



# THE IMPORTANT ROLE OF THE NORTH CAROLINA MAGISTRATE

A magistrate is an independent judicial officer, recognized by the North Carolina Constitution as an officer of the district court. Magistrates take the same oath as judges and are subject to the Code of Judicial Conduct. N.C. Const. art. IV, §10; N.C.G.S. §§7A-170 and 7A-143.

## PERSONNEL

674.6 magistrate full-time equivalent (FTE) positions as of April 1, 2015. Magistrates represent approximately 11% of the Judicial Branch workforce. Like other appointed and elected judicial officials, magistrates earn no leave.

## FUNCTION

Magistrates provide an independent and impartial review of complaints brought to the magistrate by law enforcement officers or the general public.

## WORKLOAD

The Judicial Branch uses a workload formula to determine the appropriate number of magistrates per county, subject to a minimum quota set by the General Assembly.

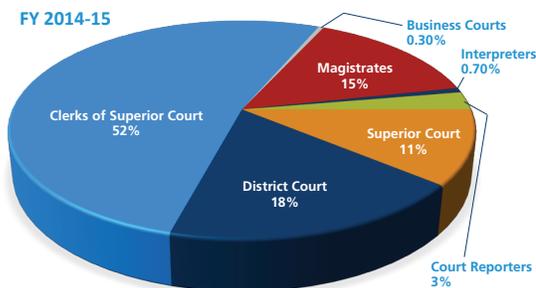
Magistrates are salaried employees who provide services 24 hours a day, seven days a week, 365 days a year.

## BUDGET

For FY 2014-15, magistrates account for about \$43.2 million of the Judicial Branch budget, representing 9% of the overall General Fund appropriations to the Judicial Branch.

## TRIAL COURTS CERTIFIED BUDGET APPROPRIATIONS

FY 2014-15



## ABOUT THE MAGISTRATE

Magistrates perform numerous duties as officers of the district court in both civil and criminal proceedings. Most people may be familiar with the magistrate's role in criminal proceedings, which includes conducting initial appearances, setting conditions of release, and issuing warrants. On the civil side, magistrates hear small claims cases, issue certain domestic violence orders, determine involuntary commitments, and handle other responsibilities. The magistrate is the only civil official in the state who can perform a marriage.

A magistrate is an officer of the district court division. Unlike judges and justices, magistrates are not elected. A magistrate is nominated for office by the clerk of superior court, appointed by the senior resident superior court judge, and supervised by the chief district court judge.

In order to be eligible for nomination or renomination as a magistrate, a candidate must be a resident of the county for which he or she will be appointed. The candidate also must have a four-year college degree or eight years of work experience as a clerk of superior court; or a two-year associate degree and four years of work experience in a job related to the court system, law enforcement, or other public service work. Many magistrates are attorneys, but they are not required to be, and those who are attorneys are prohibited from practicing law while in office as a magistrate.

A magistrate serves an initial term of two years, with subsequent terms of four years. While magistrates are not under the jurisdiction of the Judicial Standards Commission like judges are, they must obey the Code of Judicial Conduct, and the grounds for removing magistrates are the same as for removing judges. Judges, justices, and magistrates share the same mandatory retirement age.

**To protect and preserve the rights and liberties of all the people, as guaranteed by the Constitutions and laws of the United States and North Carolina by providing a fair, independent, and accessible forum for the just, timely, and economical resolution of their legal affairs**

## MAGISTRATES HAVE THE AUTHORITY TO

- Set release conditions (non-capital offenses)
- Hear small claims complaints and requests for assignment
- Accept guilty pleas and admissions of responsibility and enter judgment for certain infractions and Class 3 misdemeanors
- Process dispositions by waiver for misdemeanors and infractions involving alcohol, traffic, boating, state park/recreational areas, littering, and wildlife (e.g., hunting, fishing)
- Issue arrest warrants
- Issue search warrants
- Hear and enter judgments on worthless checks (≤\$2,000)
- Conduct initial appearances
- Administer oaths
- Provide punishment for direct criminal contempt
- Assign year's allowances to surviving spouses and children
- Perform civil marriage ceremonies
- Accept applications for involuntary commitments
- Take affidavits for verification of pleadings
- Issue subpoenas
- Take depositions and examination before trial
- Issue domestic violence protection orders
- Take acknowledgment of written contract or separation agreement
- Review vehicle towing by law enforcement
- Review seizures of vehicles in certain DWI and speeding to elude cases
- Conduct hearing for driver license civil revocations

