

**THE
JUDICIAL SYSTEM
IN
NORTH CAROLINA**



**ADMINISTRATIVE OFFICE OF THE COURTS
Raleigh, North Carolina**

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Contents

The North Carolina Court System	3
The Appellate Division	3
The Superior Court Division	5
Judges	5
Jurisdiction	7
The District Court Division	7
Judges	7
Magistrates	7
Jurisdiction	7
State Judicial Council	9
Innovative Courts	10
Justices and Judges	11
District Attorneys	12
Clerks of Superior Court	12
Administrative Office of the Courts	12
Guardian Ad Litem Program	13
Judicial Support Personnel	13
Court Reporters	14
Juries	14
Representation of Indigents	15
Sentencing Services Program	16
Financial Support of the Courts	16
Alternative Methods of Dispute Resolution	16
Related Agencies (under the Judicial Branch)	18
The Judicial Standards Commission	18
North Carolina Sentencing and Policy Advisory Commission	18

Related Agencies (not under the Judicial Branch) .	18
The Department of Justice	18
The Governor’s Crime Commission	19
North Carolina State Bar	19
The General Assembly	19
Education and Training of Court Personnel	20
Administrative Office of the Courts	20
School of Government	20
Private Organizations	21
Private Associations of Court Personnel	21
North Carolina Bar Association	21
North Carolina Academy of Trial Lawyers	21
North Carolina Association of Black Lawyers	21
North Carolina Association of Women Attorneys	21
North Carolina Association of Defense Attorneys ...	21
North Carolina Judicial Branch Data	22

THE NORTH CAROLINA COURT SYSTEM

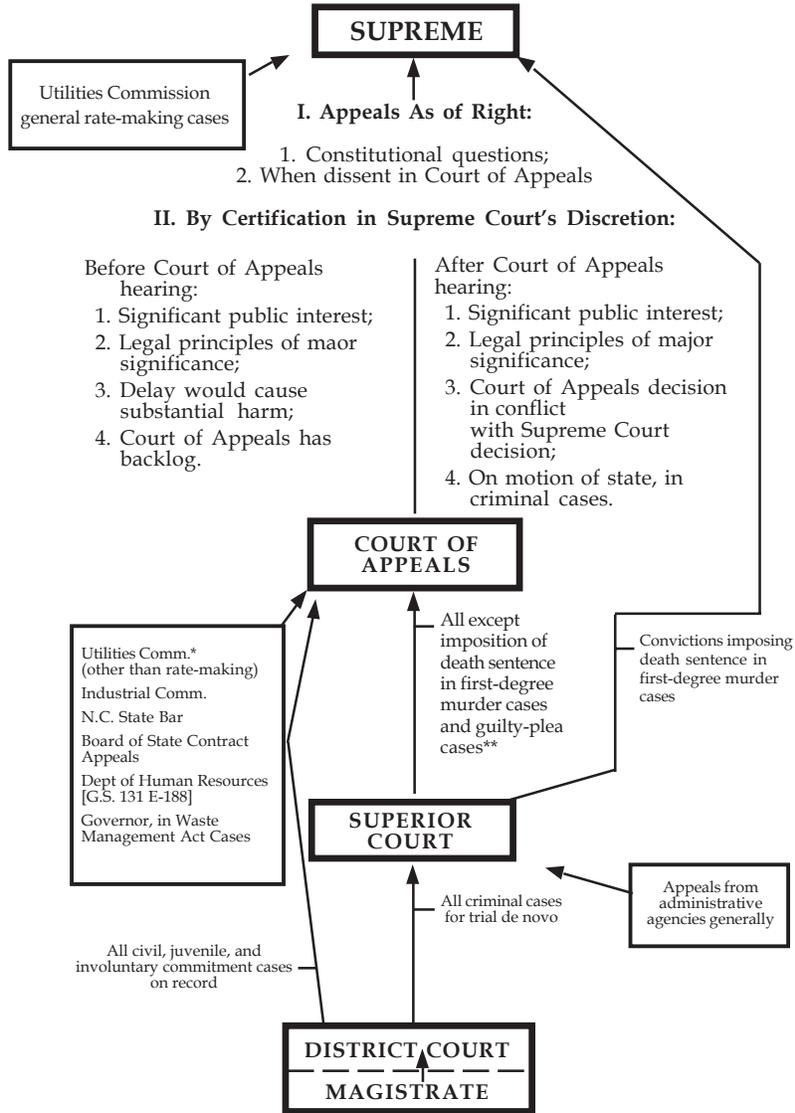
Under Article IV of the N.C. Constitution, the Judicial Branch is established as a co-equal branch of our state government. North Carolina's court system, called the General Court of Justice, is a unified statewide and state-operated system consisting of three divisions: the Appellate Division, the Superior Court Division and the District Court Division. Before 1966, North Carolina operated under a hybrid court system with a supreme court (the appellate court) and a superior court (general jurisdiction trial court) funded by the state and uniform statewide. But lower courts were operated and funded by cities and counties, and jurisdiction of the courts varied. In one county a municipal court might handle certain types of cases, while in another county, a different court would handle the same matters. At one time North Carolina had 256 various lower courts. Clerks of superior court and justices of the peace worked on a fee basis: A justice of the peace received a fee upon finding a defendant guilty, but no fee if the defendant was found not guilty. Needless to say, that procedure alone caused much consternation about the judicial system. The North Carolina Bar Association appointed a committee to study the court system in the 1950s. The committee, named the Committee on Improving and Expediting the Administration of Justice in North Carolina, was known as the "Bell Commission" because its chairman was J. Spencer Bell, an attorney from Charlotte. After a thorough study, the Bell Commission recommended a complete restructuring of the judicial system to the General Assembly. In 1962, the voters of North Carolina approved a constitutional amendment creating North Carolina's present court system. The system began operation in 1966. Jurisdiction of the courts of North Carolina is now uniform throughout the state. At the trial level, original jurisdiction over misdemeanors, minor civil cases, juvenile matters and domestic relations was taken from the superior court and given to the district court, and the many varied city and county courts were replaced by a uniform district court system. The justices of the peace and mayor's courts were replaced by magistrates, who operate within the District Court Division. On the appellate level, an intermediate appellate court – the Court of Appeals – was created in 1967 to relieve the heavy caseload of the Supreme Court.

