

*A REFERENCE GUIDE to the*  
**NORTH CAROLINA  
JUDICIAL BRANCH**





This reference guide provides basic information about North Carolina's three branches of government – legislative, executive, and judicial – with specific emphasis on the North Carolina Judicial Branch.

Thanks for your time and interest in learning more about North Carolina's state government. For more information and material, visit [NCCourts.gov](https://www.nccourts.gov) and search for "Speakers Bureau."



## THE MISSION *of the* NORTH CAROLINA JUDICIAL BRANCH

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.





*from the* NORTH CAROLINA CONSTITUTION

*Article 1, Section 6*

*The legislative, executive, and supreme judicial powers of the State government shall be forever separate and distinct from each other.*

*Article 4, Section 1*

*The judicial power of the State shall, except as provided in Section 3 of this Article, be vested in a Court for the Trial of Impeachments and in a General Court of Justice. The General Assembly shall have no power to deprive the judicial department of any power or jurisdiction that rightfully pertains to it as a coordinate department of the government, nor shall it establish or authorize any courts other than as permitted by this Article.*





## THREE BRANCHES *of* NORTH CAROLINA'S STATE GOVERNMENT

- LEGISLATIVE BRANCH
- EXECUTIVE BRANCH
- JUDICIAL BRANCH



### LEGISLATIVE BRANCH

The Legislative Branch makes laws for North Carolina. It is made up of the Senate and the House of Representatives, which together are known as the General Assembly. The Legislature meets biennially, and all members are elected for two-year terms.



### OUR STATE'S LEADERS *Legislative Branch*

#### **Speaker of the House**

The House of Representatives consists of 120 members who serve a term of two years. The presiding officer of the House of Representatives is the Speaker of the House. The speaker is elected by the members from their membership for a two-year term. The speaker's duties include maintaining order in the House and appointing members to the House's standing committees.

#### **President Pro Tempore**

The Senate consists of 50 members who serve a term of two years. The lieutenant governor is president of the Senate and presides over the daily session. The lieutenant governor is elected by the citizens of North Carolina for a four-year term. He / she has no vote in the Senate except to break a tie. The Senate elects officers from their membership including the President Pro Tempore.

## EXECUTIVE BRANCH

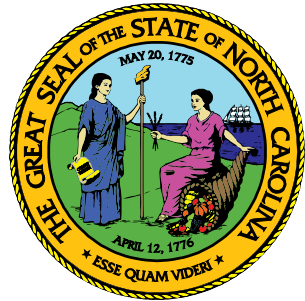
The Executive Branch of government enforces laws made by the Legislature. The head of this branch is the governor, who is elected every four years. Along with the governor, the Executive Branch also includes the lieutenant governor, the Council of State, and many state agencies.



## OUR STATE'S LEADERS *Executive Branch*

### **Governor**

The governor is the head of the Executive Branch and serves as commander-in-chief of the state's military forces. The governor is responsible for preparing and presenting the state budget to the General Assembly. The governor of North Carolina has extensive powers of appointment of Executive Branch officials, some judges, and members of boards and commissions.



## JUDICIAL BRANCH

The Judicial Branch interprets what our laws and constitution mean and makes decisions about the laws and those who break them. North Carolina's court system is called the General Court of Justice and consists of three divisions: appellate, superior court, and district court.



## OUR STATE'S LEADERS *Judicial Branch*

### **Chief Justice**

In addition to presiding over the sessions of the Supreme Court of North Carolina, the chief justice has numerous administrative duties as head of the Judicial Branch, including appointing the director and assistant director of the Administrative Office of the Courts, designating the chief judge of the Court of Appeals and a chief district court judge for each district court district, creating the schedule of superior court sessions and assigning superior court judges to those sessions, transferring district court judges to other districts for temporary or specialized duty, appointing the chief administrative law judge of the Office of Administrative Hearings, and either serving on or appointing representatives of the Judicial Branch to groups such as the State Judicial Council and the Office of Indigent Defense Services.

