



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

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

WILLIAM B. REINGOLD
Chief District Court Judge

November 7, 2006

MEMORANDUM

<p>To: Judge DeRamus Judge Wood Judge Burke Judge Spivey Clerk of Superior Court Terry Holbrook District Attorney Tom Keith Public Defender Pete Clary County Commission Chair Gloria Whisenhunt County Manager Dudley Watts Assistant County Manager Ed Jones</p>	<p>Judge Reingold Judge Davis Judge Graham Judge Roemer Judge Hutchins Judge Menefee Judge Fine Judge Hartsfield Judge Bedsworth</p>
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From: Philip Toelkes

Re: Status Report from FY 05-06 Statistics

Statistics for fiscal year 2005-2006 for our Forsyth County courts have been summarized using information provided by the State, and then compared with other quarterly and year-end totals¹. **Trends and recommendations for additional resources in District Court are reported at the end of this report.** Also included are comparisons of our courts to State totals and other selected counties as of June 30, 2006. Current populations of our comparison counties are listed below. Disposition goals for felony and civil cases in Superior Court have been adopted by the District Attorney in the Criminal Case Docketing Plan and by the Senior Resident Superior Court Judge in the Civil Superior Court Case Management Plan.² These goals are:

Superior Court Criminal Felony	90% within 12 months of date of indictment or information
Superior Court Civil	90% within 365 days*

*This goal is consistent with American Bar Association standards

Population by County as of July, 2006

Mecklenburg	820,487	Forsyth	331,289	Buncombe	219,082
Wake	782,283	Cumberland	305,829	Gaston	195,546
Guilford	448,694	Durham	245,284	New Hanover	185,222
State	8,828,041				

¹ These statistics can be accessed online at <http://www.nccourts.org/Citizens/SRPlanning/Statistics.asp>

² Online at www.nccourts.org/Courts/CRS/Policies/LocalRules/Default.asp

Superior Court Civil. The Senior Resident Superior Court Judge manages trial settings for all civil cases in Forsyth Superior Court with the exception of exceptional and complex business cases. The Trial Court Administrator (TCA), with input from the District Attorney's Office, assists the Senior Resident in establishing the number of civil and criminal trial weeks per year. The TCA's office performs case management functions related to civil motions and trials in Forsyth County Superior Court. The table below reflects that as of June 30, 2006, the age at the 90th percentile of all pending Forsyth Superior Court civil cases was 361 days. This statistic ranks Forsyth civil Superior Court favorably compared to other similar, selected districts, and meets the published goal of one year.

SUPERIOR COURT: AGE OF PENDING CIVIL CASES* JUNE 30, 2006						
	Total Filed*	Total Disposed*	(%)	Total Pending*	Median Age	90.0% Percentile
Counties (Ranked in order of age at 90% percentile)						
Cumberland	782	784	100.2%	434	119	344
Forsyth	1,243	1,294	104.1%	740	141	361
Mecklenburg	3,598	3,792	105.4%	2,289	149	455
Gaston	601	598	99.5%	400	168	469
Buncombe	747	708	94.8%	579	190	588
State	27,591	28,254	102.4%	20,089	183	606
Durham	830	978	117.8%	641	200	630
Wake	2,865	2,859	99.8%	2,334	222	633
New Hanover	779	862	110.6%	618	184	645
Guilford	1,835	1,954	106.5%	1,453	214	644

*Includes exceptional and complex-business cases, a small percentage of totals.

Superior Court Criminal. The District Attorney's office in each N.C. district performs the case management functions related to criminal cases in both district and superior courts. The age of a case in Superior Court reflects the original filing date, which is the date filed in District Court if the case originated in District Court. The totals in the table below reflect only those felony and misdemeanor cases that are in the Superior Court and do not include felonies pending probable cause hearing or plea, or misdemeanors in District Court. While the median age has not improved from last year, the age at which ten percent of our pending cases were older has come down 200 days since 2005.

SUPERIOR COURT: AGE OF PENDING FELONY CASES JUNE 30, 2006						
	Total Filed	Total Disposed	(%)	Total Pending	Median Age	90.0% Percentile
Counties (Ranked in order of age at 90% percentile)						
Wake*	6,026	6,035	100.1%	2,920	194	498
Guilford	8,345	7,824	93.8%	4,263	214	499
Gaston	5,318	4,806	90.4%	2,407	211	542
Buncombe	2,844	2,770	97.4%	906	212	562
Cumberland	2,964	2,957	99.8%	1,732	296	567
Mecklenburg	8,582	7,162	83.4%	7,782	220	575
Durham	2,429	2,549	104.9%	1,872	316	577
State	109,815	102,193	93.1%	66,651	252	616
New Hanover*	2,945	2,753	93.5%	2,282	290	682
Forsyth*	1,635	1,650	100.9%	938	296	703

*Counties that have greater than 50 felony convictions per year in District Court.