Among the significant changes brought about by this uniform judicial system was the centralization of administration and budgeting. All court personnel are paid by the state; the Administrative Office of the Courts (AOC), under the chief justice, is responsible for developing a single budget for the entire judicial system.

The Appellate Division

The Appellate Division of the General Court of Justice is composed of the Supreme Court and the Court of Appeals. The Supreme Court is the state's highest court. This court has a chief justice and six associate justices, who sit as a body in Raleigh and hear oral arguments in cases appealed from lower courts. The Supreme Court has no jury, and it makes no determinations of fact; rather, it considers errors in legal procedures or in judicial interpretation of the law and hears arguments on the written record from the trial below. Its decisions are printed and distributed in bound volumes known as "North Carolina Reports" and may also be found on the internet at www.nccourts.org. The Supreme Court's caseload has consisted primarily of cases involving questions of constitutional law, legal questions of major significance

Chart 1
General Court of Justice
Routes of Appeal



* Appeals from the agencies must be heard by Court of Appeals before Supreme Court can hear them.
** Postconviction-hearing appeals and reviews of valuation of exempt property under G.S. Ch. 1C are final with the Court of Appeals.

and appeals from convictions imposing death sentences in first-degree murder cases.

The Court of Appeals is an intermediate appellate court. It is composed of fifteen judges, who sit in panels of three. Most of the court's sessions are held in Raleigh, but individual panels have on occasion sat in other localities throughout the state. Like the Supreme Court, the Court of Appeals decides only questions of law. This court was created to relieve the Supreme Court of a portion of its caseload. Except in very limited circumstances, a party dissatisfied with the results in the trial division has a right to be heard by one or the other of these courts and in some cases by both.

Chart 1 on page 4 shows the routes of appeal. First-degree murder convictions for which the defendant is given the death penalty go directly to the Supreme Court from superior court. The Utilities Commission's general ratemaking cases go directly from the Commission to the Supreme Court. All other cases go to the Court of Appeals. Cases involving a constitutional question and cases in which there is a dissent in the Court of Appeals go to the Supreme Court from the Court of Appeals by right (that is, the appealing party has a right to have the case heard). Other cases go to the Supreme Court by certification (that is, the Supreme Court decides whether to review the case that has been decided by the Court of Appeals and in some cases, the Supreme Court decides to take a case directly, bypassing the Court of Appeals).

The Supreme Court and the Court of Appeals are located in downtown Raleigh. Each court has a clerk, who is the court's administrative officer. Each justice or judge has two research assistants, who must be law school graduates.

The Superior Court Division

The Superior Court Division consists of the superior court, which is the court with general trial jurisdiction. This court sits at least twice a year in each county of the state. In the busiest counties, several sessions may be held concurrently each week.

The state is divided into superior court districts for electoral purposes and for administrative purposes. Where the superior court district is composed of less than one county, several superior court electoral districts become one district for administrative purposes. For example, Wake County has four superior court districts – 10A, 10B, 10C and 10D – for electoral purposes, but all are joined together for administrative purposes with only one senior resident superior court judge for the four electoral districts. The state also is divided into eight divisions for rotation purposes. The map on page 6 shows the superior court districts and divisions.

Judges. The senior resident superior court judge is the most senior judge in each of the administrative districts and is responsible for carrying out various administrative duties and appointing magistrates and some other court officials. The number of judges in a judicial district is specified by the General Assembly and is based on the volume of judicial business.

