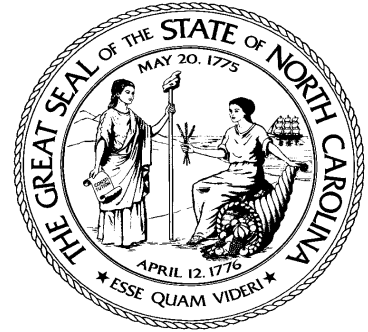


Fiscal Year 2003-04 Annual Report



NORTH CAROLINA COURTS



THE NORTH CAROLINA JUDICIAL BRANCH

FISCAL YEAR 2003-04 ANNUAL REPORT: THE NORTH CAROLINA JUDICIAL BRANCH

“NORTH CAROLINA COURTS”

This report highlights Judicial Branch activities and statistical and financial data for the fiscal year 2003-04. In addition, the Administrative Office of the Courts publishes a comprehensive annual Statistical and Operational Summary of the Judicial Branch of Government. These reports can be obtained by contacting the Administrative Office of the Courts at 919-715-0228, or on our website, www.nccourts.org.

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Prepared by AOC Research and Planning Division
N.C. Administrative Office of the Courts
P.O. Box 2448
Raleigh, NC 27602-2448

MESSAGE FROM THE CHIEF JUSTICE AND AOC DIRECTOR

Dear friend of the court:

As the Chief Justice of the Supreme Court and the Director of the Administrative Office of the Courts, we are pleased to provide you a copy of the *Fiscal Year 2003-04 Annual Report: The North Carolina Judicial Branch*. We are truly proud of the North Carolina court system. Thank you for this opportunity to share our successes.

The report describes the North Carolina Judicial Branch and all of its components. It also presents the court system's accomplishments during the fiscal year. In addition, the report outlines challenges that the court system faces for the future.

Your interest in the North Carolina Judicial Branch of Government is greatly appreciated.

Sincerely,

I. Beverly Lake, Jr., Chief Justice
N.C. Supreme Court

Judge Ralph A. Walker, Director
Administrative Office of the Courts



I. Beverly Lake, Jr.
Chief Justice
N.C. Supreme Court



Judge Ralph A.
Walker
Director
Administrative
Office of the
Courts

OVERVIEW OF THE NORTH CAROLINA JUDICIAL BRANCH

Article IV of the N.C. Constitution establishes the North Carolina Judicial Branch as a separate and coordinate branch of State Government. North Carolina has a unified court system characterized by standard policies and procedures, state funding for all court officials and prosecutors, a uniform fee structure, and a separate statewide administrative arm. The Judicial Branch employs over 5,600 employees covering all 100 North Carolina counties.

Following is a very brief overview of the courts and other components of the North Carolina Judicial Branch. The North Carolina court system is a General Court of Justice consisting of an Appellate Division and two trial divisions, the Superior Court Division and the District Court Division.

APPELLATE DIVISION

SUPREME COURT: The seven-member Supreme Court is the State's highest court and decides questions of law in civil and criminal cases on appeal. The voters elect the chief justice and the six associate justices of the Supreme Court for eight-year terms, in non-partisan elections. The Court sits only en banc, that is, all members sitting on each case. The Supreme Court has the power to control and supervise the proceedings of other courts and has the authority to set court schedules and promulgate general rules of practice and procedure for the trial courts.

The only original case jurisdiction exercised by the Supreme Court is in the censure and removal of judges upon the non-binding recommendations of the Judicial Standards Commission. The Court's appellate jurisdiction includes cases on appeal by right from the Court of Appeals, cases on appeal by right from the Utilities Commission, criminal cases on appeal by right from the superior courts, and cases in which review has been granted in the Supreme Court's discretion. However, most appeals are heard only after review by the Court of Appeals.

The chief justice of the Supreme Court also has substantial administrative responsibilities. These responsibilities include appointing the director and the assistant director of the Administrative Office of the Courts (AOC), designating a chief judge from among the judges of the Court of Appeals and a chief district court judge from among the district court judges in each of the state's district court districts, assigning superior court judges to the scheduled sessions of superior court in the 100 counties, transferring district court judges to other districts for temporary or specialized duty, and various appointment powers, including one or more members of the State Judicial Council, the Commission on Indigent Defense Services, and the chief administrative law judge of the Office of Administrative Hearings. The chief justice is chair of the State Judicial Council and is closely involved with the AOC in matters for administration of the court system.

COURT OF APPEALS: The fifteen-judge Court of Appeals is North Carolina's intermediate appellate court and hears appeals from the state's trial courts, from the Industrial Commission, and from final orders and decisions of certain administrative agencies. Panels of three judges hear the cases, with the chief judge responsible for assigning members of the Court to the five panels. The voters elect the judges on the Court of Appeals to eight-year terms in non-partisan elections.

TRIAL DIVISIONS

SUPERIOR COURT DIVISION: The Superior Court Division has original jurisdiction in all felony cases and in certain misdemeanor cases. Most misdemeanors are tried first in the district court, from which conviction may be appealed to the superior court for trial de novo by a jury. Although general civil jurisdiction is concurrent with the district court, the superior court is the "proper" court for the trial of civil cases where the amount in controversy exceeds \$10,000, and it has jurisdiction over appeals from most administrative agencies. Regardless of the amount in controversy, the original jurisdiction of the superior court does not include domestic relations or juvenile cases, which are heard in the district court, or probate and estate matters and certain special proceedings heard first by the clerk of superior court. Rulings of the clerk are within the appellate jurisdiction of the superior court.

