



Burley B. Mitchell, Jr.

Profile

Justice Mitchell retired as the Chief Justice of the North Carolina Supreme Court to head Womble Carlyle's appellate advocacy and government relations groups. As a judge, he authored 484 appellate decisions for the Supreme Court of North Carolina and the North Carolina Court of Appeals. For more than 30 years, Justice Mitchell has served both as an advocate and judge in handling landmark cases in North Carolina and elsewhere in the United States. He has been involved in a wide range of cases as diverse as appearing as amicus for the State of North Carolina in establishing that the United States Constitution does not include a right to public education to successfully establishing the constitutionality of a statutory cap on punitive damages in 2004.

Justice Mitchell has repeatedly been voted one of the best commercial litigation, appellate law lawyers and "bet-the-company" litigation lawyers in North Carolina as published in Woodward White, Inc. *Best Lawyers in America*TM. In 2007, Justice Mitchell received the prestigious North Carolina Award for Public Service, the highest civilian honor the state can bestow, and the North Carolina State University Alumni Association's College Meritorious Service Award. Justice Mitchell was also awarded the North Carolina Bar Association's Liberty Bell Award in 2011, in recognition of outstanding community service that has strengthened the American system of Freedom Law. [Click here](#) to read an article on the honor, "Liberty Bell Recipient Burley Mitchell Reflects on Extraordinary Career," as published in the North Carolina Bar Association's *North Carolina Lawyer*.

Professional Activities

Bar Associations: American Bar Association; North Carolina Bar Association, Vice President, 1986-1987; ABA Presidential Task Force on Corporate Responsibility, 2002; Board of Governors, University of North Carolina, 1999-present; Board of Trustees, North Carolina State University, 2005-2009; Board of Directors, North State Bank, 2005-present; President, North Carolina State University Alumni Association, 2004-2006; Chair, North Carolina Progress Board, 1999-2004; Chair, National Conference of Chief Justices' Committee on Professionalism, 1996-1999; North Carolina Court's Commission, 1983-1990; North Carolina News Media-Administration of Justice Council, 1976-1986; Who's Who in America, 1982-present; Best Lawyers in America, 2004-present.

Admitted to the bar 1969, North Carolina. Admitted to practice before the Supreme Court of the United States; U.S. Court of Appeals for the Fourth Circuit; U.S. Court of Appeals for the Third Circuit; and the U.S. District Courts for the Middle, Eastern and Western Districts of North Carolina.

N.C. State Bar Board Certified Specialist in Appellate Practice.

AV rated, Martindale-Hubbell.

Areas of Practice

*Appellate Practice /
Business Law /
Government / Litigation
/
Public Finance*

Contact Information

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Education

B.A., 1966, North Carolina State University; J.D., 1969, University of North Carolina School of Law; Doctor of Humane Letters (Honorary), 1995, North Carolina State University; Doctor of Laws (Honorary), 1998, Campbell University.

Prior Legal Experience

Chief Justice of the Supreme Court of North Carolina, 1995-1999; Associate Justice of the Supreme Court of North Carolina, 1982-1994; North Carolina Secretary of Crime Control and Public Safety (Governor's Cabinet), 1979-1982; Judge, Court of Appeals of North Carolina, 1977-1979; District Attorney of the Tenth Judicial District of North Carolina, Raleigh, 1972-1977; Assistant Attorney General of North Carolina, 1969-1972.

Military Service

U.S. Navy, First and Seventh (Asia) Fleets.

Reported Cases

Counsel in: *San Antonio Independent School District v. Rodriguez*, 411 U.S.1; 93 S. Ct. 1278; 1973 U.S. Lexis 91; 36 L. Ed. 2d 16 (1973) (establishing that U.S. Constitution does not include a right to public education) (counsel for the State of North Carolina, amicus curiae); *Rhyne v. K-Mart Corp.*, 358 N.C. 160, 594 S.E. 2d 1 (2004) (constitutionality of statutory cap on punitive damages); *Howerton v. Arai Helmet, LTD*, 358 N.C. 440, 597 S.E. 2d 674 (2004) (established test for admissibility of expert testimony in NC); *Harrison v. Wal-Mart Stores, Inc.*, 613 S.E.2d 322, N.C.App., Jun 07, 2005 (affirming denial of class certification in an action by past and present employees); *Blinson v. State*, 186 N.C.App. 328, 651 S.E.2d 268 (2007) (upholding the constitutionality of economic development incentives granted to Dell, Inc. for establishing a manufacturing facility in N.C.).

Author of 484 appellate decisions for the Supreme Court of North Carolina and the North Carolina Court of Appeals. These include landmark Supreme Court decisions in: *Leandro v. State*, 346 N.C. 336, 488 S.E.2d 249 (1997) (state constitutional right to public education); *Gwathmey v. State*, 342 N.C. 287, 464 S.E.2d 674 (1995) (public access to navigable waters under public trust doctrine); *Moss v. JC Bradford & Co.*, 337 N.C. 315, 446 S.E.2d 799 (1994) (issue of liability of commodities merchant for liquidating plaintiff's under-margined account without prior demand or notice); *In re Guess*, 327 N.C. 46, 393 S.E.2d 833 (1990) (homeopathic medicine, regulation under the police power); *Hall v. Post*, 323 N.C. 259, 372 S.E.2d 711 (1988) (tort of invasion of privacy by public disclosure of truthful but embarrassing facts); *Crow v. Citicorp Acceptance Co.*, 319 N.C. 274, 354 S.E.2d 459 (1987) (establishing prerequisites for class actions in North Carolina); *Speck v. North Carolina Dairy Foundation*, 311 N.C. 679, 319 S.E.2d 139 (1984) (whether plaintiff acquired interest in secret process he discovered while employed as professor and researcher by defendants); *Renwick v. News & Observer*, 310 N.C. 312, S.E.2d 405 (1983) (false light invasion of privacy tort).