The constitution requires superior court judges to rotate, or "ride the circuit," from one district to another in their division. Judges are assigned to a judicial district for a six-month period and then rotated to another district for the same time period. In the past many judges spent months or years holding court 100 miles or more away from their own homes, commuting on weekends or, in some instances, establishing a second home in the district to which they are temporarily assigned. Rotation of judges costs the state more than would a non-rotation system because of substantial travel expenses. It also allows a lawyer, by delaying a case, to "shop" for the judge before whom the lawyer wishes to present a case. It may also mean that several judges hear parts of a case at different times rather than one judge seeing the entire case through. On the other hand, the rotation system helps avoid any favoritism that might result from always having a judge hold court where he or she lives, has close friends among the lawyers and might be more personally familiar with and interested in the particular cases tried. It also contributes to uniformity of procedure. The frequent changes of judges tend to discourage the development of local rules that are unique to that area.

In recent years, the chief justice has tried to balance the requirement for rotation with the need to better manage cases moving through the system by assigning all resident superior court judges to their home districts more frequently and senior resident judges even more frequently, and by designating certain cases as "extraordinary cases," which means that one judge is assigned to hear all matters in that case. In 1999 the General Assembly substantially shortened rotation distance by splitting four divisions into eight.

In addition to regular superior court judges, the governor appoints special superior court judges to

five-year terms. These judges are not elected and may reside in any county. Special superior court judges may be assigned to hold sessions of court in any county of the state where they may be needed without regard to their district of residence or rotation requirements. Theoretically, a special judge over the years could sit in every county of the state. In practice, they are usually assigned to those counties closest to their residence.

Jurisdiction. The civil jurisdiction of the superior court is concurrent with that of the district court, which means that for most cases, the case can be filed in either court. However, cases involving more than \$10,000 in money and a few special categories of cases (injunctions, constitutional issues, eminent domain actions and corporate receiverships) are usually tried in superior court. A jury of twelve persons is available in civil cases.

As to criminal jurisdiction, the superior court has exclusive jurisdiction (only that court can try the case) over all felonies (major crimes) and jurisdiction over misdemeanors (minor crimes or crimes not identified as felonies) and infractions (minor non-criminal motor vehicle violations) appealed from a conviction in district court. Trials are by a jury of twelve. In criminal cases appealed from the district court, the defendant gets a trial de novo (a whole new trial).

The District Court Division

The state is also divided into district court districts for electoral purposes and for administrative purposes. The map on page 8 shows the district court judicial districts. Like the superior court, the district court sits in the county seat of each county. It may also sit in certain other cities and towns specifically authorized by the General Assembly. Most counties have only one seat of court, but a few counties have several.

Judges. District court judges, like superior and appellate court judges, serve full time and are forbidden from practicing law privately. Each district has from two to seventeen judges, depending on population and geography. The chief justice appoints one judge in each district as chief district court judge. The responsibilities of the chief district court judge include assigning all of the judges of the district to sessions of court; prescribing the times and places at which magistrates will discharge their duties; assigning civil (small claims) cases to magistrates for trial; and promulgating schedules of minor traffic, wildlife, boating, marine fisheries, state park recreation, alcoholic beverage and littering offenses for which magistrates and clerks of court may accept written appearances, waivers of trial and pleas of guilty.

Magistrates. Magistrates for each county are appointed for two-year terms by the senior resident superior court judge on nomination of the clerk of superior court. The minimum numbers of magistrates allowed in each county are fixed by law. Magistrates are officers of the district court, and they are subject to the supervision of the chief district court judge in judicial matters and the clerk of court in clerical matters. Some are assigned to be on duty forty hours per week and others for less time, as determined by the chief district court judge in consultation with the AOC. Their salaries are paid by the state and are based on length of service and number of hours worked per week.

Jurisdiction. The jurisdiction of the district court is somewhat complicated and can be explained clearly only by reference to both trial court divisions, including the magistrate. In addition, for convenience, the subject will be treated in four categories: civil, criminal, juvenile and magisterial.

Civil. Except for the clerk of superior court's exclusive original jurisdiction over the probate of wills, the administration of decedents' and incompetents' estates, and the administration of trusts, civil jurisdiction is concurrent between the superior and district trial divisions of the General Court of Justice. But the District Court Division is the proper division for cases involving amounts in controversy of \$10,000 or less, and the Superior Court Division is proper for cases involving amounts in controversy over \$10,000. Normally this \$10,000 dividing line is followed, but if the parties consent for reasons of speed or convenience, cases may be filed and tried in the "improper" division. No case is ever "thrown out," therefore, for lack of jurisdiction, although a case may be transferred to the proper division.

Exceptions to the general "proper division rule" arise in certain specific subject-matter categories. For example, civil domestic relations matters (divorce, custody and support of children) are properly the business of the district court, while the superior court is the proper forum for constitutional issues, special proceedings, eminent domain actions, corporate receiverships and review of certain administrative agency rulings. Civil cases involving amounts not over \$5,000 (as of October 1, 2004) may, under certain conditions,

be assigned to a magistrate for trial as a "small claims" action. A jury may be requested for trial of a civil case before a district court judge but not before a magistrate. Generally, parties are represented by attorneys in district court, while they appear on their own in trials before a magistrate. However, North Carolina law does not prohibit attorneys from representing clients in small claims court and allows parties to represent themselves (called appearing pro se) in any court in the state.