For administrative purposes, the counties are grouped into forty-seven superior court districts, each with a senior resident superior court judge who exercises administrative supervision authority. These districts are further grouped into eight judicial divisions. Regular resident superior court judges rotate among the counties in their division, in accordance with Article IV, Section 11, of the N.C. Constitution. For elective purposes, there are sixty-five superior court districts. The state's ninety-three regular resident superior court judges are elected by the voters of the district to an eight-year term in non-partisan elections. In addition, there are thirteen special superior court judges, appointed by the Governor, who hold court as needed throughout the state.

DISTRICT COURT DIVISION: The jurisdiction of the district court is extensive. It includes preliminary "probable cause" hearings in felony cases, and virtually all misdemeanor and infraction cases. The district court also has jurisdiction to accept guilty pleas in certain felony cases, and the court's jurisdiction extends to all juvenile proceedings, mental health hospital commitments, and domestic relations cases. In addition, the district courts share concurrent jurisdiction with the superior courts in general civil cases, but are the "proper" courts for general civil cases where the amount in controversy is \$10,000 or less.

Trials in criminal and infraction cases in district court are by district court judges; no trial by jury is available for such cases. Appeals are to the superior court for a trial de novo before a jury. Civil cases in district court may be tried before a jury; appeals are to the Court of Appeals.

There are 235 district court judges in North Carolina. For administrative purposes, district courts are organized into thirty-nine districts, each with a chief district court judge who exercises administrative supervision authority. For elective purposes, the district courts are organized into forty districts. Voters of the district elect judges to a four-year term, in non-partisan elections.

MAGISTRATES: The magistrate is a judicial officer of the District Court Division. In criminal cases, magistrates issue arrest and search warrants, conduct initial appearances, and determine conditions of pretrial release. For some relatively minor offenses they may accept guilty pleas, impose punishment and conduct trials. In civil cases, they preside over the trial of small claims (\$4,000 or less). One or more magistrates are appointed in each county. Candidates are nominated by the clerk of superior court, appointed by the senior resident superior court judge, and supervised by the chief district court judge. There are 716 authorized magistrates in North Carolina.

CLERKS OF SUPERIOR COURT: The clerk of superior court is a judicial officer of the Superior Court Division. The clerk exercises the judicial power of the State in the probate of wills, administration of estates, acceptance of waivers for certain offenses, and the handling of special proceedings such as adoptions and foreclosures. Serving both superior and district courts, clerks are the official custodians of all the records of the courts in their counties and are responsible for receiving, investing and disbursing all funds paid into or through the court. There is a clerk of superior court for each of North Carolina's 100 counties, all elected to four-year terms. The clerk of superior court appoints assistant and deputy clerks in such numbers as are authorized by the AOC.

OTHER MAJOR COURT COMPONENTS

STATE JUDICIAL COUNCIL: The eighteen-member State Judicial Council consists of court officials from every court function, private attorneys, and members of the public. The Governor, chief justice, legislature, and court and bar associations appoint council members. Conceived as an advisory and oversight body to promote overall improvement in Judicial Branch operations, it may study and make recommendations to the chief justice about all aspects of our court system. Some of its specific statutory duties are to make recommendations concerning budget preparation and funding priorities, benefits and compensation of judicial officials, creation of judgeships, development of court performance standards, case management, alternative dispute resolution, boundaries of the judicial districts, and other matters. The present six committees of the State Judicial Council are Salaries and Benefits, Alternative Dispute Resolution, Public Trust, Court Performance Standards, Court Jurisdiction and Organization, and Judicial Branch Education.

DISTRICT ATTORNEYS: District attorneys represent the State in all criminal actions and infractions brought in superior and district court and juvenile cases in which an

attorney represents the juvenile. The district attorney is also responsible for calendaring criminal cases for trial. The State is divided into thirty-nine prosecutorial districts and the voters of each district elect the district attorney to a four-year term. In addition, each district attorney may hire assistant district attorneys as provided by statute. There are 39 elected district attorneys and 439 assistant district attorneys authorized throughout North Carolina.

REPRESENTATION FOR INDIGENT PERSONS: The Indigent Defense Services Act of 2000 created the thirteen-member Commission on Indigent Defense Services. The Commission and its staff, the Office of Indigent Defense Services, are located within the Judicial Branch, but exercise their prescribed powers independently from the AOC. The Commission and Office are responsible for providing legal representation and related services in all cases where indigent persons are entitled to representation at state expense.

Currently, there are 12 public defenders and 143 assistant public defenders representing indigent persons in 14 counties. Public defenders are appointed by the senior resident superior court judge for four-year terms and may employ assistants as authorized by the Commission and funded by the General Assembly. In the remaining counties, representation of indigent persons is provided almost entirely by assignment of private counsel. Private counsel is assigned by the court, the Office of Indigent Defense Services, and in certain circumstances, the public defender.

In addition, the Office of the Appellate Defender handles criminal defense services for indigent persons who appeal convictions to the Supreme Court or the Court of Appeals, as well as services for indigent persons who are entitled to counsel in certain civil proceedings. The Office of the Capital Defender represents indigent defendants charged with potentially capital offenses. The Office of Special Counsel represents indigent patients in commitment or recommitment hearings before a district court judge at each of the state's four mental health hospitals. The Commission appoints the appellate defender, the capital defender, and the attorneys who serve as special counsel.

