



Anita S. Earls

Justice Anita S. Earls has served on the North Carolina Supreme Court since 2019. Prior to her judicial service, Justice Earls was a civil rights attorney with a focus on protecting the fundamental right to vote. After working at a private civil rights firm and for the U.S. Department of Justice's Civil Rights Division, she was the Founder and Executive Director of the Southern Coalition for Social Justice.

BIOGRAPHY

Justice Anita Earls was [born](#) in Seattle, Washington in 1960. She graduated from Williams College in 1981, [where](#) she was involved in the Student Anti-Apartheid Coalition and wrote a senior thesis on worker-managed enterprises. After graduation, she conducted research in Tanzania through a Watson Fellowship and worked in London, England for three years. Justice Earls went on to graduate [from](#) Yale Law School in 1987, where she was a Robert Masur Fellow in Civil Rights and Civil Liberties and an editor of the Yale Law Journal.

LEGAL CAREER

After graduating from law school, Justice Earls moved to Charlotte, North Carolina to work at the civil rights firm Ferguson, Chambers & Sumter, [founded](#) by esteemed attorney Julius Chambers who went on to lead the NAACP LDF. There, she [litigated](#) civil rights cases including wrongful death cases against police officers, employment and housing discrimination cases, school desegregation cases, and voting rights cases. She also litigated criminal defense cases.

In 1998, Justice Earls was appointed Deputy Assistant Attorney General in the Civil Rights Division of the Justice Department by President Clinton. There, she had [responsibility](#) for the Division's Disability Rights, Educational Opportunities, Voting, and Coordination and Review sections. She then spent two and a half years directing the Voting Rights Project at the Lawyers' Committee for Civil Rights Under Law in Washington, D.C. In 2003, she returned to North Carolina, joining the Center for Civil Rights at the UNC School of Law.

In 2007, Justice Earls [founded](#) the Southern Coalition for Social Justice, a non-profit civil rights organization. In her time as the Executive Director of the organization, Earls continued her deep involvement in voting-rights work, especially redistricting, either representing parties or writing amicus briefs in

most of the major voting-rights cases of the decade. During the same period, Justice Earls [was](#) appointed by the Governor to the North Carolina State Board of Elections in 2009 and served on the North Carolina Equal Access to Justice Commission.

In 2017, Justice Earls left her organization to begin campaigning for a seat on the North Carolina Supreme Court. In the 2018 election, she [won](#) an eight-year term, unseating the Republican incumbent, Barbara Jackson, in a three-way race.

REPRESENTATIVE CASES

Justice Earls was an expert civil rights litigator before her time on the bench with a focus on voting rights. Other areas of civil rights litigation included education, employment, environmental justice, and police accountability. A few of Earls' most significant cases, organized within alphabetized issue areas, are included here:

Education

Justice Earls litigated extensively on education civil rights issues, including school desegregation. For example, in 2010 the Southern Coalition filed a [complaint](#) with the U.S. Department of Education alleging that Wake County, which had previously been under a court-ordered desegregation plan, racially discriminated when it switched from a school assignment plan considering socio-economic status to a neighborhood schools plan. The school assignment policy ultimately lasted only one year, as board members were [voted](#) out and the policy returned to socio-economic basis. In another case, Justice Earls and the UNC School of Law's Center for Civil Rights [represented](#) students in the Charlotte-Mecklenburg school system who claimed that the state had failed to provide a "sound basic education," which is guaranteed by the North Carolina Constitution. The intervenors alleged that, following the declaration of "unitary" status that ended the long-running Charlotte-Mecklenburg school desegregation litigation, high-poverty schools had emerged throughout the system.

Justice Earls has also litigated cases related to other education civil rights issues. In *In re T.A.S.*, a girl at an alternative disciplinary school was subjected to a suspicionless strip search which found a controlled substance in her bra. Justice Earls and the Southern Coalition for Social Justice joined an amicus brief on her behalf, arguing that the search was unconstitutional under the Fourth Amendment and under the Equal Protection Clause. The court of appeals [ruled](#) in favor of T.A.S., but the North Carolina Supreme Court [vacated](#) and remanded for further fact-finding regarding the details of the search.

Employment

In [Alexander v. City of Greensboro](#), Justice Earls and the Southern Coalition for Social Justice represented forty Black officers in the Greensboro Police Department alleging the department's police chief created a hostile work environ-

ment by subjecting the Black officers to unwarranted investigations, discipline, and other misconduct. The officers that proceeded to summary judgement at the district court level ultimately settled their claims while the appeal was pending in the Fourth Circuit.

