



State of North Carolina
General Court of Justice
Twenty-First Judicial District

JUDSON D. DERAMUS, JR.
Senior Resident Superior Court Judge

WILLIAM B. REINGOLD
Chief District Court Judge

TERRY L. HOLBROOK
Clerk of Superior Court
Ex Officio Judge of Probate

PHILIP TOELKES
Trial Court Administrator

October 21, 2004

The Honorable Peter S. Brunstetter, Chairman
Forsyth County Board of Commissioners
201 North Chestnut Street
Winston-Salem, NC 27101

Re: Court and Court-Related Facilities Needs

Dear Chairman Brunstetter:

I write to request the Commissioners direct a “*comprehensive*” space study...to examine the space needs of the various **court** functions operating in the Hall of Justice, and to make recommendations to reconfigure spatial relationships within the building to meet needs well into the future.” (Emphasis added.) The call for a comprehensive study was established by the County Manager as shown in the copy of a letter of January 17, 1990, enclosed. A comprehensive plan was needed then to provide a substantially more secure and functionally efficient environment for the **courts**¹ and **court-related**² agencies and individuals to do their work, and for the public to have appropriate access to the courts.

In the early 1990s the county convened a planning group. First it developed a general comprehensive security and functional efficiency plan for the renovation of all seven floors outlined in the numbered paragraphs of the Hall of Justice (HOJ) History enclosed. Consistent with this comprehensive plan, it went on to plan more specific major renovations to the first and second floors that were completed in the 1990s. However, after the major renovations to those two floors, the planning meetings ceased after a last called meeting of this planning group in early 2000. The last set of undated drawings (copy enclosed) provided to the Trial Court Administrator (TCA), and found in the TCA’s files, appear to be six to ten years old.

I feel strongly that a new comprehensive study is needed now to plan and address present and foreseeable future inadequacies in court facilities and eliminate the need for frequent and

¹ The Superior and District Court Judges, the Clerk of Superior Court, the Magistrates of the District Court Division, and the staffs of these judicial officials.

² The District Attorney and Public Defender (new in 2003) and their respective staffs, the Sheriff and his staff, the Register of Deeds and his staff, probation officers, juvenile court counselors, and members of the Forsyth County Bar among many others.

expensive major renovations to the HOJ in the next 30 years of use. Foreseeable needs of the core court judicial officials and those essential to their security and efficient functional operation should be addressed, and the needs of court-related agencies, organizations, and individuals.

Facilities Needs of the Core Court Judicial Officials

Security. As indicated in the numbered paragraphs in the HOJ History enclosed, security was a primary concern of the 1990 planners of the comprehensive renovation. These overall security concepts were considered in designing the renovation of the first two floors, but are still incomplete and ineffective because completion of a careful, coordinated, and comprehensive security renovation of all floors is necessary. Security for all who enter the Hall of Justice would be significantly improved by the full implementation of such a renovation consistent with this initial plan.

The Sheriff's team responsible for security would be able to do its job much more efficiently for all within the HOJ, and also be able to provide an appropriate high level of security for presiding judges. Judges are the focal points responsible for the handling of emotionally charged cases and deserve a corresponding high degree of protection. The leader of the Sheriff's security team strongly feels that a comprehensive study and approach to HOJ security issues is needed, and that judicial security requires **immediate** relocation of scattered judicial offices to a secure area in the highest possible level of the HOJ, as indicated in his statement enclosed.

Courtrooms. Judges, Magistrates, and Clerks need adequate courtrooms and hearing rooms of sufficient size to provide the public with their fundamental rights of access to their courts, to provide the presiding judicial officials with settings corresponding to the high degree of professionalism, dignity, respect, and solemnity appropriate to the proceedings to take place before them, and to have available the technological and functional tools to enable fair, efficient, and timely case processing.

An important consideration regarding access must be the very recent case of *Tennessee v. Lane*, 124 S. Ct. 1978 (May 17, 2004), in which the Supreme Court of the United States has made it clear that States do not have immunity from the relevant provisions of the Americans with Disabilities Act of 1990 (ADA) involving the fundamental right of access to the courts. Courtroom and related renovations must consider the needs of the county and presiding judicial officials to reasonably accommodate disabled persons coming into each courtroom as lawyers, litigants, clerks, court reporters, jurors, witnesses, probation officers, and in other capacities, including spectators.