TRIAL COURT ADMINISTRATORS: These administrators assist in managing the day-to-day administrative operations of the trial courts. Their responsibilities include civil case calendaring, jury utilization, and establishing and managing local court rules. There are currently twelve trial court administrators, serving fourteen of the state's forty-six superior court districts. Trial court administrators are jointly hired by the senior resident superior court judge and the chief district court judge, and they work for both the Superior Court and District Court Divisions.

ADMINISTRATIVE OFFICE OF THE COURTS: The AOC is the administrative and business arm of the Judicial Branch. The AOC provides statewide support services for the courts, including information technology, human resources, financial, legal, research, planning, and purchasing services. In addition, the AOC prepares and

administers the court system's budget. The director of the AOC is appointed by the chief justice, but has independent statutory responsibility for the administration of the court system. The assistant director is also appointed by the chief justice, and serves as the administrative assistant to the chief justice.

JUDICIAL BRANCH COMMISSIONS: The Judicial Branch has six commissions.

Judicial Standards Commission: This seven-member Commission is responsible for the investigation of complaints concerning the qualifications of any justice or judge of the General Court of Justice. The Commission was created by the General Assembly in 1972 pursuant to a constitutional amendment approved by the voters.

Sentencing and Policy Advisory Commission: This thirty-member Commission is responsible for developing recommendations regarding the appropriate sentencing of felons and misdemeanants in North Carolina. The Commission also monitors sentencing practices in the State, publishes annual statistical data, and projects state prison and jail populations. The Commission was created by the General Assembly in 1990 and is served by a full time staff.

Dispute Resolution Commission: Established by the General Assembly in 1995, this fourteen-member Commission is charged with certifying and regulating the conduct of mediators serving the statewide superior court mediated settlement and the district court family financial settlement programs, certifying mediation trainers, and suggesting revisions to program rules and forms.

Chief Justice's Commission on Professionalism: This sixteen-member Commission's mandate is to encourage professionalism within the practice of law in North Carolina and to improve the public's perception of the court system. The North Carolina Supreme Court created the Commission in 1998. In 2004, Chief Justice I. Beverly Lake, Jr. presented the third annual Chief Justice's Professionalism Award to Judge Robbie Everett of Durham.

Commission on Indigent Defense Services: The Commission was established by legislation in 2000, and is described in the "*Representation for Indigent Persons*" section of this report.

N.C. Actual Innocence Commission: In November 2002, Chief Justice I. Beverly Lake, Jr. established this commission to provide a forum for education and dialogue among prosecutors, defense attorneys, judges, law enforcement personnel, legal scholars, legislators, and victim advocates regarding the common causes of wrongful conviction of the innocent. The Commission has taken on the task of developing potential procedures to decrease the possibility of conviction of the innocent in North Carolina. The first topics studied by the Commission were eyewitness identification procedures used by law enforcement in the State and process improvements that have been implemented around the country. The Commission also expects to address videotaping of interrogations and processes to review claims of innocence after appeals.

MAJOR HIGHLIGHTS AND ACCOMPLISHMENTS, FISCAL YEAR 2003-04

SERVING FAMILIES

The North Carolina Judicial Branch has placed increased emphasis on serving children, families, victims, and other citizens in need across the State. Following are some major highlights and accomplishments in this area.

Family Courts: Legislation in 1998 authorized the AOC to experiment with unified family courts. In 1999, Districts 14, 20, and 26 established the first family court pilot programs. In 2000, the family court program was expanded to Districts 5, 6A, and 12, and in 2001, further expanded to include Districts 8 and 25. Family courts coordinate all case management and service agency efforts for a single family in distress, to better serve that family and provide more consistent, efficient use of trial court time. One judge hears all matters affecting a family, either with the breakup of a marriage or the filing of a juvenile action. In an effort to improve outcomes for a family, non-trial means of resolving the case, such as mediation, are used to settle these disputes before resorting to an adversarial trial.

Custody and Visitation Mediation: As of June 30, 2004, 55 counties in 28 districts had a custody and visitation mediation program. The program provides parties who have unresolved issues about child custody or visitation with a non-adversarial alternative to litigation. It helps them to step back from their own conflict and focus on the best interests of their children. In most cases, parents are required to participate in this program before proceeding through the traditional court process. The mediators selected are highly skilled and must meet rigid training and experience requirements. Through this program, many parents are able to reach a lasting and mutual agreement regarding the structure and parameters of child custody without returning to the court system.

Family Financial Settlement Program: Approved for statewide expansion in October 2001, the family financial settlement program provides settlement opportunities for parties dealing with issues of equitable distribution, alimony, and child support. Utilization of the program is not mandatory, except in districts that have a specialized family court district. The program's procedures permit couples and their attorneys to choose among various dispute resolution options, including mediated settlement, neutral evaluation, judicial settlement conference, and any other procedure authorized by local rule. Mediated settlement serves as the default procedure if the parties do not select one of the other procedures.

Guardian ad Litem Program: In 1983, the General Assembly established the Office of Guardian ad Litem (GAL) Services in the AOC, mandating the appointment of an attorney Guardian ad Litem for abused and neglected children. The program uses a team of trained attorneys and community volunteers to represent and promote the best

interests of children in court and to advocate for children to be in safe and permanent homes. Since 1994 the GAL program has had staff and volunteers in all 39 district court districts. In fiscal year 2003-04, there were 3,890 GAL volunteers and 101 attorney advocates who represented 15,658 children in 26,392 court hearings. Volunteers gave the state 746,880 hours in training and casework, a value of almost \$12 million based on an independent sector's estimate of volunteer value at \$16.05 per hour).