## NCAOC PROJECTS THAT INVOLVE THE RESPONSIBILITY OF MAGISTRATES

PROJECT	DESCRIPTION OF PROJECT BENEFITS
MAGISTRATE VIDEO PROJECT (MVP)	<p>The Magistrate Video Project (MVP) provides software and equipment for video communications between a magistrate and law enforcement officers. In rural counties where magistrates often operate on an on-call basis, the MVP technology allows magistrates to begin processing an offender from home. The officer can continue booking the arrestee rather than waiting for the magistrate to drive to a location.</p> <ul style="list-style-type: none"> <li>■ Provides real-time statewide access by law enforcement and court officials from any location</li> <li>■ Reduces risk to officer by eliminating the need to transport arrestee to the magistrate's office</li> </ul>
NCAWARE	<p>NCAWARE is a web-based system that maintains information about criminal processes, such as warrants, magistrate orders, citations that lead to arrest, criminal summons, orders for arrest, release orders, and appearance bonds. It also tracks information for people and businesses involved in such processes.</p> <ul style="list-style-type: none"> <li>■ Provides real-time statewide records so that law enforcement can view and serve any electronic unserved process in the state without having paper in hand</li> <li>■ Offers ability to pre-fill arrest and warrant information prior to appearing before the magistrate, which decreases processing time</li> <li>■ Populates court case information into ACIS through real-time interfaces. Demographic driver / vehicle data is automatically pre-populated via a connection with the N.C. Division of Motor Vehicles.</li> </ul>

## NORTH CAROLINA JUDICIAL BRANCH CASELOAD STATISTICS

STATISTICS	DISTRICT COURT / 270 JUDGES	SUPERIOR COURT / 112 JUDGES
<p>CASELOAD</p> <p><i>* The number of civil cases filed and disposed in superior court includes business court cases.</i></p> <p><i>** The number of misdemeanor cases filed and disposed in superior court includes cases that originated in superior court, were transferred to superior court, and were appealed from district court. Also includes DWI cases.</i></p> <p><i>*** The number of special proceedings cases filed and disposed reflects those cases that are non-confidential.</i></p>	<ul style="list-style-type: none"> <li>■ <b>2,480,232 total cases filed</b></li> <li>■ <b>2,633,655 total cases disposed</b></li> <li>■ 220,511 civil magistrate cases filed</li> <li>■ 219,502 civil magistrate cases disposed</li> <li>■ 180,521 civil district cases filed</li> <li>■ 183,863 civil district cases disposed</li> <li>■ 1,450,488 criminal cases filed</li> <li>■ 1,587,532 criminal cases disposed</li> <li>■ 628,712 infraction cases filed</li> <li>■ 642,758 infraction cases disposed</li> <li>■ 39,084 civil license revocations</li> </ul>	<ul style="list-style-type: none"> <li>■ <b>2,480,232 total cases filed</b></li> <li>■ <b>270,934 total cases filed</b></li> <li>■ <b>305,766 total cases disposed</b></li> <li>■ 18,659 civil superior cases filed*</li> <li>■ 20,424 civil superior cases disposed</li> <li>■ 104,942 felony cases filed</li> <li>■ 121,306 felony cases disposed</li> <li>■ 27,940 misdemeanor cases filed**</li> <li>■ 30,586 misdemeanor cases disposed</li> <li>■ 68,083 estate cases filed</li> <li>■ 68,426 estate cases disposed</li> <li>■ 51,310 special proceedings filed***</li> <li>■ 65,024 special proceedings disposed</li> </ul>
TIME TO DISPOSITION	<ul style="list-style-type: none"> <li>■ <b>13 days civil magistrate cases</b></li> <li>■ 64 days civil district court cases</li> <li>■ 101 days district court felony cases</li> <li>■ 66 days infractions cases</li> <li>■ 110 days district court misdemeanor cases, other than traffic</li> </ul>	<ul style="list-style-type: none"> <li>■ 220 days total civil superior court cases</li> <li>■ 229 days superior court felony cases</li> <li>■ 181 days superior court misdemeanor cases, other than traffic</li> <li>■ 163 days special proceeding cases</li> </ul>