Criminal. The criminal jurisdiction of the district court is less complicated. Because felony cases must be tried in the superior court, the district court has authority in those cases only to conduct preliminary hearings to determine whether there is probable cause to bind the defendant over to the grand jury for indictment to stand trial in superior court. Under certain conditions, the district court may take guilty pleas to Class H and I felonies. In misdemeanor cases, the district court has exclusive original jurisdiction that, with respect to very minor offenses, it shares with the magistrate. Trial of a criminal case in district court is always without a jury. A defendant is guaranteed the right to a jury trial by appeal to the superior court.

Juvenile. The district court also has jurisdiction over juvenile matters. These cases concern children under the age of sixteen who are "delinquent" and children under the age of eighteen who are "undisciplined," "dependent," "neglected" or "abused." Proceedings involving children who may be found to belong in one of these statutory categories are initiated by petition (as distinguished from the arrest warrant used in adult cases). The court appoints an attorney to represent a juvenile at a delinquency hearing and appoints a guardian ad litem to represent the juvenile at an abuse or neglect hearing.

Magisterial. Magisterial jurisdiction is both civil and criminal. The magistrate's authority in criminal matters is limited to (a) accepting guilty pleas to minor misdemeanors and pleas of responsibility to infractions; (b) accepting waivers of trial and guilty pleas to certain traffic, littering, wildlife, boating, marine fisheries, state park recreation and alcoholic beverage violations; and (c) accepting waivers of trial and guilty pleas in worthless check cases in which the check is for \$2,000 or less. If specifically authorized by the chief district judge, the magistrate may also hear cases and enter judgment on a plea of not guilty to a worthless check case in which the check is for \$2,000 or less. The magistrate also issues arrests and search warrants and sets conditions for pretrial release for persons who have been arrested.

For the minor littering, traffic, wildlife, boating, marine fisheries, state park recreation and alcoholic beverage offenses, the fine for each offense is fixed in advance by a uniform statewide schedule promulgated by the chief district judges (called the waiver lists). As such, the magistrate has neither trial nor sentencing discretion in these cases, and so the fine that a person is charged with for an offense is uniform throughout the state. The magistrate or clerk assesses the fine according to the uniform schedule.

In civil cases, the magistrate is authorized to try small claims involving up to \$5,000 money value (as of October 1, 2004), including summary ejection (landlord's action to oust a tenant) cases, assigned by the chief district judge. Attorneys do not usually represent the parties, and simplified trial procedures are followed. Trial is always without a jury. The magistrate's judgment has the same effect as that of a district judge and is placed in the records of the clerk of superior court. An appeal from magistrate's court to district court gives the appealing party an entirely new trial.

Besides hearing small claims cases, the magistrate is authorized to perform various quasi-judicial or administrative functions formerly discharged by justices of the peace. Of these, performance of the marriage ceremony is the most common. The magistrate is the only civil official in the state who can perform a marriage. Other authorized functions of the magistrate include assigning a year's allowance to a surviving spouse and administering oaths.

State Judicial Council

The State Judicial Council was created by the General Assembly in 1999 to promote overall improvement in the Judicial Branch. The statutory duties of the Council are to advise the chief justice on priorities for funding, review the Judicial Branch budget, study and recommend to the General Assembly salaries of judges and compensation for judicial officials, recommend the creation of judgeships, recommend performance standards for courts and judicial officials, recommend guidelines for the assignment and management of cases, monitor the use of alternative dispute resolution, recommend changes in the boundaries of judicial districts and divisions, and monitor the effectiveness of the Judicial Branch in serving the public.

The Council is comprised of eighteen members who represent every court function, private attorneys, and the public. The AOC provides staff assistance to the Council. The Council has a standing Alternative

Dispute Resolution committee that advises the chief justice on needed rule changes for court-ordered alternative dispute resolution programs and recommends the establishment of new programs. The Council also has standing committees on performance standards, public trust, Judicial Branch salaries, and court organization and jurisdiction.

Innovative Courts

Two innovative courts – family courts and drug treatment courts – are being utilized in North Carolina to deal with certain problems where the traditional adversarial system is not always appropriate. In these two courts, the court system becomes a problem solver as well as a decider of facts. Family courts and drug treatment courts have been successful initially, expanded beyond the original pilot programs, and are likely to expand further in future years.

Family courts are district court sessions set up to deal with a particular family's multiple issues, such as divorce, child custody, adoptions and abuse. Traditionally the court has dealt with each family issue as a separate, individual case before whichever judge was assigned to hold court the date of the hearing. Family court assigns each family to one judge who will be able to gain an understanding of the needs of the family and see the entire picture of the family. The court also encourages families to resolve conflicts through mediation and will see that services are provided at an earlier stage of the proceedings. Intensive case management services are provided to make sure that cases move through the system as quickly as possible and coordinate available court and community resources needed by a particular family.