A seminal publication establishing standards for courthouse facilities is *The Courthouse: A Planning and Design Guide for Court Facilities* (Hardenbergh, 1998) published by the National Center for State Courts (*The Courthouse*). This publication points to the ADA as requiring an increase in the minimum recommendations for the overall size of litigation areas³. The county, the TCA, and the Senior Resident and Chief Judges must consider how to provide reasonable accommodations for disabled presiding judges who may be assigned to hold court here. Many of the present courtrooms are not easily or practically adaptable to reasonable accommodations for the disabled, i.e., for a wheelchair dependent person. We are unequipped to respond effectively and efficiently to future ADA concerns in these courtrooms. Comprehensive renovation is needed to change this situation.

³ *The Courthouse*, p. 58, copied as part of package of materials from this publication, enclosed.

A comparison of the present Superior and District Court courtrooms⁴ to the recommended minimums stated in *The Courthouse* is enclosed. As detailed and highlighted in the comparison with recommended minimums, the greatest deficits are in the courtrooms used for criminal Superior Court jury trials, and in courtrooms hearing District Court matters.

Our present criminal Superior Court courtroom facilities may impose limitations on efficient case management of more difficult to prosecute cases as illustrated by the TCA's last status reports dated October 29, 2003, and October 15, 2004, enclosed. The two Superior Court civil courtrooms on the 6th floor are both of much more sufficient size for jury trials than the two smaller 5th floor criminal courtrooms⁵. Larger courtrooms facilitate the processing of cases with many parties and attorneys such as an eleven-week, three-defendant, eight-attorney, fifteen-juror, highly secure, capital first degree murder trial I presided over in an older out-of-county courtroom larger than any of the HOJ criminal jury courtrooms.

Many of the courtrooms shown on the enclosed set of undated drawings appear too small to meet recommended minimums, to address ADA concerns, and to efficiently and effectively process criminal and civil cases involving jury trials. These plans take away the three largest courtrooms for Superior Court jury trials, 5A, 6A, and 6B, those added by the county to remedy the small courtroom deficiencies of the new 1974 HOJ (See HOJ History). More and larger courtrooms are badly needed.

A comprehensive approach with updated technology and functional efficiency is needed to move people through the justice system faster. Technology use in our present courts has fallen substantially behind the private sector and updating it within new or renovated facilities will help core court officials resolve cases faster⁶. Short-term, halfway measures will leave many present needs unmet. A less than comprehensive and well planned approach will probably result in greater expenditures a short time later to do the job right, and perhaps unnecessary expense to undo earlier temporary measures. For example, the present 5A was two relatively new smaller courtrooms which had to be consolidated even after the quick addition of our present largest jury courtroom, 6A (See HOJ History).

The addition of a ninth District Court Judge for our county in December 2004 will immediately increase the need for courtrooms. This judicial addition came more quickly than expected, 2002 projections being for three new District Court Judges by 2019-20 (roughly the ninth in 2008, tenth in 2014, and eleventh by 2020) and for one new fifth Superior Court Judge by 2012. In the light of the arrival of the ninth District Court Judge more than three years early, comprehensive long term planning should anticipate an additional two judges by 2010, a fourth by 2016, and more thereafter in the next 30 years of the HOJ. Increases in judicial numbers carry corresponding needs for new courtrooms and for increased staff in multiple offices.

⁴ Thirteen currently used by judges and a fourteenth small one that is not. See p. 59 of *The Courthouse* for spectator area guidelines.

⁵ 5B and 5C are the smallest courtrooms used for jury trials by the 16 Superior Court Judges who regularly preside in Forsyth and the other counties of the Fifth Judicial Division. A recent trial illustrates timely case processing concerns of the county relative to its expenses for lengthy pretrial confinement at the Detention Center. The defendant was found not guilty of the charge after more than 18 months in custody there.

⁶ The North Carolina Business Court in Greensboro provides a good example of many uses of updated technology for case management in and out of the courtroom.

Planning should also include projections that include adding new programs with associated personnel. Specifically, Forsyth County is on a short list with other counties awaiting implementation of a Family Court model in District Court. Upon execution of the plan, the Forsyth County Chief District Court Judge will add four or five Case Managers, and one Family Court Administrator to his staff. Another program being planned in District Court for 2005 includes a DWI Court which will also bring more demands for office space.

With 16 judges regularly presiding by 2016 to 2020, and even more judges⁷ presiding when lengthy multi-week holdover sessions occur, and in special sessions, the HOJ will need 18 or more courtrooms to meet needs for judges for the next 12 to 16 years. These courtrooms should be of appropriate size to seat the peak numbers that will regularly be in attendance with proper scheduling, should approximate or exceed the recommended minimums in *The Courthouse* (or those of some other similarly neutral and widely respected publication or expert), should address ADA concerns, and should have secure and appropriate traffic patterns and controls in and around them.

