



CHAPTER 7A

ARTICLE 8 - RETIREMENT OF JUDGES OF THE SUPERIOR COURT; RETIREMENT COMPENSATION FOR SUPERIOR COURT JUDGES; RECALL TO EMERGENCY SERVICE OF JUDGES OF THE DISTRICT AND SUPERIOR COURT; DISABILITY RETIREMENT FOR JUDGES OF THE SUPERIOR COURT

N.C.G.S. § 7A-52.

Retired district and superior court judges may become emergency judges subject to recall to active service; compensation for emergency judges on recall.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2023-134, s. 16.14(h) — twentieth act in the lineage	RETRIEVED 21 September 2026, 04:07 UTC	SOURCE FINGERPRINT f251cb4f750a6727d410efd4 - 5dadfd48c939daaeef4c3936 - d90a75b19f715cba
--	--	---	--

§ 7A-52(a)

Judges of the district court and judges of the superior court who have not reached the mandatory retirement age specified in G.S. 7A-40.1 and G.S. 7A-140.1, respectively, but who have retired under the provisions of G.S. 7A-51, or under the Uniform Judicial Retirement Act after having completed five years of creditable service, may apply as provided in G.S. 7A-53 to become emergency judges of the court from which they retired. From the commissioned emergency district, superior, and special superior court judges, the Chief Justice of the Supreme Court shall create two lists of active emergency judges and two lists of inactive emergency judges. For emergency superior and special superior court judges, the active list shall be limited to a combined total of 10 emergency judges; all other emergency superior and special superior court judges shall be on an inactive list. For emergency district court judges, the active list shall be limited to 25 emergency judges; all other emergency district court judges shall be on an inactive list. There is no limit to the number of emergency judges on either inactive list. In the Chief Justice's discretion, emergency judges may be added or removed from their respective active and inactive lists, as long as the respective numerical limits on the active lists are observed. The Chief Justice is requested to consider geographical distribution in assigning emergency judges to an active list but may utilize any factor in determining which emergency judges are assigned to an active list. The Chief

Justice of the Supreme Court may order any emergency district, superior, or special superior court judge on an active list who, in the Chief Justice's opinion, is competent to perform the duties of a judge and to hold regular or special sessions of the court from which the judge retired, as needed. Order of assignment shall be in writing and entered upon the minutes of the court to which the emergency judge is assigned. An emergency judge shall only be assigned in the event of a:

- (1) Death of a sitting judge.
- (2) Disability or medical leave of absence of a sitting judge.
- (3) Recall to active military duty of a sitting judge.
- (4) Retirement or removal of a sitting judge.
- (5) Court case-management emergency or disaster declaration made pursuant to G.S. 166A-19.3(3).
- (6) Assignment by the Chief Justice of a Rule 2.1 exceptional case to an emergency judge.
- (7) Court coverage need created by holdover sessions, administrative responsibilities of the chief district court judge, or cases in which a judge has a conflict or judicial educational responsibilities.

§ 7A-52(a1)

An emergency judge of the superior court may be recalled to active service by the Chief Justice and assigned to hear and decide complex business cases if, at the time of the judge's retirement, all of the following conditions are met:

- (1) The judge is a special superior court judge who is retiring from a term to which the judge was appointed pursuant to G.S. 7A-45.1.
- (2) The judge is retiring from a term for which the judge was assigned by the Chief Justice to hear and decide complex business cases as a business court judge pursuant to G.S. 7A-45.3.
- (3) The judge's nomination to serve a successive term in the same office is pending before the General Assembly, or was not acted upon by the General Assembly prior to adjournment sine die.
- (4) If confirmed and appointed to the successive term of office for which nominated, the judge would reach mandatory retirement age before completing that term of office.

An emergency judge assigned to hear and decide complex business cases pursuant to this subsection shall be designated by the Chief Justice as a senior business court judge and shall be eligible to serve in that capacity for five years from the issuance date of the judge's commission under G.S. 7A-53 or until the judge's commission expires, whichever occurs first. Order of assignment shall be in writing and entered upon the minutes of the court to which such emergency judge is assigned. An emergency judge assigned to hear and decide complex business cases shall not be counted in the combined total of active emergency superior and special superior court judges described in subsection (a) of this section.