There has also been a dramatic increase in the appeals of abuse and neglect proceedings, and the GAL program is collaborating with the court system and other agencies to expedite appeals and to reduce the costly time delay for families and children. Total GAL expenditures in FY 2003-04 amounted to \$7,188,347, comprising \$1,512,224 for program attorney fees and \$5,676,123 for program administration.

Drug Treatment Courts (DTC): A drug treatment court uses a team of court and community professionals to help ensure that North Carolina's alcohol and/or drug addicted offenders receive the intensive treatment they need to become healthy, law-abiding and productive family and community members. Adult DTC works with non-violent, repeat offenders who are facing jail or prison time. Family DTC works with parents and guardians who are in danger of losing custody of their children because they are abusing or chemically addicted to drugs and/or alcohol. Juvenile DTC works with non-violent juvenile offenders whose drug and/or alcohol use negatively impacts their lives at home, in school and in the community.

Currently, there are adult drug treatment courts in Districts 3B, 5, 9A, 10, 14, 15B, 18, 19B, 21, 25, 26 and 28, juvenile drug treatment courts in Districts 10, 14, 19C, 21, and 26, and family dependency drug treatment courts in Districts 14 and 26.

RESOLVING DISPUTES

While several of the highlights mentioned in the previous section included various dispute resolution alternatives, there are still other methods available for resolving disputes. North Carolina is a national leader in innovative programs aiming to resolve disputes in alternative ways than expensive and often acrimonious and unsatisfying adversarial litigation. Following are some additional major highlights and accomplishments in the area of alternative dispute resolution.

Court-Ordered Arbitration: As of June 30, 2004, arbitration programs were operating in 33 superior court districts covering 72 counties. In these counties, most civil cases involving claims totaling \$15,000 or less may be subject to court-ordered, non-binding arbitration. As a rule, arbitration hearings are limited to one hour, take place in the courthouse, and are conducted by a trained and approved attorney arbitrator who is either appointed by the court or selected by the parties. Historically, 70% of the cases are resolved at the hearing, with the arbitrator's award ultimately becoming the final judgment of the court.

Mediated Settlement Conferences: In 1995, the General Assembly mandated a statewide program of mediated settlement conferences for superior court civil cases. Mediators facilitate settlement discussions between parties in an effort to help them arrive at mutually agreeable solutions to their disputes. The mediated settlement program allows parties and their attorneys to meet with a neutral mediator to discuss their dispute and seek a resolution.

Alternative Dispute Resolution (ADR) Committee: The ADR Committee, now a committee of the State Judicial Council, was created by order of the North Carolina Supreme Court in July 2000. Appointed by the chief justice to four-year terms, committee members provide representation for all court groups affected by non-trial intervention methods. The Committee's duties are to provide ongoing coordination and policy direction for all court-sponsored dispute resolution programs, provide a forum for consideration of future development of such programs, monitor the effectiveness of such programs, and serve as a clearinghouse for rules affecting these programs.

INCREASING UNDERSTANDING AND ACCESS TO THE COURTS

The North Carolina Judicial Branch continues to make efforts to bridge the information gap between the public and the court system. In addition to a statewide survey of the public conducted in 2003 (see "Court Performance Standards" on page 10), following are some highlights in this area.

Public Service Training Project: In collaboration with the Public Trust Committee of the State Judicial Council, the AOC helped improve public perceptions of the court system through its Public Service Training Project. The Governor's Crime Commission and the N.C. State Bar Foundation supported the effort with grant funds to develop group-specific training sessions for all elected court officials and their staffs. Eight training videos were produced for inclusion in the training packages.

Judicial District Executive Seminars: Elected court officials and court administrators from five judicial districts attended three weekend leadership seminars during the spring of 2004. AOC and the Institute of Government planned and co-facilitated these sessions. Funding for this program was provided by the Governor's Crime Commission.

Foreign Language Services Project: As North Carolina's non-English speaking population grows, the foreign language services project assists in making the courts more accessible to everyone. The project has continued to meet the needs of the courts and non-English speakers around the state by helping court officials locate interpreters of all languages, and by translating and distributing bilingual criminal and civil forms, as well as bilingual brochures on the criminal and civil court process, guardianship, and advice for court attendance. In addition, the project has distributed a bilingual help

sign for court officials to use outside their offices. The project has trained over 800 prospective court interpreters and now has 35 certified Spanish interpreters. Classes on working with interpreters and Hispanic culture are offered by the foreign language coordinator to all court officials at conferences around the state.

IMPROVING COURT OPERATIONS

During the year, the North Carolina Judicial Branch continued to search for ways to improve court operations and to make them more efficient and effective. Following are some accomplishments and highlights in this area.

Court Performance Standards: To achieve the most effective and efficient trial court operations, improve the administration of justice, and better serve the public who use the courts, in 2001, Chief Justice I. Beverly Lake, Jr., on the recommendation of the State Judicial Council, adopted a “Trial Court Performance Standards and Measurement System” for North Carolina’s courts. This nationally recognized standards system is designed to help trial courts develop and use specific standards to measure, manage and improve performance. In 2002, with oversight of the State Judicial Council, the AOC began conducting grant-funded projects to learn how to implement and use the standards to improve court performance for years to come. Funding for the project is being provided by a federal grant from the Governor’s Crime Commission and a state grant match funded by the Z. Smith Reynolds Foundation.