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## CHIEF JUSTICE PAUL NEWBY

### SUPREME COURT OF NORTH CAROLINA

**Paul Newby** is the 30th Chief Justice of the Supreme Court of North Carolina. Chief Justice Newby holds the highest judicial office in North Carolina and heads the Judicial Branch. He first won election to the Supreme Court as Associate Justice in 2004. In 1985, Chief Justice Newby was appointed as an assistant United States attorney for the Eastern District of North Carolina, where he served for over 19 years. During this time, he played an integral role in conducting the undercover sting operation that recovered North Carolina's original copy of the *Bill of Rights*, stolen during the Civil War. In addition to his service on the Court, Chief Justice Newby is an adjunct professor at Campbell University School of Law.



## ELECTED OFFICIALS *of the*

### NORTH CAROLINA JUDICIAL BRANCH

The North Carolina Judicial Branch includes about 555 independently elected judicial officials. These officials are:

- Justices of the Supreme Court
- Judges of the Court of Appeals, District Court, and Superior Court
- Clerks of Superior Court
- District Attorneys

The Judicial Branch has over 7,000 employees located in all 100 counties and 240 facilities across the state.



*The Supreme Court building is located at 2 East Morgan Street.*



## TYPES of COURT

### *Appellate Division*

#### **Supreme Court**

The Supreme Court of North Carolina is the state's highest court, and there is no further appeal from its decisions on matters of state law. It is made up of the chief justice, who also serves as the head of the North Carolina Judicial Branch, and six associate justices. Each justice serves an eight-year term. The Supreme Court has no jury and makes no determinations of fact, but considers whether error occurred at trial or in judicial interpretation of the law.

#### **Court of Appeals**

The Court of Appeals is the state's intermediate appellate court. The court has 15 judges who serve eight-year terms and hear cases in panels of three. The court is led by a chief judge, who is appointed by the chief justice of the Supreme Court of North Carolina. The Court of Appeals reviews the proceedings that occurred in the trial courts for errors of law or legal procedure. Most of the court's sessions are held in Raleigh, but individual panels sometimes meet in other locations throughout North Carolina.



*The Court of Appeals building is located at 1 West Morgan Street.*

Like the Supreme Court, the Court of Appeals decides only questions of law – not questions of fact. Its decisions are printed in the bound North Carolina Court of Appeals reports and posted online at [appellate.NCcourts.org](http://appellate.NCcourts.org) at the same site as opinions of the Supreme Court. Both appellate courts are located in downtown Raleigh.





## TYPES of COURT

### *Trial Division*

#### **Superior Court Division**

Unlike the appellate division that decides only questions of law when a party appeals a case, the superior and district court divisions are the trial court divisions that hold trials to determine the facts of cases. The superior court division consists of the superior court, which is the court with general trial jurisdiction. This court “sits” (holds court) at least twice a year in each county of the state. In the busiest counties, several sessions may be held concurrently each week.

#### **District Court Division**

Like the superior court division, the state is divided into district court districts for electoral purposes and administrative purposes. (A map of the district court judicial districts is available at [NCcourts.gov](https://www.nccourts.gov)). Also like the superior court, the district court sits in the county seat of each county. It may sit in certain other cities and towns if authorized by the General Assembly. Most counties have only one seat of court, but a few counties have several. Unlike the superior court, the district court districts are not grouped into larger judicial divisions. Each administrative district court district has a chief district court judge who manages the administrative duties of the court.

#### **Magistrates’ Courts**

Magistrates hold court in both civil and criminal matters as officers of the district court under the supervisory authority of the chief district court judge. Magistrates do not preside over a separate trial division of the General Court of Justice, so technically there is no such court as “magistrate’s court.” In the civil context, magistrates generally are assigned by the chief district court judge to preside over “small claims” court. For criminal matters, magistrates conduct certain preliminary proceedings and are authorized to dispose of some cases by pleas of guilty or by trial.