A second innovative type of court is the drug treatment court, created to deal with the serious problem of the effect of substance abuse on repetitive criminal behavior. Rather than only punishing a defendant for criminal acts, this court provides intensive treatment and case tracking services in order to reduce defendants' substance abuse dependence and recidivism. To be eligible for the treatment court, a defendant must be addicted, must want to participate in the program, must not be charged with drug trafficking, and must be eligible for community or intermediate punishment. Most participants are multiple offenders for whom other programs have been unsuccessful. In drug treatment courts, the judge, prosecutor, defense attorney, probation officer, community policing officer, treatment provider and case manager work together in an ongoing, non-adversarial fashion not only to ensure that defendants in the program are given appropriate resources to address their treatment needs, but also to hold defendants accountable for their behavior while in the program. Defendants must participate in intensive treatment, followed by therapy for at least one year. Each participant must undergo drug tests, be employed or attend school, and attend frequent court hearings. There are also juvenile drug treatment courts for nonviolent juvenile offenders whose drug or alcohol abuse is affecting their lives, as well as family drug treatment courts that work with drug-abusing parents who are in danger of losing custody of their children due to abuse or neglect charges.

Still, another initiative worth mentioning is the business court that operates in the superior court. As a result of a recommendation by the North Carolina Commission on Business Laws and the Economy, in 1995 the North Carolina Supreme Court, by rule, designated a special superior court judge for complex business cases. The court was created to make the court system as responsive and predictable as possible in dealing with complex corporate issues and is patterned on a similar system in Delaware. The chief justice, a senior resident superior court judge, chief district court judge, or presiding superior court judge may designate a case as complex business, and it is automatically assigned to the special superior court judge for complex business cases. Although the rule does not define "complex business case," cases involving significant issues under the Business Corporation Act, Professional Corporations, Limited Liability Companies, Partnerships, Securities Act, Tender Offer Disclosure Act, and Investment Advisors Act will be designated as complex business cases. A key factor in deciding whether to designate a case as a complex business case is whether the outcome will have implications for business and industry beyond the conflicts of the parties to the litigation. The designation of a case as a complex business case results in the assignment of litigation to one judge for handling all of the pretrial matters as well as the trial of the case, which differs from the normal superior court procedure of having whichever judge is assigned under the rotation system hold court for that week to hear the particular issue on the calendar. Specialization also allows the judge to develop proficiency in both the substantive law and case management issues that arise in complex business cases. In turn, that increased level of expertise will lead to greater efficiency and predictability.

Justices and Judges

In North Carolina, judges must be attorneys. (Magistrates need not be attorneys.) Judges are elected. Supreme Court justices and Court of Appeals judges are nominated and elected in non-partisan elections by the voters of the entire state to eight-year terms. Superior court judges are nominated and elected in non-partisan elections by the voters of their districts to eight-year terms. District court judges are nominated and elected in non-partisan elections by the voters of their districts to four-year terms.

When a vacancy arises (usually through death or midterm retirement) in a judgeship, the governor fills the vacancy by appointment effective until the next general election (except for district court judges, who are appointed for the remainder of a term). Many judges initially obtain office this way rather than through election. Thus, while the constitution provides for election of judges, many first attain office by appointment.

Over the years, there has been much discussion about the method of selection of judges. Many states appoint rather than elect judges, with some using a commission to recommend to the governor or to appoint (usually called merit selection) and others providing for appointment by the governor with legislative approval. Numerous bills to change the method of selection of judges have been introduced in the General Assembly during the past several years. Rather than provide for the appointment of judges, the General Assembly changed the method of election from partisan to non-partisan elections for superior court judges in 1998 and for district court judges in 2002. Appellate judges are elected in non-partisan elections.

Because judges do run in primaries and elections (either to attain a judgeship initially or to hold a seat originally attained by appointment), judges must campaign for office and seek contributions like other elected officials. However, because judges are expected after election to be impartial, the Code of Judicial Conduct (as adopted by the state Supreme Court) places certain limitations on the campaign practices of judges and candidates for judicial office. It allows a judge or candidate to attend, preside over, and speak at any political party gathering and allows the judge or candidate to be listed within publicity. However, the judge or candidate cannot expressly endorse another candidate (except when a judge is a candidate). The judge may conduct a joint campaign with others seeking election to judicial office. A judge may make financial contributions to a political party but not to anyone seeking election except to the judge's own campaign. A judge may personally solicit campaign funds and request public support from individuals but may not solicit funds for a political party or another candidate. (Note: The North Carolina Public Financing Fund was established in 2002 to finance the election of certified candidates for office and to pay administrative and enforcement costs of the State Board of Elections. This fund is available to candidates for justice of the Supreme Court and judge of the Court of Appeals.)