In addition, the civil Magistrates and the Clerk of Superior Court will require additional courtrooms or hearing rooms where they will preside.

Clerk of Superior Court and Other Core Court Needs. In addition to the courtrooms, the Clerk of Superior Court presently requires greatly expanded space for technologically updated and functionally efficient work areas for his assistants and deputies involved in such things as receiving new filings, indexing, routine estate auditing and administrations not requiring hearings, storage of the records of the court and items of evidence, sometimes bulky, received during trials and hearings.

The Clerk's Office at the county seat is the permanent depository⁸ of the courts' official records including, but not limited to, judgments, liens, and orders. The Clerk will require more space for long-term needs for an adequate, organized, appropriately assessable, and secure environment to maintain efficient service for the core court judicial officials, court-related agencies and individuals, the citizens of Forsyth County, and the general public.

Of particular note, the Clerk needs a larger, secure, functionally efficient, and juror friendly Jury Assembly Room with good traffic patterns to and from courtrooms, avoiding inappropriate contacts. Jurors become part of the core court function when they report for duty. All of these needs must be met now and in the foreseeable future in facilities provided to the Clerk.

Judges, Magistrates, and the TCA likewise need technologically updated, low traffic volume, highly secure, and functionally efficient work areas, in addition to the courtrooms and hearing rooms where public access to the courts is more appropriate. In addition to office needs similar to judges without their administrative responsibilities, the Senior Resident and Chief District Judges need extra space for staff and for the organizational administrative work necessary to have our local judicial and justice system run smoothly with the many different independently elected or appointed judicial and other officials, and court-related agencies, organizations, and individuals that may be involved. This

⁷ NCGS § 97-83.1 requires the Senior Resident Judge to "provide suitable facilities for the conduct of hearings...and provide or arrange for security...upon the request of a member or deputy" of the Industrial Commission. Senior Resident Judges have only those facilities placed at their disposal by counties, and only that security provided by their County Sheriffs.

⁸ NCGS § 7A-182.

administrative work, with a view to fostering a spirit of cooperation, mutual respect, professionalism, coordination, and resulting good communication among the persons involved, can result in timely and fair processing of cases, criminal and civil, and a well run local system of justice, if all come together in that spirit.

Needs of the District Attorney and other Court-Related Agencies, Organizations, and Individuals. The District Attorney and Public Defender and their staffs, and “other court related personnel⁹” also have the need for secure, functionally efficient, and technologically updated facilities.

Smaller, satellite work areas for court-related agencies in immediate proximity to core court functions are necessary. Perhaps the best example is the Sheriff’s Office that moved most of its offices and operations out of the HOJ, including its general administration, as indicated in the HOJ History. The Sheriff’s HOJ team responsible for its security has continued to maintain its presence from 1974 to the present. This part of the Sheriff’s operations is so closely tied to the secure operations of the core court judicial officials and the fundamental right of public access to them in appropriate courtrooms and hearing rooms, that state of the art and functionally efficient facilities for them must be provided in the HOJ. These include, but would not be limited to, holding cells for prisoners with secure and appropriate traffic patterns to and from courtrooms involved.

The District Attorney’s Office has immediate facilities needs in addition to courtrooms to enhance its efficient prosecution of criminal cases and its office security. Consolidation of scattered offices and technological updating may help the District Attorney and his staff carry out their duties in a functionally efficient manner.

Conclusion. Adequate provision for the security, courtroom, and related needs of the core court judicial officials, and the public they serve, “well into the future” requires comprehensive long-term planning for the security and space needs of core court judicial officials and court-related agencies, organizations, and individuals as contemplated by N.C. General Statute § 7A-304(a)(2).

I recommend and seek your assistance in the completion of a new “*comprehensive* space study...to examine the space needs of the various **court** functions operating in the Hall of Justice, and to make recommendations to meet needs well into the future.” (Emphasis added.) Again, expertise may be helpful in this, such as can be found within the Forsyth County Bar Association, and I believe reliance on neutral and nationally respected and relatively recent publications such as *The Courthouse* would be wise. Likewise visits to some or all of the facilities provided in the other counties served by the 16 Superior Court Judges who regularly preside over jury trials in the HOJ on a rotating basis¹⁰ would be helpful in deciding what facilities would be appropriate for jury trials and other needs in our county.