§ 7A-52(b)

In addition to the compensation or retirement allowance the judge would otherwise be entitled to receive by law, each emergency judge of the district or superior court who is assigned to temporary active service by the Chief Justice shall be paid by the State the judge's actual mileage and any necessary lodging and meal expenses, plus four hundred dollars (\$400.00) for each day of active service rendered upon recall, and each emergency judge designated as a senior business court judge pursuant to subsection (a1) of this section shall be paid by the State the judge's actual expenses, plus five hundred dollars (\$500.00) for each day of active service rendered upon recall as a senior business court judge. No day of active service rendered by an emergency judge pursuant to assignment under subsection (a) of this section shall overlap with a day of active service rendered pursuant to assignment under subsection (a1) of this section. No recalled retired trial judge shall receive from the State total annual compensation for judicial services in excess of that received by an active judge of the bench to which the judge is recalled. Emergency judges on an inactive list shall not receive reimbursement for continuing legal or judicial education.

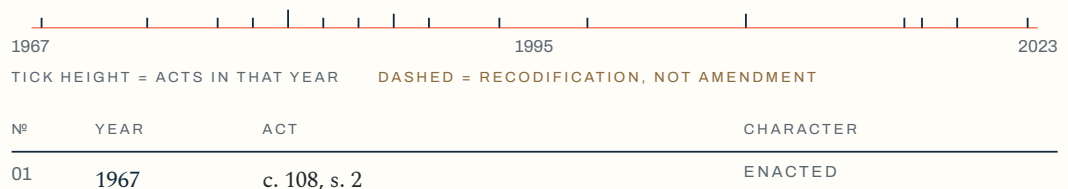
END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
20 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.



02	1973	c. 640, s. 4	AMENDED
03	1977	c. 736, s. 3	AMENDED
04	1979	c. 878, s. 2	AMENDED
05	1981	c. 455, s. 6	AMENDED
06	1981	c. 859, s. 47	AMENDED
07	1981	1981 (Reg. Sess., 1982), c. 1253, s. 3	AMENDED
08	1983	c. 784	AMENDED
09	1985	c. 698, s. 9(b)	AMENDED
10	1987	c. 738, s. 132	AMENDED
11	1987	1987 (Reg. Sess., 1988), c. 1086, s. 31(b)	AMENDED
12	1989	c. 116	AMENDED
13	1993	c. 321, s. 200.3	AMENDED
14	1998	S.L. 1998-212, s. 16.27(a)	AMENDED
15	2007	S.L. 2007-323, s. 14.26	AMENDED
16	2007	S.L. 2007-345, s. 9	AMENDED
17	2016	S.L. 2016-91, s. 3	AMENDED
18	2017	S.L. 2017-57, s. 18B.11(b)	AMENDED
19	2019	S.L. 2019-243, s. 1	AMENDED
20	2023	S.L. 2023-134, s. 16.14(h)	AMENDED

APPARATUS II
7 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-40.1	(a)	"the mandatory retirement age specified in"
G.S. 7A-140.1	(a)	"age specified in G.S. 7A-40.1 and"
G.S. 7A-51	(a)	"have retired under the provisions of"
G.S. 7A-53	(a)	"service, may apply as provided in"
G.S. 166A-19.3(3)	(a)(5)	"or disaster declaration made pursuant to"
G.S. 7A-45.1	(a1)(1)	"the judge was appointed pursuant to"

G.S. 7A-45.3

(a1)(2)

"a business court judge pursuant to"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 7A-52 (2023).

PINPOINT

N.C. Gen. Stat. § 7A-52(a) (2023).

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

(1967, c. 108, s. 2; 1973, c. 640, s. 4; 1977, c. 736, s. 3; 1979, c. 878, s. 2; 1981, c. 455, s. 6; c. 859, s. 47; 1981 (Reg. Sess., 1982), c. 1253, s. 3; 1983, c. 784; 1985, c. 698, s. 9(b); 1987, c. 738, s. 132; 1987 (Reg. Sess., 1988), c. 1086, s. 31(b); 1989, c. 116; 1993, c. 321, s. 200.3; 1998-212, s. 16.27(a); 2007-323, s. 14.26; 2007-345, s. 9; 2016-91, s. 3; 2017-57, s. 18B.11(b); 2019-243, s. 1; 2023-134, s. 16.14(h).)

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