The first segment of the project focused on measuring and improving court responsiveness and courtesy. Court surveys and observation forms were used to determine the public’s perception about how the courts are doing. In 2003, public surveys were distributed to all courthouses statewide, and community volunteers observed trial court proceedings in 29 counties across the state. Responses from the surveys and court observations were predominantly positive, particularly in the areas of courtesy, respectfulness, fairness, and helpfulness. Respondents expressed the most dissatisfaction with the timeliness of case processing. The results are helping to identify key areas in need of improvement and will establish approaches to improve court operations and public perceptions in those areas.

The project now is focusing on specific implementation of some numeric time and other standards, adopted by the State Judicial Council in August 2003, for processing cases in the trial courts. The project is focusing on information to help court officials identify the strengths and weaknesses of court performance and, most important, manage caseloads more efficiently. The project is also developing approaches to integrate the need to measure performance into the planning and development of court technology and information systems that can meet that need.

Sentencing Services Program: The Sentencing Services program was initiated in 1983 in an effort to conserve prison resources by providing the court with sentencing plans that make the best use of community resources to manage appropriate offenders in the community. The 2002 Appropriations Act reduced the program's overall budget by nearly 40%, from an annual appropriation of approximately \$5.8 million to just over \$3.5 million, and transferred the program from the AOC to the Office of Indigent Defense Services, directing the Office to reconfigure the program as necessary to implement the budget cut. A mix of grant programs and state-operated programs continue to provide services in all 100 counties under the direction of the Office of Indigent Defense Services.

UTILIZING TECHNOLOGY

Substantial progress has been achieved on several important court technology projects, despite the continuing severe budgetary constraints in the State. The Governor's Crime Commission and the National Governors Association awarded over \$2.4 million in grant funds to the AOC. This additional funding supplemented our legislative appropriations in order to keep the Judicial Branch initiatives moving forward during this fiscal year.

Statewide Warrant Repository (NCAware): The main goal of this project is to have a fully automated repository of local warrant and arrest information to aid in the apprehension of known criminal and terrorist elements within the State. The primary source of information for the statewide warrant repository is the automated Magistrate System, which provides secure statewide access to any outstanding summons and warrants created in the State. Enhancements will allow law enforcement to access the repository from remote PCs. Statewide implementation of NCAware is expected by the end of 2005.

eCitation Project: The eCitation project, a Criminal Justice Information Network (CJIN) initiative, automates the production of criminal and traffic citations so that an officer who writes a ticket can transmit the citation data electronically to the courts from the issuing officer's patrol car. It also eliminates the traditional paper citation and redundant data entry by clerks. As of the end of fiscal year 2003-04, eighteen (18) counties had implemented eCitation and transmitted 70,000 citations.

Security: In the constant effort to improve information system security, AOC began to implement Intrusion Detection Software (IDS) on PCs and laptops. This software guards against viruses, worms, and other malicious network attacks. The software is being installed statewide and represents AOC's commitment to information system security as a top priority.

AOC Web Site: The AOC web site, www.nccourts.org, provides accurate and up-to-date court information at the user's fingertips. In 2003, AOC won the Center for Digital

Government's "Best of the Web" award for the most dynamic and innovative state judiciary web site. Highlights of the web site include criminal and civil court calendar queries by county, fillable court forms, local rules and forms by county, and bilingual information in Spanish, including court forms. In addition, the public has access to Supreme Court opinions, dockets, and petitions, trial and appellate court rules, court programs cross-referenced by counties, FAQs on all aspects of court business, caseload statistics and the Judicial Directory. By the end of fiscal year 2003-04, the web site had expanded to include court information for all 100 counties.

Judgment Abstracting: The civil case processing system (VCAP) is being enhanced so that clerks can use the system to record specific money judgments for criminal district, criminal superior, juvenile, and miscellaneous file types. The judgment abstracting module will allow automation of complex judgments that must today be manually captured, calculated, and recorded in large judgment docket books. This project enables statewide access to judgments in all 100 counties. As of June 2004, twenty-four counties have been successfully implemented.

Satellite Network Technology: Satellite technology for wide area network (WAN) services was introduced this year in order to provide network connectivity in remote areas of the State. It can also provide interim network connectivity for Internet and mainframe access in the event of a disaster at a courthouse. In September 2003, Hurricane Isabel provided an opportunity to utilize this new technology to relocate the courthouse functions when the Hyde County courthouse flooded.

Disaster Recovery: In 2003, the AOC created procedures, manuals, and other necessities for a disaster recovery test at an IBM facility in New York. The purpose of the test was to restore the AOC data center and its connectivity in the event of a disaster. The disaster recovery test was conducted in January 2004 with a success rate of 91%, an impressive result by industry standards for a first-time test.