The Code further provides that a judicial candidate should maintain the dignity appropriate to judicial office, should prohibit officials or employees subject to the judge's discretion or control from doing for the judge what he or she is prohibited from doing for himself or herself, and should not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office.

The Code covers all aspects of judicial conduct, not merely conduct with regard to political matters. It requires a judge to perform the duties of the office impartially and diligently and sets out standards for meeting these duties – including when a judge should disqualify himself or herself in a proceeding in which the judge's impartiality might be questioned. Also, the Code requires a judge to file a public report of extra-judicial activities for which the judge receives compensation. A judge who violates the code may be subject to disciplinary action by the Judicial Standards Commission. The Commission is discussed further under the "Related Agencies" section of this book. The Code of Judicial Conduct is printed in the volume of the North Carolina General Statutes entitled "Rules."

Judges may be removed by the General Assembly by impeachment or address; may be removed by the Supreme Court after recommendation of the Judicial Standards Commission for mental and physical incapacity that interferes with performance of the judge's duties; or may be censured or removed by the Supreme Court after recommendation of the Judicial Standards Commission. Grounds for such censure or removal by the Supreme Court after recommendation of the Judicial Standards Commission include willful misconduct in office, willful and persistent failure to perform judicial duties, habitual intemperance, or conviction of a crime involving moral turpitude or conduct prejudicial to the administration of justice and that brings the judicial office into disrepute.

Magistrates are not under the jurisdiction of the Judicial Standards Commission. However, the

grounds for removing magistrates are the same as for removing judges. The statutes provide a removal procedure for misconduct after notice and a hearing before a superior court judge.

North Carolina has a mandatory retirement age of seventy-two for judges. There is no mandatory retirement age for magistrates.

District Attorneys

In all criminal and some juvenile matters, the district attorney represents the state. District attorneys are elected to four-year terms in partisan elections by the voters of their districts. Each district has four or more full-time assistant district attorneys, depending on the caseload, who serve at the pleasure of the district attorney. They are paid by the state. District attorneys and their assistants are required to devote full time to their prosecutorial duties and may not engage in the private practice of law. Each district attorney has an administrative assistant to aid in office administration and calendaring of cases, at least one victim-witness/legal assistant, and other clerical support staff. Many also have a staff investigator. A district attorney may be removed from office for misconduct after a due process hearing before a superior court judge.

The primary duty of the district attorney, with his or her assistants, is to prosecute all criminal cases and infractions filed in the superior and district courts in the district. Other duties include preparing the criminal trial docket, advising law enforcement officers in the district, performing such duties related to appeals to the Appellate Division from the district as the attorney general may require and representing the state in certain juvenile cases.

In this state, district attorneys have great discretionary power. They make decisions including, but not limited to, the control of case scheduling, the prosecution of cases, and which cases to accept a plea for a lesser offense than that for which the defendant was indicted. The district attorney's authority over cases is limited once the case is placed on the criminal calendar.

Clerks of Superior Court

The clerk of superior court is elected in a partisan election to a four-year term by the voters of the county. Clerks are paid by the state, with their salaries scaled in accordance with the population of their counties. As one would expect, the clerk is responsible for all clerical and record keeping functions of the superior court and district court. However, the clerk also has numerous judicial functions. The clerk is judge of probate - that is, the clerk handles the probate of wills (proceedings to determine if a paper writing is a valid will) and the administration of estates of decedents, minors and people who are incompetent. The clerk also hears a variety of special proceedings such as adoptions, incompetency determinations and partitions of land, and handles the administration of trusts. In criminal matters the clerk is empowered to issue arrest and search warrants, although they infrequently use this authority, and to exercise the same powers as a magistrate with respect to taking waivers of trial and pleas of guilty to minor littering, traffic, wildlife, boating, marine fisheries, alcoholic beverage, state park recreation and worthless check offenses.

Each clerk has a number of assistants and deputies. The number of assistants and deputies that each clerk may employ varies from county to county depending on the volume of business. Assistant and deputy clerks are paid on a salary schedule fixed by the AOC based on education and years of service in the clerk's office. The maximum and minimum salaries within that scale are set by the General Assembly. The clerk's books and accounts are subject to audit by the state auditor, and the clerk is bonded by a blanket state bond. In the event of a clerk's misconduct or mental or physical incapacity, the senior resident superior court judge serving the clerk's county is authorized, after notice and a hearing, to remove the clerk.

Administrative Office of the Courts

The AOC is the organization that is responsible for administrative matters for the Judicial Branch throughout the state. The chief justice of the state Supreme Court appoints the director of the AOC, who supervised the agency. The chief justice also appoints an assistant director, who serves as administrative assistant to the chief justice.