Ten percent of misdemeanor appeals pending in Superior Court are older than 556 days and this is very close to the State average.

SUPERIOR COURT: AGE OF PENDING MISDEMEANOR CASES JUNE 30, 2006						
	Total Filed	Total Disposed	(%)	Total Pending	Median Age	90.0% Percentile
Counties (Ranked in order of age at 90% percentile)						
Buncombe	1,224	1,191	97.3%	276	214	431
Gaston	1,796	1,568	87.3%	772	193	478
Guilford	1,320	1,269	96.1%	606	248	501
Cumberland	248	247	99.6%	74	162	535
State	42,849	41,075	95.8%	21,311	211	554
Forsyth	693	700	101.0%	444	267	556
Mecklenburg	4,223	3,437	81.4%	3,322	229	574
New Hanover	484	546	112.8%	332	294	722
Wake	1,712	1,928	112.6%	743	155	758
Durham	662	746	112.7%	553	413	953

Felonies disposed in District Court are now reported to reflect an “adjusted median age” at disposition for all felony cases* no matter where they are disposed. This age at disposition makes for another comparison between districts. Forsyth District Court produced 1,375 non-jury felony convictions last year. District Courts in Wake and New Hanover Counties processed 2,101 and 1,392 felony convictions last year, and provide the best bases for comparison with Forsyth.

SUPERIOR & DISTRICT COURT: AGE OF FELONY CASES AT DISPOSITION JUNE 30, 2006

Counties (Ranked in order of age at disposition)	Adjusted Median Age	<i>Filing/Disposition data not provided</i>
Wake**	91	
Forsyth**	126	
Buncombe	128	
New Hanover**	147	
Gaston	156	
State	177	
Guilford	183	
Mecklenburg	219	
Durham	223	
Cumberland	251	

* It is possible to assign up to 49 charges to each criminal case.

**Counties that have greater than 50 felony case convictions per year in District Court.

District Court Criminal. The AOC reports that felony filings and dispositions in District Court can be found in the table below. There is no published goal in the Criminal Docketing Plan for misdemeanors or H & I felonies in District Court, however we can contrast the median ages and ages at the 90th percentile with the State and other selected counties. Processing times for Forsyth County non-motor vehicle cases do not compare favorably for comparable measures in Wake and New Hanover Counties. Aging data is not provided by the AOC for motor vehicle cases in District Court.

DISTRICT COURT: AGE OF PENDING NON-MOTOR VEHICLE CASES JUNE 30, 2006

	Total Filed	Total Disposed	(%)	Total Pending	Median Age	90.0% Percentile
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Counties (Ranked in order of age at 90% percentile)

Buncombe	18,247	18,520	101.5%	5,553	71	259
Mecklenburg	54,997	54,748	99.5%	16,314	78	337
Guilford	41,332	41,585	100.6%	19,439	105	345
Gaston	22,182	23,906	107.8%	9,142	99	354
New Hanover*	18,543	18,237	98.3%	6,919	99	366
State Totals	648,224	655,354	101.1%	225,034	90	377
Cumberland	17,855	18,489	103.5%	7,607	106	389
Wake*	47,139	44,596	94.6%	16,545	102	424
Forsyth*	18,296	18,136	99.1%	7,234	114	503
Durham	17,147	18,612	108.5%	8,836	126	721

*Includes H & I felonies disposed in District Court.

DISTRICT COURT: PENDING MOTOR VEHICLE CASES JUNE 30, 2006

	Total Filed	Total Disposed	(%)	Total Pending	Median Age	90.0% Percentile
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data not provided

Counties (Ranked by disposition rate)

Durham	21,419	21,997	102.7%
Cumberland	32,985	33,161	100.5%
Mecklenburg	100,996	100,494	99.5%
Forsyth	42,046	41,681	99.1%
Guilford	52,582	51,569	98.1%
State	1,013,371	986,716	97.4%
Buncombe	19,264	18,701	97.1%
Gaston	23,561	22,675	96.2%
New Hanover	22,617	21,640	95.7%
Wake	97,019	91,011	93.8%