Thank you for the time you have taken to read this letter and your many years as a lawyer rendering valuable and selfless public service as a Commissioner.

⁹ See NCGS § 7A-304(a)(2). This would include organizations such as the Forsyth County Bar Association that has an interest in the law library, individual members of the bar who have business as officers of the Court, probation officers, and juvenile court counselors, among others.

¹⁰ Enclosed is a comparison on with Guilford County Superior Court courtrooms and a listing of courthouse facilities in the Fifth Judicial Division of which Forsyth County (the 21st Judicial District) is a part.

The first recorded mention¹¹ of the new town of Winston in the newly formed County of Forsyth appeared in the February 8, 1851, issue of the *People's Press* of Salem as follows:

“Our young neighbor-town Winston can boast of the Hall of Justice which stands out in bold relief – an ornament to the county and surpassed by few if any building of the kind in the State. There let justice reign supreme.”

May the completion of the new or renovated court and court-related facilities inspire similar remarks from the people of Forsyth County!

Sincerely,

Judson D. DeRamus, Jr.
Senior Resident Superior Court Judge

Copies with enclosures, and additional electronic copies w/o enclosures to:

Members of the Forsyth County Board of Commissioners

Hon. David R. Plyler, Vice-Chairman
Hon. Beaufort O. Bailey
Hon. Debra Conrad-Shrader
Hon. Richard V. Linville
Hon. Walter Marshall
Hon. Gloria D. Whisenhunt

Graham Pervier, Forsyth County Manager
Hon. William B. Reingold, Chief District Court Judge
Hon. Terry L. Holbrook, Clerk of Superior Court

Copies without enclosures to (enclosures available upon request):

Forsyth County Resident Superior Court Judges

Hon. William Z. Wood, Jr.
Hon. L. Todd Burke
Hon. Ronald E. Spivey

¹¹ *Forsyth: The History of a County on the March* (Revised Edition, 1976; by Adelaide Fries, Stuart Thurman Wright, and J. Edwin Hendricks) p. 126.

Forsyth County District Court Judges

Hon. Chester C. Davis
Hon. William T. Graham, Jr.
Hon. Victoria L. Roemer
Hon. Laurie L. Hutchins
Hon. Lisa V. Menefee
Hon. Lawrence J. Fine
Hon. Denise S. Hartsfield

Forsyth Civil Magistrates

Hon. C. John Phillips
Hon. Stacie Onders
Hon. Frederick Mejan

Other Superior Court Judges based in the Fifth Division

Hon. Melzer A. Morgan, Jr., Senior Resident Superior Court Judge, 17A Judicial District
Hon. Edwin G. Wilson, Jr., Resident Superior Court Judge, 17A Judicial District
Hon. A. Moses Massey, Senior Resident Superior Court Judge, 17B Judicial District
Hon. Andy Cromer, Resident Superior Court Judge, 17B Judicial District
Hon. W. Douglas Albright, Senior Resident Superior Court Judge, 18th Judicial District
Hon. Catherine C. Eagles, Resident Superior Court Judge, 18th Judicial District
Hon. Henry E. Frye, Jr., Resident Superior Court Judge, 18th Judicial District
Hon. Lindsay R. Davis, Jr., Resident Superior Court Judge, 18th Judicial District
Hon. John O. Craig, III, Resident Superior Court Judge, 18th Judicial District
Hon. Russell G. Walker, Jr., Senior Resident Superior Court Judge, 19B Judicial District
Hon. James M. Webb, Senior Resident Superior Court Judge, 19D Judicial District
Hon. Michael E. Helms, Senior Resident Superior Court Judge, 23rd Judicial District
Hon. Ben F. Tennille, Special Superior Court Judge
Hon. Richard L. Doughton, Special Superior Court Judge

Copies without enclosures to (enclosures available upon request):

Hon. I. Beverly Lake, Chief Justice, Supreme Court of North Carolina
Hon. Ralph Walker, Director of the Administrative Office of the Courts
Hon. Thomas J. Keith, District Attorney, 21st Prosecutorial District
William T. Schatzman, Sheriff, Forsyth County
Pete Clary, Public Defender, Defender District 21
John Berry, Chief Court Counselor, Forsyth County Department of Juvenile Justice and
Delinquency Prevention
Chris Oxendine, District Manager, 21st Judicial District, N.C. Department of Community
Corrections
Lt. Mark McKaig, Forsyth County Sheriff's Office
G. Gray Wilson, President, N.C. Bar Association
Dudley Humphrey, President, N.C. State Bar
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