The AOC's basic responsibility is to aid in maintaining an efficient court system. To that end, the AOC

establishes fiscal policies and prepares the budget for the Judicial Branch. Equipment and supplies are purchased through the AOC's purchasing division. Except for those salaries set by the General Assembly, the AOC's human resources division recommends pay plans and evaluates job classifications. Another AOC function is to prepare and distribute standardized forms and records for use in the state's 100 counties. The clerk of superior court in each county operates a unified record keeping and record retention system prescribed by the AOC. To this end, the AOC has spent a considerable amount of time and resources developing electronic data processing and record keeping systems for court officials. The AOC also collects and publishes statistics on the work of the courts, helps develop training programs for court officials, and provides educational materials.

In addition, the AOC is responsible for providing information technology resources to the court system. This role includes development and maintenance of new information systems; procurement, maintenance and support of all computer hardware and software; maintenance and development of AOC's statewide network for voice and data communications; and operation of AOC's data center. The AOC has developed and continues to maintain the North Carolina Court System web site, www.nccourts.org, which serves the public and hosts individual county web sites.

The AOC also handles the assignment of superior court judges. North Carolina has one of the nation's most comprehensive systems of rotation for superior court judges. The scheduling is worked out primarily by the assistant director of the AOC, who sends each judge information on where the judge will be holding court for the next specified period of time and publishes the schedule on an annual basis.

Guardian Ad Litem Program

An Office of Guardian ad Litem Services was established in the AOC in 1983 to provide statewide guardian ad litem services to juveniles who are alleged to be abused, neglected or dependent. A "guardian ad litem" is a person who is appointed to serve as an advocate for a child in a particular case or proceeding. In each judicial district of the state, there is at least one program coordinator, who is a paid employee, a program attorney, and volunteer guardians ad litem. The responsibility of the guardian ad litem program at the state level is to assure that there are sufficient volunteer guardians ad litem who are adequately trained to carry out their duties. The duties of guardians ad litem are to make an investigation to determine the facts, the needs of the juvenile and the available resources within the family and community to meet those needs; to facilitate, when appropriate, the settlement of disputed issues; to explore options with the judge at the court hearing; and to protect and promote the best interest of the juvenile.

Judicial Support Personnel

Personnel are provided to support the judges who preside over district and superior court. Judicial assistants perform a variety of administrative and secretarial functions, including preparing documents and tracking the status of cases. Trial court coordinators perform a variety of administrative and case management functions, as well as assisting with legal research and the development of case management procedures.

In 1979, following favorable results in a grant-funded pilot project, the General Assembly established state-funded trial court administrator positions to help court officials manage their trial court procedures. Trial court administrators are responsible for carrying out the policies of the senior resident superior court judge and the chief district court judge. They also provide general management for the operations of the courts in their 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.

The general duties of trial court administrators, set forth in G.S. 7A-356, include assisting in managing civil dockets, improving jury utilization, establishing and managing local rules, supervising coordination of alternative dispute resolution procedures, and serving as technical resources to other court officials (i.e., the clerk of superior court, the district attorney, and the public defender). They may also serve as the court's liaison with other governmental and private organizations, the press, and the public.

Court Reporters

The senior resident judge for the superior court appoints court reporters for the judicial district. Compensation is set by the appointing judge within limits fixed by the AOC. Reporters are required to record the courtroom proceedings verbatim, including testimony of witnesses, orders, judgments and jury instructions of the judge. Transcripts of courtroom proceedings are required when an appeal is taken, and reporters prepare transcripts for the appealing parties. The reporter's original notes are state property and are preserved by the clerk. In a few counties, video equipment records the proceedings and court reporters are used only if a transcript needs to be prepared after the trial or other proceeding concludes.

Court reporters are not used in district court proceedings. In civil cases, a record is preserved by audio tape recorder. A party who wishes to appeal hires someone to type a transcript from the electronic recording. If they wish, the parties may hire a court reporter at their own expense. A reporter is not required in district court criminal sessions because, on appeal, there is an entirely new trial.

Juries

In criminal cases, there are no juries in district court or before the magistrate. The superior court has a twelve-person jury. The constitutional right to a jury trial for a criminal defendant charged with a misdemeanor is protected by granting the defendant an automatic right to appeal a conviction in district court to superior court for a new trial. In civil cases, there is a jury of twelve persons on demand in civil district court (except family issues such as divorce, child custody or support, and equitable distribution are always heard without a jury). In superior court, a twelve-person jury is available in civil cases. Magistrates hear civil small-claims cases without a jury. The Appellate Division has no jury.

Every two years, a master jury list is prepared in each county by a jury commission composed of three private citizens. The list is prepared by taking names from voter registration and licensed drivers' rosters in a random, systematic manner to avoid favoritism and discrimination. For each jury session, prospective jurors are randomly selected from this list. North Carolina does not provide an automatic exemption from jury service because of a person's profession or age. All county residents are eligible for jury service except those who have served on the jury in the last two years, who are under eighteen years of age, who are physically or mentally incompetent or who have been convicted of a felony and have not had their citizenship restored. Only the judge can exempt a person who has been called from serving, but a person who is called for jury service and is sixty-five years of age or older may state the reason for seeking an exemption from jury service in writing rather than having to personally appear before the judge. A trial juror's service is normally one week. However, some counties are using a system in which jurors are summoned for one day or one trial rather than one week. An employer may not discharge or demote any employee because of the employee's service as a juror.