NORTH CAROLINA JUDICIAL BRANCH FACT SHEET
Fiscal Year July 1, 2003 - June 30, 2004

Population and Area Served:	8,418,090	Population (approximate)	
	100	Counties	
Court Organization:	47	Superior Court Districts for Administrative Purposes	
	65	Superior Court Districts for Elective Purposes	
	39	District Court Districts for Administrative Purposes	
	40	District Court Districts for Elective Purposes	
	39	Prosecutorial Districts	
	12	Public Defender Districts	
Numbers of Justices and Judges:	7	Supreme Court Justices	
	15	Court of Appeals Judges	
	106	Superior Court Judges	
	235	District Court Judges	
Numbers of Other Authorized Positions:			
39	District Attorneys	12	Public Defenders
439	Assistant District Attorneys	143	Assistant Public Defenders
100	Clerks of Superior Court	156	IDS & Indigent Defense Support Staff
2,259	Clerk Personnel	132	Guardian ad Litem Personnel
716	Magistrates	280	Administrative Office of the Courts
12	Trial Court Administrators	977	Court Support Staff
		19	Other*
Total Judicial Branch Personnel:	5,647		

*Judicial Standards Commission, District Attorney's Conference, Dispute Resolution Commission and Sentencing Commission

BUDGET

Total Judicial Branch Appropriations as a Percent of Total

State General Fund Appropriations:	2.61%
Total Judicial Branch Appropriations, 2003-04:	\$382,898,246
Percent Increase from 2002-03:	2.47%

CASES FILED AND DISPOSED, FISCAL YEAR 2003-04

Court	Filed	% Change	
		From 2002-03	From 2002-03
Supreme Court:			
Appeals	182	31.9%	192
Petitions	678	0.1%	664
Court of Appeals:			
Appeals	1,758	0.6%	1,702
Petitions	916	11.0%	860
Superior Court*:	334,232	2.2%	321,741
District Court**:	2,802,559	3.1%	2,688,198

*Includes Felonies, Misdemeanors, Civil, Estates, and Special Proceedings.

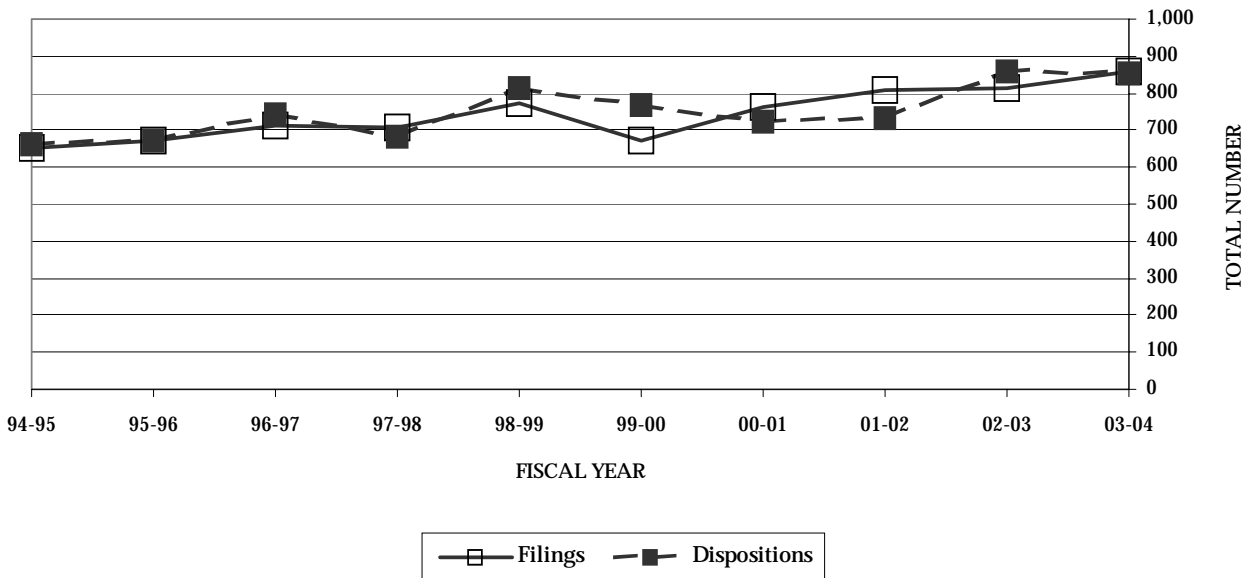
**Includes Criminal Non-Motor Vehicle, Criminal Motor Vehicle, Infractions, Small Claims, Domestic Relations, General Civil and Magistrate Appeals/Transfers, and Civil License Revocations (counted only at filing).

STATISTICAL WORKLOAD HIGHLIGHTS

As has been the trend over the past decade, the work demands on the North Carolina Judicial Branch continue to increase. As shown on the following tables, filings and dispositions increased last year for some courts. Some other caseload highlights from fiscal years 2002-03 to 2003-04 include:

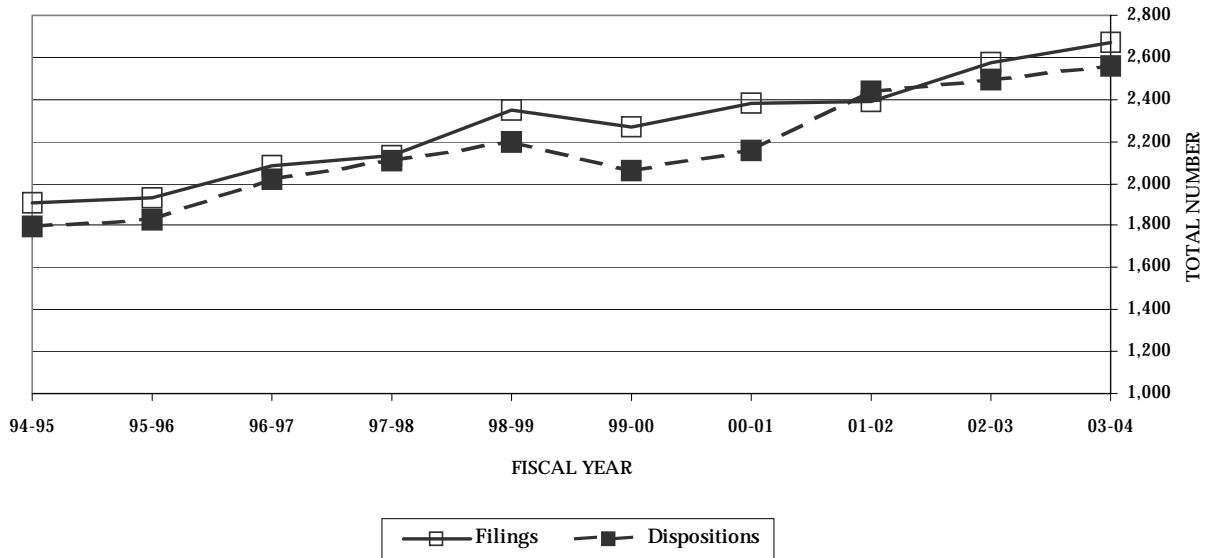
- There was a 1.2% decrease in felony filings. The superior court case types that decreased this year include murder, other sex offenses, robbery, arson and burning, forgery, and fraudulent activity. There was a 1.1% increase in felony dispositions. The superior court case category with the most significant increase in filings during that period was special proceedings (7.2%).
- For district court case filings, criminal motor vehicle cases increased by 6.2% and infractions increased by 3.7%. In addition, criminal non-motor vehicle cases increased by 1.7%.

