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FOR IMMEDIATE RELEASE

#### WAKE COUNTY SUPERIOR JUDGE HOWARD MANNING RULES ON ELECTION TAX

August 11, 2009 - Raleigh, NC. - Wake County Superior Judge Howard Manning ruled yesterday that a special fee imposed on all attorneys in the state violates the First Amendment when used to fund campaigns of candidates for Court of Appeals judge and Supreme Court justice. The decision permits the State Bar to impose the \$50 fee but requires that the State Bar, as a remedy for the constitutional violation, allow each attorney to designate that his or her money will be used to fund only the Voter Guide for judicial candidates prepared by the state. The decision comes nearly two years after the North Carolina Institute for Constitutional Law (NCICL) filed the lawsuit on behalf of a group of public defenders in Mecklenburg County who had refused to pay the fee. The plaintiffs were ordered to pay the fee or face suspension of their law licenses.

The lawsuit alleged that the fee, which funds both the Voter Guide and campaigns of qualifying candidates for appellate judgeships, violates the First Amendment on the grounds that it compels individual attorneys to finance the campaigns of candidates they do not or may not support. "NCICL and its clients are pleased that the court recognized that the fee was compelled political speech and will now give all attorneys the option of not paying for campaigns of candidates they do not or may not support," said NCICL's Senior Staff Attorney Jeanette Doran, who handled the case for the plaintiffs. "The decision reinforces the important constitutional principle that government cannot compel political speech."

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If you would like more information on this topic, please call Jeanette Doran at 919-838-5313 or email at [doran@ncicl.org](mailto:doran@ncicl.org).