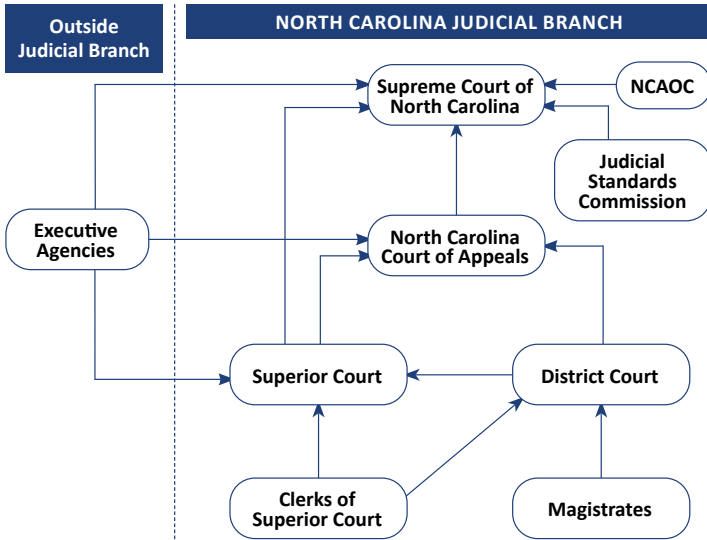
## NCAOC

The North Carolina Administrative Office of the Courts (NCAOC) provides services to help North Carolina’s unified court system operate more efficiently and effectively, taking into account each courthouse’s diverse needs, caseloads, and available resources. The NCAOC’s approach is to apply professional expertise consistently and uniformly in the best interest of the court system. NCAOC is intently focused on expanding court programs and services to provide equal access to justice. Following are a few highlighted areas of NCAOC’s services. Learn more at [NCcourts.gov](https://www.nccourts.gov).

*justice for all*



# COURT STRUCTURE *and* ROUTES *of* APPEAL



*North Carolina's unified court system handles nearly 3 million cases each year; cases that help keep our citizens safe, our economy vibrant, and our rights and liberties secure.*



## NORTH CAROLINA JUDICIAL BRANCH SEAL

The North Carolina Judicial Branch seal includes elements also found in the seal of the Supreme Court of North Carolina.

Elements and symbolism in the seal include:

- Lady Justice symbolizes the moral force in judicial systems.
- The balanced scales held by Lady Justice represent the impartiality with which justice is served.
- The sword held by Lady Justice symbolizes the power of justice and reason.
- The phrase "Suum Cuique Tribuere" is Latin for "To render to every one his own."
- The dark blue symbolizes authority, confidence, dignity, intelligence, stability, trust, and truth.
- The gold represents courage, illumination, knowledge, and wisdom. Gold is also a precious metal associated with wealth and prosperity – which solidifies the Judicial Branch as being a co-equal branch of government also of high value and worth its weight.





*We must educate North Carolinians and improve public understanding of the vital role that courts perform in protecting our constitutional rights and responsibilities.*



[NCCOURTS.GOV/LEARN](https://nccourts.gov/learn)

### **Civics Education**

Material is designed for a variety of groups like Speakers Bureau events, presentations to school age children, and other adults groups. The material is meant to provide a consistent and uniform message across the state. If you have ideas to improve material or would like to request a free speaker for your group's next meeting, please contact us at [events@NCCourts.org](mailto:events@NCCourts.org).

### **Speakers Bureau**

Throughout the state of North Carolina, judicial officials and court staff, as well as private attorneys, have signed up to volunteer as speakers in their local communities. Each speaker brings their own unique perspective on their role within the judicial system, as well as inform the audience about the establishment of the North Carolina court system and its impact within our communities.



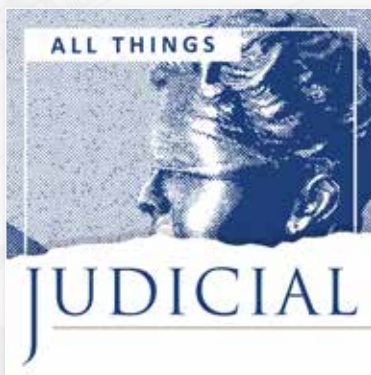


## JUDICIAL BRANCH PODCAST

[NCCOURTS.GOV/PODCAST](http://NCCOURTS.GOV/PODCAST)

### All Things Judicial

All Things Judicial is a podcast about the important role of the North Carolina Judicial Branch in state government. With each episode, you'll hear interviews from recognizable figures in our judicial communities and learn about topics you may not have realized were related to what we do every day — human trafficking prevention, civics education, and the modernization of our courts, just to name a few.



## MORE INFORMATION

Learn more about North Carolina's state government at [NC.gov](http://NC.gov).

Learn more about the North Carolina Judicial Branch and court system at [NCCourts.gov](http://NCCourts.gov).

Learn more about North Carolina Judicial Branch Speakers Bureau and civics education resources at [NCCourts.gov/learn](http://NCCourts.gov/learn).





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North Carolina Administrative  
Office of the Courts



All Things Judicial