

**NORTH CAROLINA BAR ASSOCIATION**

**Presentation of the John Johnston Parker Memorial Award to**

**The Honorable John C. Martin  
Chief Judge, North Carolina Court of Appeals**

**Saturday, June 22, 2013  
Asheville, North Carolina**

Upon the death of John Johnston Parker in 1959, our Association created the John J. Parker Memorial Award with the intention that it be the highest honor any North Carolina lawyer can receive. And so it has been. When the Past Presidents of our Association, with the blessing of the Board of Governors, give this Award honoring Judge Parker's memory – and we deliberately do not do so every year – it seems fitting to remember his extraordinary life in passing. John Johnston Parker was for 50 years a member of the Bar of this State, for 47 years a member of this Association, for 32 years a Judge of the United States Court of Appeals for the Fourth Circuit, and for 27 years that court's Chief Judge.

This year – this morning – we present this award with an admiration and enthusiasm that are consonant with the Parker Award's illustrious heritage. In the *Odyssey's* opening line, the poet asks the Muse to inspire him to sing of far-famed Odysseus, the epitome of heroism and great deeds. For my part, I beg for a Muse of Fire that will ascend the highest heaven and empower me to tell you of a genuine hero in our midst – a hero who has been, for far too long, unsung.

Throughout a rich, varied and utterly self-effacing life, usually without our knowing it, John Martin has earned our gratitude. Gratitude for endless service, time and time again, in role after role, place after place; service that has always looked beyond self, never counted the cost, and always seen the cause through to the end.

John Martin is a native of Durham, and it was to his hometown that he repaired after earning his undergraduate and law degrees at Wake Forest University and service in the United States Army. In 1969 he joined the firm of Haywood, Denny & Miller. While a member of that firm, in 1975 he was elected to and served on the Durham City Council, where he chaired the Public Works Committee. He was Durham's Outstanding Young Man of the Year in 1976. The following year, Governor Hunt appointed John to the Superior Court bench in Durham County. It is fair to say that John truly loved his service on the Superior Court; he quickly became one of those judges whom lawyers and the Administrative Office of the Courts sought out to handle the hardest cases. John struggled greatly when encouraged to seek a seat on the North Carolina Court of Appeals in 1984. I pause here to suggest – based on extensive discussions with those most familiar with his career – that a significant part of John's training for the bench came in the summers of his law school years, when he learned the ins and outs of law enforcement as a gendarme of Virginia Beach, Virginia, which apparently leased its vehicular fleet from the producers of the Andy Griffith Show. *[Showing photograph]*

This was the Court of Appeals of North Carolina at approximately the time John Martin joined it. *[Showing photograph]* It is here that I wish to pause for a significant portion of the remainder of these remarks.

John has been a Judge of the Court of Appeals for, at present, 23 years, which makes him one of the three longest serving judges in the court's history. He is by every account one of the best judges ever to adorn its bench. A colleague of his has written this:

As an attorney in private practice . . . [over more than twenty years], I appeared a number of times before panels on which Judge Martin sat. Never in my experience did Judge Martin treat the lawyers who argued before him with anything but the utmost respect. It was obvious that he was always fully prepared on the issues in the cases that came before him . . . Not one time did Judge Martin seem impatient or bored or unconcerned. He asked thoughtful questions and let

the lawyers fully present their arguments. The opinions he authored were always thorough and well-reasoned so that, even on the losing side, I knew exactly why, under the law, my arguments failed. Since [joining the Court], I have learned from inside experience how well he prepares for oral arguments and for conferences on the cases on which he sits, as well as all matters that come before or affect the Court.

The Court of Appeals routinely disposes of more than 1,700 cases per year. John Martin has been deeply concerned with ensuring that litigants receive prompt, reasoned answers from the court, often reminding colleagues that the cases belong to the parties, not to the judges or to the court itself. “It is their case, it is their lives,” he says. “You owe it to them and to the public to get it right and get it done fast.” Despite budget cutbacks, early in his tenure as Chief Judge, John Martin led his court and its staff in a successful effort to cut by nearly one half the time between docketing of a case and issuance of the opinion. This effort came to full fruition late in 2011, when the average time a case stays in the Court of Appeals went from more than a year to under seven months – the fastest resolution rate of any period in the court’s 44-year history. This was achieved through a pattern of leadership and self-sacrifice on John’s part, as recounted in the words of one of his colleagues:

Normally the Chief Judge only hears cases 2/3 of his time, in order to allow time for administrative matters. I cannot recall the number of times that John personally took an extra sitting of court, an extra case, or additional petitions in order to help out a judge who was behind in their work, or had to complete their cases because they were leaving the court. John’s commitment to the expeditious dispensing of fair and quality justice has been total.

As one individual who has been intimately involved with the North Carolina court system across many decades told me, “John Martin never asks anyone else to do what he isn’t willing to do himself. Some judges just care about the job of judging. They do a good job. John steps up to the extra things.”

