



MICHAEL L. ROBINSON
SPECIAL SUPERIOR COURT JUDGE FOR COMPLEX BUSINESS CASES

NORTH CAROLINA BUSINESS COURT

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November 30, 2022

Chief Justice Paul M. Newby
North Carolina Supreme Court
PO Box 1841
Raleigh, NC 27602

***Re: Hoke County Board of Education v. State of North
Carolina – Wake County - 1995 CVS 1158
N.C. Supreme Court Docket No. 425A21-2***

Dear Chief Justice Newby:

Following appeal to and decision by the Supreme Court on 4 November 2022 in the above-captioned case, the mandate issued on 28 November 2022, returning jurisdiction of the underlying litigation to the presiding Superior Court judge.

By way of historical background, on 21 March 2022, I was initially selected by you as the Chief Justice of the Supreme Court and directed by your Order pursuant to Rule 2.1 of the General Rules of Practice to serve on remand of the action for a limited time and for a specific purpose. By separate Order of the Court dated 18 March 2021 and docketed on the 21st day of March 2021, the Court directed me as follows:

This case is remanded to Superior Court, Wake County, for a period of no more than thirty days, for the purpose of allowing the trial court to determine what effect, if any, the enactment of the State Budget has upon the nature and extent of the relief that the trial court granted in its 11 November 2021 order. The trial court is instructed to make any necessary findings of fact and conclusions of law and to certify any amended order that it chooses to enter with this Court on or before the thirtieth day following the entry of this order.

As a result of the Supreme Court's Orders, it was my understanding from the inception of my involvement in this matter that it would be limited in time and scope.

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In compliance with the Court's remand order, I conducted hearings, reviewed documents submitted to me by the parties, and, after a request for a brief extension of time granted by the Supreme Court on 19 April 2022, ultimately entered an Order and Corrected Order Following Remand on 26 April 2022.

My 26 April Order was appealed by a number of the parties to the litigation, resulting in the Supreme Court's 4 November 2022 Opinion. That Opinion reversed certain orders entered by both the Superior Court and Court of Appeals and remanded the underlying litigation to the Superior Court to make further findings and enter supplemental orders directing the Defendants to make additional payments necessary to fully fund years two and three of the Comprehensive Remedial Plan for K-12 public education statewide.

Additionally, and most importantly, the Superior Court Judge presiding over the case was directed to monitor and oversee the litigation for the indefinite future. Given the procedural history of this litigation, now in its 27th year, it is likely that the continuing oversight by the assigned Superior Court Judge will require extensive periodic hearings for the foreseeable future.

I write you to respectfully request that, if I am still considered the presiding Superior Court judge in this matter, that the matter be re-assigned to another Superior Court Judge. Given my workload and the demands of my docket as a Business Court Judge, it will be difficult to maintain oversight and jurisdiction over this case without the reassignment of some of my cases to my Business Court colleagues, each of whom already has a full docket and heavy workload. I also note that this case is not within the statutorily prescribed categories of cases that are properly designated as mandatory complex business cases for handling and disposition by Business Court judges.

While I will certainly defer to the Supreme Court's directives and desires concerning the oversight of future proceedings in this case, I believe it would be most appropriate, and therefore respectfully request, that the matters for remand and the ongoing oversight of this action be assigned to another Superior Court Judge.

I am grateful for your consideration of my request. I will be happy to answer any questions you may have regarding my request or my current situation.





Sincerely yours,

Michael L. Robinson