Voting Rights

Justice Earls is an expert in redistricting litigation. She was involved in numerous cases arising from North Carolina's redistricting after the 2000 Census, including [Bartlett v Strickland](#), in which the U.S. Supreme Court held that a racial minority group must comprise at least 50% of a proposed district in order to bring a vote-dilution claim under Section 2 of the Voting Rights Act. Justice Earls' amicus briefs argued that a rigid numerical threshold should not be imposed and that "coalitional" districts where voters of color and white voters join together should also be protected. In another redistricting case, [Covington v. North Carolina](#), the Southern Coalition for Social Justice alleged that the state violated the Fourteenth Amendment by using redistricting to weaken Black voters' influence. The Fourth Circuit, and ultimately the U.S. Supreme Court, [affirmed](#) the decision and remanded the case to the trial court, which ordered the state to draw new maps, leading to additional litigation over the redrawn maps.

Justice Earls litigated a wide range of other types of voting rights cases, including challenges to voter suppression laws. For example, in 2013 the Southern Coalition for Social Justice [filed](#) one of many challenges to North Carolina's House Bill 589, passed the day after *Shelby County v. Holder* gutted the Voting Rights Act. After a bench trial, the district court ruled against the plaintiffs on all claims, but the Fourth Circuit [reversed](#), finding a violation of the Voting Rights Act and enjoining H.B. 589's photo-ID requirement and changes to early voting, same-day registration, out-of-precinct voting, and preregistration.

JURISPRUDENCE

Access to Justice

Justice Earls has ruled to make the courts more accessible. In [Chambers v. Moses H. Cone Mem. Hosp.](#), the North Carolina Supreme Court recognized a new exception to the mootness doctrine "when a named plaintiff's individual claim becomes moot before the plaintiff has had a fair opportunity to pursue class certification and has otherwise acted without undue delay regarding class certification." In *Draughon v. Evening Star Holiness Church of Dunn*, Justice Earls [dissented](#) in a case in which summary judgement was granted against a plaintiff who sued for injuries obtained while acting as a pallbearer at a funeral, arguing that summary judgement was inappropriate because the factual record did not make it clear whether the defective condition was open and obvious and whether plaintiff was contributorily negligent.

Civil Rights

In [State v. Ramseur](#), the Court considered the North Carolina General Assembly's repeal of the state's Racial Justice Act, which created mechanisms for criminal defendants to challenge their death sentences on the ground that race was a significant factor in the prosecution's choice to pursue the death penalty. Justice Earls authored the 6-1 opinion, holding that it was unconstitutional to deny hearings to those who had filed claims before the law was repealed. [State v. Grady](#) considered the constitutionality of North Carolina's "satellite-based monitoring" (SBM) program, which required people convicted of more than one sex offense to wear an ankle monitor continuously; to spend two hours per day tethered to an electrical outlet while charging; and to undergo a home inspection every three months. After the U.S. Supreme Court found that SBM constituted a search under the Fourth Amendment and remanded the case, Justice Earls wrote for the majority and held that lifetime SBM based only on recidivist status, without an individualized assessment of risk, is an unconstitutional search.

Criminal Law

Justice Earls' decisions have addressed the permissibility of certain prosecutorial statements at trial. In [State v. Tart](#), Justice Earls dissented on the issue of whether a prosecutor's statements in a closing argument — calling the defendant a "homicidal sociopath," among other things — were inflammatory and warranted a new trial on fairness grounds under the state constitution. Justice Earls found that the terms sociopath and "unleashed" were inflammatory and necessitated a new trial. In [State v. Copley](#), the Court found that a prosecutor could invoke race in the closing argument when the defendant, a white man who killed a Black man, made racially discriminatory comments to police officers at the time of the killing. Justice Earls' concurrence argued that while appeals to racial animosity are impermissible, arguments that a defendant's crime was racially motivated are permissible, as are other references to race that are relevant and non-derogatory.

Justice Earls has also addressed Fourth Amendment issues in the criminal context. [State v. Terrell](#) examined whether a police officer violated the Fourth Amendment when he searched a man's thumb drive after his wife turned it in to police. Justice Earls's opinion found that the officer's initial search was unconstitutional because the Plaintiff retained an expectation of privacy in the drive and the search went beyond the wife's private search of the drive.

First Amendment

In [Desmond v. News and Observer Publishing Co.](#), the Court unanimously affirmed the jury verdict in a defamation case in favor of the plaintiff, a state forensic examiner, against a reporter and newspaper that published stories highly

critical of her work in a murder case. Justice Earls's opinion acknowledged the weighty First Amendment interests at stake but held that the evidence was enough for a jury to reasonably find actual malice on the part of the report and newspaper.