District Court Civil. The Chief District Court Judge is responsible for trial settings for all civil cases in Forsyth District Court. As shown in the next table, Forsyth County District Court disposes of more than 90% of its general civil cases in less than 365 days. The median age of these cases is well below the Statewide median age. District Court will continue to hold regular clean-up calendars to limit the number of older cases. (CVM magistrate appeals and transfers are not shown)

DISTRICT COURT: AGE OF PENDING GENERAL CIVIL CASES JUNE 30, 2006

	Total Filed	Total Disposed	(%)	Total Pending	Median Age	90.0% Percentile
Counties (Ranked in order of age at 90% percentile)						
Cumberland	2,254	2,203	97.7%	530	46	134
Gaston	1,488	1,398	93.9%	405	56	171
Mecklenburg	7,364	6,721	91.3%	2,881	84	263
Buncombe	1,571	1,385	88.2%	618	73	275
Forsyth	2,457	2,131	86.7%	937	72	276
New Hanover	1,362	1,256	93.2%	614	88	287
Wake	7,502	7,173	95.6%	3,155	80	310
State	66,004	61,527	93.2%	27,662	93	549
Durham	2,021	1,798	89.0%	1,103	129	739
Guilford	3,777	3,849	101.9%	1,968	130	697

District Court Domestic. The age of Forsyth County District Court domestic cases at the 90th percentile, and their median age is well below Statewide totals and ranks first among similar counties. At this time, District Court will continue to monitor the number of cases pending over one year with regular clean-up calendars. (Child support, IV-D/URESAs cases not shown).

DISTRICT COURT: AGE OF PENDING DOMESTIC RELATIONS CASES JUNE 30, 2005

	Total Filed	Total Disposed	(%)	Total Pending	Median Age	90.0% Percentile
Counties (Ranked in order of age at 90% percentile)						
Forsyth	2,948	3,036	103.0%	672	63	353
Durham	2,388	2,421	101.4%	553	73	365
Cumberland	5,487	5,462	99.5%	1,119	71	437
New Hanover	2,348	2,279	97.1%	613	109	541
Wake	6,116	8,414	137.6%	2,231	172	613
Buncombe	2,723	2,847	104.5%	724	105	757
Mecklenburg	9,097	8,880	97.6%	3,036	119	862
Guilford	3,833	4,560	119.0%	1,516	212	955
Gaston	2,156	2,162	100.3%	751	332	970
State	85,126	86,727	101.9%	29,226	176	1,215

Trends in Forsyth County Fiscal Year Statistics

Superior Court. In the past five fiscal years, civil filings as shown below have maintained a gradual increase over the last 5 years. Civil dispositions have generally kept pace with filings resulting in Forsyth civil Superior Court having one of the most current caseloads in the State.

Case Type	FILINGS					DISPOSITIONS					
	01-02	02-03	03-04	04-05	05-06	01-02	02-03	03-04	04-05	05-06	
SUPERIOR COURT											
Civil	1146	1100	1111	1205	1243	1102	1052	1109	1175	1294	
	Increase	-4%	1%	8%	3%	% of filings	96%	96%	100%	98%	104%
Spec. Proceed	3,626	3,760	4,446	5,094	5,344	3216	3666	4300	4868	5147	
	Increase	4%	18%	14%	5%	% of filings	89%	95%	97%	96%	96%
Estates	2130	2127	2112	2204	2220	2213	2078	2316	2327	2270	
	Increase	-1%	-1%	4%	1%	% of filings	104%	98%	110%	106%	102%
CRIMINAL											
Felonies	1823	1449	1415	1531	1635	1837	1474	1500	1482	1650	
	Increase	-21%	-2%	8%	7%	% of filings	101%	102%	106%	97%	101%
Misdemeanors	580	506	646	785	693	557	533	619	603	700	
	Increase	-13%	28%	22%	-12%	% of filings	96%	105%	96%	77%	101%
Total Criminal	2,403	1,955	2,061	2,316	2,328	2,394	2,007	2,119	2,085	2,350	
	Increase	-19%	5%	12%	1%	% of filings	100%	103%	103%	90%	101%
SUP CT TOTAL	9,305	8,942	9,730	10,819	11,135	8,925	8,803	9,844	10,455	11,061	
	Increase	-4%	9%	11%	3%	% of filings	96%	98%	101%	97%	99%

The number of total superior court felony filings shown above has begun to increase again, ending years of downward movement. Criminal dispositions as a percentage of filings have returned to levels seen in prior years.

