

1 judgeships thus created. The appointees shall serve until January 1, 1979. Their
2 successors shall be elected at the general election for members of the General Assembly
3 in November, 1978, and shall take office on January 1, 1979, to serve the remainder of
4 the unexpired term which began on January 1, 1977.

5 On or after December 15, 2000, the Governor shall appoint three additional judges
6 to increase the number of judges to 15. Each judgeship shall not become effective until
7 the temporary appointment is made, and each appointee shall serve from the date of
8 qualification until January 1, 2005. Those judges' successors shall be elected in the 2004
9 general election and shall take office on January 1, 2005, to serve terms expiring
10 December 31, 2012.

11 The Court of Appeals shall sit in panels of three judges ~~each~~ each and may also sit
12 en banc upon a vote of a majority of the judges of the court. The Chief Judge insofar as
13 practicable shall assign the members to panels in such fashion that each member sits a
14 substantially equal number of times with each other member. He shall preside over the
15 panel of which he is a member, and shall designate the presiding judge of the other
16 panel or panels.

17 ~~Three judges shall constitute a quorum for the transaction of the business of the~~
18 ~~court, except as may be provided in § 7A-32. Except as may be provided in G. S. 7A-~~
19 ~~32, three judges shall constitute a quorum for the transaction of the business of the court~~
20 ~~when sitting in panels of three judges, and a majority of the then sitting judges on the~~
21 ~~Court of Appeals shall constitute a quorum for the transaction of the business of the~~
22 ~~court when sitting en banc.~~

23 In the event the Chief Judge is unable, on account of absence or temporary
24 incapacity, to perform the duties placed upon him as Chief Judge, the Chief Justice shall
25 appoint an acting Chief Judge from the other judges of the Court, to temporarily
26 discharge the duties of Chief Judge."

27 **SECTION 2.** G.S. 7A-30 reads as rewritten:

28 "**§ 7A-30. Appeals of right from certain decisions of the Court of Appeals.**

29 Except as provided in G.S. 7A-28, an appeal lies of right to the Supreme Court from
30 any decision of the Court of Appeals rendered in a case:

- 31 (1) Which directly involves a substantial question arising under the
32 Constitution of the United States or of this State, or
33 (2) In which there is a ~~dissent~~ dissent when the Court of Appeals is sitting
34 in a panel of three judges."

35 **SECTION 3.** G.S. 7A-31(a) reads as rewritten:

36 "(a) In any cause in which appeal is taken to the Court of Appeals, ~~Appeals~~
37 including any cause heard while the Court of Appeals was sitting en banc, except a
38 cause appealed from the North Carolina Industrial Commission, the North Carolina
39 State Bar pursuant to G.S. 84-28, the Property Tax Commission pursuant to G.S.
40 105-345, the Board of State Contract Appeals pursuant to G.S. 143-135.9, or the
41 Commissioner of Insurance pursuant to G.S. 58-2-80, or a motion for appropriate relief
42 or valuation of exempt property pursuant to G.S. 7A-28, the Supreme Court may, in its
43 discretion, on motion of any party to the cause or on its own motion, certify the cause

1 for review by the Supreme Court, either before or after it has been determined by the
2 Court of Appeals. A cause appealed to the Court of Appeals from any of the
3 administrative bodies listed in the preceding sentence may be certified in similar
4 fashion, but only after determination of the cause in the Court of Appeals. The effect of
5 such certification is to transfer the cause from the Court of Appeals to the Supreme
6 Court for review by the Supreme Court. If the cause is certified for transfer to the
7 Supreme Court before its determination in the Court of Appeals, review is not had in the
8 Court of Appeals but the cause is forthwith transferred for review in the first instance by
9 the Supreme Court. If the cause is certified for transfer to the Supreme Court after its
10 determination by the Court of Appeals, the Supreme Court reviews the decision of the
11 Court of Appeals.

12 Except in motions within the purview of G.S. 7A-28, the State may move for
13 certification for review of any criminal cause, but only after determination of the cause
14 by the Court of Appeals."

15 **SECTION 4.** The Supreme Court, in consultation with the Court of Appeals,
16 is respectfully requested to adopt rules of procedure for en banc proceedings in the
17 Court of Appeals.

18 **SECTION 5.** This act is effective when it becomes law.