SUPREME COURT
 Appeals and Petitions Filed and Disposed



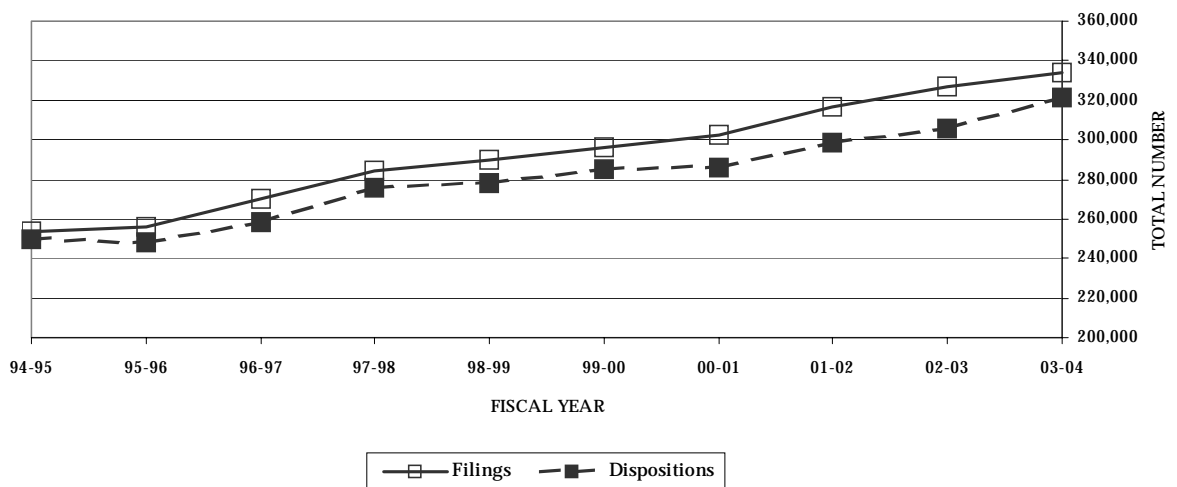
COURT OF APPEALS

Appeals and Petitions Filed and Disposed

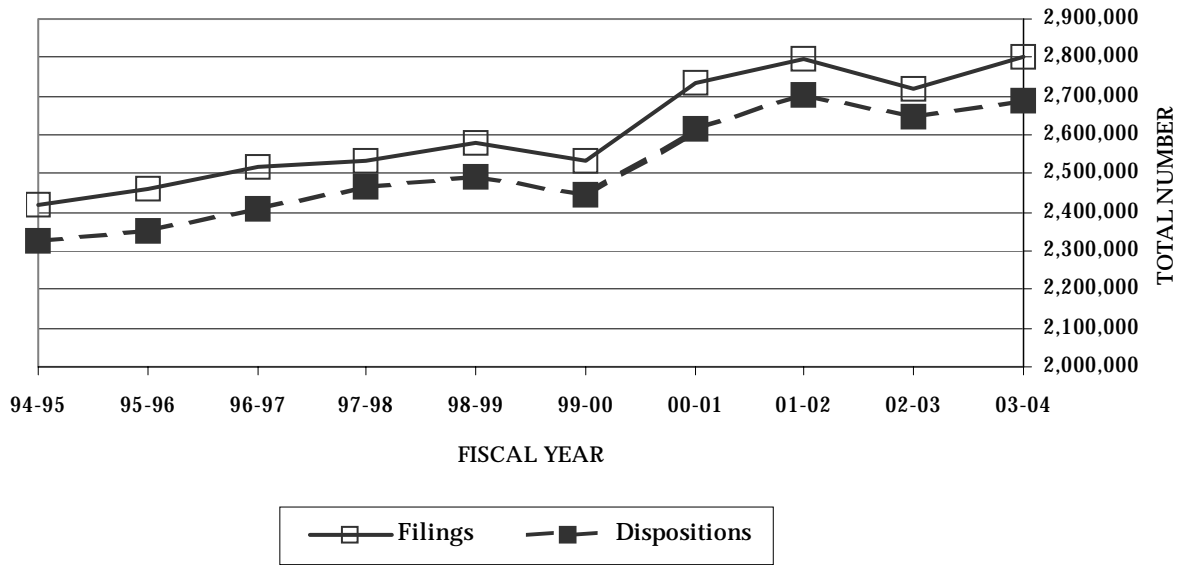


SUPERIOR COURT

Criminal, Civil, Estates, and Special Proceedings Filed and Disposed

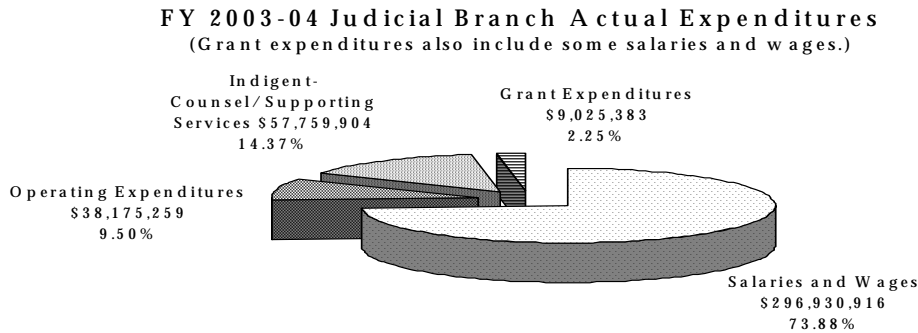


DISTRICT COURT
 Criminal, Civil, Infractions, and Civil License Revocations Filed and
 Disposed



FINANCIAL HIGHLIGHTS

The North Carolina Judicial Branch received only 2.6% of total state general fund appropriations. The following chart shows major court budget expenditures for fiscal year 2003-04 and the accompanying tables show the expenditures in specific program areas.



FY 2003- 04 Judicial Branch Actual Expenditures

Court Component	Expenditures	Percent of total
Supreme Court	\$4,507,687	1.12%
Court of Appeals	\$6,015,217	1.50%
Superior Court	\$30,404,230	7.57%
District Court	\$66,801,363	16.62%
Clerk of Superior Court	\$102,133,246	25.41%
Representation of Indigents*	\$80,404,993	20.01%
Guardian ad Litem	\$7,188,333	1.79%
District Attorney	\$56,742,420	14.12%
AOC	\$28,160,460	7.01%
Court Information Technology Fund	\$1,841,272	0.46%
Judicial Standards Commission	\$112,728	0.03%
Dispute Resolution Programs	\$3,660,106	0.91%
Family Court	\$1,436,229	0.36%
Sentencing & Policy Advisory Commission	\$549,588	0.14%
Drug Treatment Court	\$822,461	0.21%
State Bar	\$590,000	0.15%
Equipment/Supply	\$1,495,746	0.37%
Grant-Supported Projects	\$9,025,383	2.25%
Grand Total	\$401,891,462	100.00%

*Includes \$3,579,233 for the Sentencing Services Program

Over \$400 Million Distributed to Citizens and Government:

Collected for Citizens: \$197,734,264

(for judgments, restitution, condemnation awards, child support, alimony, etc.)

Remitted to State Treasurer: \$147,885,477

(for various court fees, appellate division report sales, law enforcement officer and sheriff benefits, and pretrial civil revocation fees)

Distributed to Counties: \$114,005,684

(for facilities, officer, jail, and pretrial civil revocation fees, plus fines and forfeitures for public schools)

Distributed to Municipalities: \$3,279,618

(for facilities, officer, and jail fees)

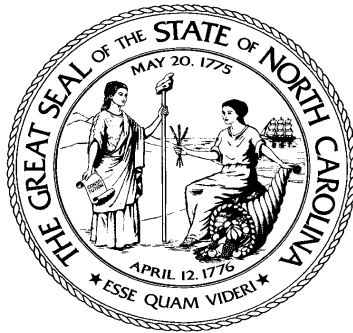