**CURRENT PRISON POPULATIONS AND
NUMBER OF ADMISSIONS FROM SELECTED COUNTIES
AS OF JUNE 30, 2006**

	Death Row**	Habitual Felon.	Prison Entries	Per 1000 Pop.*	Prison Pop.	Per 1000 Pop.*
Counties (Ranked by Per Capita Prison Population)						
Forsyth	12†	496†	941	2.8	1,989	6.00
Guilford	4	369	1,395	3.1	2,668	5.95
New Hanover	6	72	1,040	5.6	1,079	5.82
Buncombe	9	339	904	4.1	1,233	5.63
Cumberland	10	217	891	2.9	1,617	5.29
Gaston	5	45	583	2.9	1005	5.14
State	167	4,552	27,257	3.1	37,467	4.24
Durham	1	199	363	1.5	968	3.95
Wake	11	339	2,053	2.6	2,714	3.47
Mecklenburg	4	251	889	1.1	2,091	2.55
Statistics supplied by the Department of Correction (see http://www.doc.state.nc.us/rap/index.htm)						
*Based on July 2006 population figures					†Highest in the State	
**As of 9-28-06						

There continue to be more habitual felon and death row inmates in prison from Forsyth County than anywhere else in the State. We are maintaining a very high per capita number of inmates in prison compared to State totals. The trend of prison entries from Forsyth arriving with longer sentences to serve seems to be continuing.

District Court. Because of the steady increase in the number of all criminal filings in Forsyth County District Court over recent years, dispositions have not been able to keep pace. The totals reflecting this growth are highlighted in the table on the next page. Even so, District Court Judges continue to dispose of the following numbers of non-jury felony convictions (which are reported under District Court non-motor vehicle cases) since 1998:

FY98-99:	894 felonies	FY02-03:	1,562 felonies
FY99-00:	1,212 felonies	FY03-04:	1,324 felonies
FY00-01:	1,439 felonies	FY04-05:	1,446 felonies
FY01-02:	1,414 felonies	FY05-06:	1,375 felonies

Case Type	FILINGS					DISPOSITIONS					
	01-02	02-03	03-04	04-05	05-06	01-02	02-03	03-04	04-05	05-06	
DISTRICT COURT											
Gen. Civil	2755	2416	2332	2102	2665	3864	2513	2458	2204	2325	
	Increase	-12%	-3%	-10%	27%	% of filings	140%	104%	105%	105%	87%
Child Support (URES/IV-D)	1886	1537	1599	1643	1625	1839	1592	1764	1701	1478	
	Increase	-19%	4%	3%	-1%	% of filings	98%	104%	110%	104%	91%
DOM REL	3,262	3,176	3141	3202	3256	3,291	3,260	3197	3233	3312	
	Increase	-3%	-1%	2%	2%	% of filings	101%	103%	102%	101%	102%
CRIMINAL											
Motor Veh	35,909	36,213	36176	37452	42046	34,617	37,061	35517	36852	41681	
	Increase	1%	0%	4%	12%	% of filings	96%	102%	98%	98%	99%
Non-Motor Veh*	17225	16814	16499	17087	18296	15820	16991	16067	15730	18163	
	Increase	-2%	-2%	4%	7%	% of filings	92%	101%	97%	92%	99%
Infractions	23221	22645	23165	25067	26291	22734	22939	23080	24837	25998	
	Increase	-2%	2%	8%	5%	% of filings	98%	101%	100%	99%	99%
Total Criminal	76,355	75,672	75,840	79,606	86,633	73,171	76,991	74,664	77,419	85,842	
	Increase	-1%	0%	5%	9%	% of filings	96%	102%	98%	97%	99%
District Court Total	84,258	82,801	82,912	86,553	94,179	82,165	84,356	82,083	84,557	92,957	
	Increase	-2%	0%	4%	9%	% of filings	98%	102%	99%	98%	99%
Total District & Superior Courts	93,563	91,743	92,642	97,372	105,314	91,090	93,159	91,927	95,012	104,018	
	Increase	-2%	1%	5%	8%	% of filings	97%	102%	99%	98%	99%

*Includes H & I Felonies

Recommendations: These trends highlight the need for additional resources to keep up with filings and attack our growing backlogs. In Superior Court, the high number of death row and habitual felon convictions require courtrooms that can provide for longer and more complex jury trials. Recent holdings by the U.S. and N.C. Supreme Courts have also contributed to this need. Increases in District Court criminal filings can be seen on the first floor of the Hall of Justice where these cases are scheduled for hearings. Crowded dockets on the first floor have outstripped the capacity of our facilities and our court staffs. Clearly more judges, prosecutors, clerks and courtrooms are all needed.

If you would like to discuss these totals or trends, please contact me at your convenience.