Chief Judge Martin has served as Chairman of the North Carolina Judicial Standards Commission since 2001 — the position that one of his colleagues called “the most difficult position in the judiciary” — and is now the longest serving chairman in the Commission’s history. When he became Chief Judge of the Court of Appeals in 2004, Judge Martin could have followed tradition and asked the Court’s senior associate judge to chair the Commission. He did not, because — according to many of those closest to him, amid the mountain of other duties he shoulders, he considers his work on the Judicial Standards Commission the single most important thing he does, a task at the very heart of the bench’s obligation to regulate itself and to ensure its own integrity. Nor did John accept the traditional reduction in caseload from his regular judicial work that accompanies an appointment as chair of the Commission. Many of those whose complaints wind up before the Judicial Standards Commission have appeared pro se. With these complainants John is particularly patient. He has a way of reading between the lines to understand what pro se litigants are trying to tell the Commission. “Do not,” he often advises trial judges, “lower your standard down to that of a pro se litigant. Raise them up — no matter how difficult the task.” More than one of his colleagues has told of seeing him, time and again, leaving the courthouse to climb into his car to travel across the state to unspecified locations for meetings with unidentified judges in the hope of forestalling serious problems. “When he succeeds,” said one, “the State benefits from continuing to have an experienced judge on the bench without problematic behaviors, while the judge is given another chance.” These techniques make him universally respected among the state’s trial judges.

While Chief Judge Martin was leading the Court of Appeals to reduce its case disposition rate, he also spearheaded a nineteen-month, \$9 million renovation to the 1914 Ruffin courthouse building. Far from sitting back, working on his cases and letting the state bureaucracy run the

project, John was in the vanguard. In a handwritten letter, the architect of the renovation project told John: “You must know by now that you were the indispensable person on this project. Your character, leadership, candor and good humor kept the design team inspired and motivated to do our best work.” John’s labors on the Court of Appeals building were not undertaken to build a monument, but to make the working life of his court family better. Yet it would be fitting for the State to erect a bronze entablature outside the courtroom in John’s honor. The inscription could be that used for the tomb of Sir Christopher Wren, the architect of Saint Paul’s Cathedral, in the cathedral crypt: *Si monumentum requiris, circumspice*. “If you would see my monument, look around you.”

Ensuring the highest quality judicial education to our state’s judges, within North Carolina rather than elsewhere, has been one of John Martin’s highest priorities. He has always wanted our state’s judges to be as professional as is humanly possible. His persuasive vision, backed by significant legislative funding which he personally solicited and obtained, led to the establishment of the North Carolina Judicial College, located at the UNC School of Government. Through the College, experienced trial judges are invited to intensive, interactive seminars once per month, with no more than 25 participants. These allow the judges to dig deeply into topics such as advanced evidence and sentencing, with the goal of helping them learn how to exercise judgment in hard cases. The judges of the Court of Appeals benefit directly from the College, with an annual Continuing Judicial Education seminar focused specifically on emerging issues the Court is likely to face, taught by School of Government faculty. As James C. Drennan, Albert Coates Professor of Public Law and Government *emeritus* at the School of Government, has written:

There is no judge more directly responsible for the [Judicial] College’s existence than Judge Martin. . . . He sees a need, he thinks about ways to address

it, and he either addresses it himself or encourages others to do so. I count it a privilege to have worked with Judge Martin. His leadership is an inspiration. His devotion to systemic improvements and his ability to see that they are achieved makes him a very rare person. There are many who see problems and there are people who are good at solving them if the vision is provided by others. When you combine both vision and practical ability in one person, that is a special gift. Judge Martin has it. We are better for it. The system works because of people like John Martin.

The esteem in which John is held nationally is revealed in his election, first as Secretary-Treasurer and currently as President-Elect, of the national Council of Chief Judges of the State Courts of Appeal, an organization consisting of chief judges of intermediate state appellate courts from across the nation. Among his services to the national Council has been a stabilizing of the group's finances, which has enabled the Council to become self-sufficient. Chief Judge Gary W. Lynch of the Missouri Court of Appeals, the current President, says this about John:

John Martin is that rare individual who has great leadership skills, and yet is a truly nice person and a pleasure to work with. The Council of Chief Judges of the State Courts of Appeal . . . has recognized Judge Martin's outstanding professional and personal qualities by electing him to be its President next year. Through his service to the Council, he has made and will continue to make significant contributions to improving the administration of justice in state intermediate appellate courts nationwide.

And then there are the muffins. How many Chief Judges of a state court of appeals can claim to have won a blue ribbon and \$10 first prize at their State Fair for superlative blueberry muffins? How many have entered into contracts to provide one blueberry muffin, per day, for two years – as a Christmas present to his father-in-law?

John Martin could have been anyone. But he has chosen – thank Heaven for us – to be himself, completely and unutterably himself. He has no airs or pretense. He has never clamored for a share of the credit. For him, it is enough to see the job, especially the thankless or dirty job, done well. In the openness and integrity of his character, he is the same person to everyone, whatever their condition or status. He wears no mask. He is without guile, a stranger to the arts

of dissimulation and sly evasion. With him, you get exactly what you see, at all times and in all circumstances. He is that man who, before leaving the house to shoulder the heavy burdens of his office, asks his beloved Margaret every single day: “What can I do for *you* today?” Indeed, I am persuaded he asks that question of every person he meets. As one of his colleagues said, “John always has time for me,” just as he does for the most important things of this earthly pilgrimage. This is a man whose mother-in-law said that he is never happier than when giving or doing for others – for his Margaret, his children, his animals, his court. It is telling that his very first administrative act, after he became Chief Judge in 2004, was to get a pay raise for employees in the court’s print shop who had gone without an increase for many years.

Commensurate with the standards of this award, John Martin embodies the *highest* ideals of our profession; he stands for the *highest* standards of excellence in service to the cause of jurisprudence; and his service has been, despite his own unstinting efforts to make it invisible, *conspicuous*. And so it is only his due that today, we present him with our *highest* award.

Ladies and gentlemen, in the hope that he will long continue to hold in his arms everything that is great and good in our profession, I ask you to welcome the recipient of the 2013 John J. Parker Memorial Award, the Unsung Hero – John C. Martin.

- Martin H. Brinkley