CHALLENGES FOR THE FUTURE

These are some of the major issues that the Judicial Branch must address in the immediate future. Previous sections of this report outlined ongoing initiatives to improve the administration of justice.

Funding: The Judicial Branch received only 2.6% of the entire state budget in fiscal year 2003-04. The Judicial Branch continues to do its best to improve court operations, quality of justice, and service to the public.

Technology: Funding constraints have required the AOC to reprioritize new initiatives and move with measured speed on its modernization plans. The AOC will maintain the stability and functionality of its existing information systems and infrastructure and continue to deliver high quality services to citizens and court officials statewide.

Judicial Branch Fiscal Integrity and Accountability: In recent years, efforts to improve the quality of justice administered by the court system have been greatly hampered by a severe state budget crisis. The already under-funded and overstretched court system cannot absorb additional workload without additional resources. Adequate funding and personnel resources needed to maintain and improve court operations, replace outdated equipment, and promote technological progress have not been available to the Judicial Branch. In addition, improvement is possible in the way available resources are allocated and administered as needs change during a fiscal year and over time. The Judicial Branch is not free to manage and allocate funds appropriated by the General Assembly as it determines necessary to best meet the demands of its vast and increasingly complex caseload, and the needs of our citizens. In 2003, the State Judicial Council considered and endorsed legislation to address these issues and the Judicial Branch Fiscal Integrity and Accountability Act was introduced in 2003. Although the legislation was not enacted, efforts continue to work with the legislature towards securing authority for the court system, as a coordinate branch of government, to manage its resources in more timely and efficient ways.



N.C. Administrative Office of the Courts
P.O. Box 2448
Raleigh, NC 27602-7107
www.nccourts.org

