdivision (a)(3) or (a)(4), the order shall contain a finding by the Chief Justice setting out, in detail, the reason for the recall.

§ 7A-39.14(c) A judge or justice recalled pursuant to subdivision (a)(1) or (a)(2) of this section:

- (1) Has the same authority and jurisdiction granted to emergency justices and judges under G.S. 7A-39.7;
- (2) Is subject to rules adopted pursuant to G.S. 7A-39.8 regarding filing of opinions and other matters; and
- (3) Is compensated as are other retired or emergency justices or judges recalled for service pursuant to G.S. 7A-39.5 or G.S. 7A-39.13.

§ 7A-39.14(d) A judge or justice recalled pursuant to subdivision (a)(3) or (a)(4) of this section:

- (1) Has the same authority and jurisdiction granted to emergency justices and judges under G.S. 7A-39.7;
- (2) Is subject to rules adopted pursuant to G.S. 7A-39.8 regarding filing of opinions and other matters;
- (3) May, after the return of the judge or justice in whose place he was sitting, complete the duties assigned to him before the return of that judge or justice; and
- (4) Is compensated as are other retired or emergency justices or judges recalled for service pursuant to G.S. 7A-39.5 or G.S. 7A-39.13.

§ 7A-39.14(e) A retired or emergency justice or judge may serve on the Supreme Court or Court of Appeals pursuant to subdivision (a)(3) or (a)(4) only if he is recalled to serve temporarily in place of a sitting justice or judge who is not temporarily incapacitated under circumstances that would permit temporary service of the retired or emergency justice

or judge pursuant to G.S. 7A-39.5 or G.S. 7A-39.13. This section does not authorize more than seven justices to serve on the Supreme Court at any given time, nor does it authorize more than 15 justices and judges to serve on the Court of Appeals at any given time. In no case may more than one emergency justice or emergency judge serve on one panel of the Court of Appeals at any given time.

§ 7A-39.14(f)

Repealed by Session Laws 1989, c. 795, s. 27.1.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
7 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.



Nº	YEAR	ACT	CHARACTER
01	1985	c. 698, s. 15(a), (b)	ENACTED
02	1985	1985 (Reg. Sess., 1986), c. 851, s. 3	AMENDED
03	1985	c. 1014, s. 225	AMENDED
04	1987	c. 703, s. 5	AMENDED
05	1987	c. 738, ss. 131(a), (b)	AMENDED
06	1989	c. 795, s. 27.1	AMENDED
07	2009	S.L. 2009-570, s. 1	AMENDED

APPARATUS II

4 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 7A-39.5	(a)	"granted to the Chief Justice under"
G.S. 7A-39.13	(a)	"to recall emergency justices and under"
G.S. 7A-39.7	(c)(1)	"to emergency justices and judges under"

G.S. 7A-39.8

(c)(2)

"subject to rules adopted pursuant to"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 7A-39.14 (2009).

PINPOINT

N.C. Gen. Stat. § 7A-39.14(a) (2009).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

This document reproduces the text of one section of the General Statutes of North Carolina from a source file whose SHA-256 digest is printed on every page. The digest fixes the bytes this export was made from; if the State's file changes, the digest will not match.

The text of the section is unaltered. Subsection designators have been moved from the run of text into the margin. The amendment history and the table of authorities are derived from the section by mechanical extraction — they add no characterization of the law.

This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1985, c. 698, s. 15(a), (b); 1985 (Reg. Sess., 1986), c. 851, s. 3; c. 1014, s. 225; 1987, c. 703, s. 5; c. 738, ss. 131(a), (b); 1989, c. 795, s. 27.1; 2009-570, s. 1.)

SET IN SPECTRAL AND ARCHIVO
NORTH CAROLINA LAW — STATUTE EXPORT, FORMAT V1