The grand jury consists of eighteen persons, half drawn from the jurors called for the first criminal term after January 1 and half from those called for the first criminal term after July 1. Indictment (official accusation by the grand jury) is a necessary prerequisite to trying a person initially in the superior court, unless the accused waives it. The accused may waive indictment in all cases except those for which the punishment would be death. A grand jury member serves twelve months. The grand jury usually meets for one or two days at the beginning of each criminal session or once a month in counties with multiple criminal sessions. A few large urban counties have two grand juries to avoid imposing unduly on those called to serve in this capacity.

Representation of Indigents

Defendants accused of crimes (except for minor offenses that in fact will not result in a sentence of imprisonment) who are financially unable to employ a lawyer to represent them are entitled to the services of a lawyer at state expense. The General Assembly created the Office of Indigent Defense Services in 2000, housed in the Judicial Branch but independent from its supervision, to administer the indigent representation system. The General Assembly also created a thirteen-member Commission on Indigent Defense Services to develop standards for indigent representation and to develop and improve programs by which the Office of Indigent Defense Services provides legal representation to indigent persons. The Commission appoints the director of the Office of Indigent Defense Services. The indigent defense program previously was run directly by the AOC. The new office was created to improve the quality, efficiency, and cost-effectiveness of the state's indigent defense program. The office's goals are to ensure that every attorney representing indigent defendants has the qualifications, training, support, and resources they need to be effective advocates; to create a system that will eliminate the recognized problems and conflicts caused by judges appointing and compensating defense attorneys; and to manage the state's indigent defense fund in a more efficient and equitable manner.

In most judicial districts, the clerk or trial judge assigns a local attorney to represent an accused who is determined to be indigent. For capital cases, the Office of Indigent Defense Services is responsible for appointing two attorneys to represent the defendant. Fees and necessary expenses of lawyers so assigned are paid by the state from the Office of Indigent Defense Services' budget.

In public defender districts, the assigned counsel system has been supplemented by the public defender system. The public defender is a full-time, state-paid attorney whose sole function is to represent indigent defendants in criminal cases. The public defender's office usually represents most of the indigent defendants in the district, although private attorneys are still called upon to represent indigents. The public defender for each office is appointed to a four-year term by the senior resident superior court judge on the written nomination of the district bar. Because rural districts have a relatively small volume of cases, a public defender system is not likely to be established in these districts.

A state-funded Office of the Appellate Defender began operations in 1981. The Durham-based office was transferred to the Office of Indigent Defense Services in 2000, and the Commission on Indigent Defense Services appoints the appellate defender to a four-year term. The appellate defender's office represents indigent persons who appeal their convictions to the Court of Appeals or the Supreme Court. The office also manages the roster of private attorneys who are eligible for appointment in appellate cases.

A state-funded Office of the Capital Defender began operations in 1999 as a pilot program within the Office of the Appellate Defender. The office was transferred to the Office of Indigent Defense Services in 2000, and the Commission on Indigent Defense Services appoints the capital defender to a four-year term. Since July 2001, regional branches of the office have been established. The capital defender's office represents indigent defendants who are charged with potentially capital offenses. The office also manages the roster of private attorneys who are eligible for appointment in potentially capital cases.

Based on a recommendation from the Commission on Indigent Defense Services, the General Assembly authorized the creation of a new statewide juvenile defender position in 2004. The Commission appointed the first juvenile defender in November 2004, and he took office in January 2005. The juvenile defender's primary responsibilities are to serve as a central resource and contact person for individual juvenile defenders and juvenile associations statewide; field questions from practitioners and perform case consultations as needed; develop ways to connect and support juvenile defense attorneys across the State; evaluate the existing systems and practices, and the current quality of representation, in various areas of the State; identify training needs and work with the School of Government and other groups to formulate a long-term training plan; and develop and maintain a clearinghouse of materials on North Carolina juvenile law and practice.

The state also provides special counsel at each of the state's four mental health hospitals to represent patients in involuntary commitment proceedings.

Sentencing Services Program

The Sentencing Services Program provides sentencing information to judges in selected criminal cases and recommends whether an offender is suited for a particular community corrections program. Judges are presented with a written plan giving a detailed assessment and description of the offender's background. The program was transferred from the direct supervision of the AOC to the Office of Indigent Defense Services in 2002. Sentencing Services programs operate in all judicial districts.

Financial Support of the Courts

Since the unified court system was established, all operating expenses of the Judicial Branch have been borne by the state. These include salaries and travel expenses of all court officials, juror and witness fees, and all equipment and office supplies for the judicial system. Counties and cities, however, continue to be responsible for providing courtrooms and related judicial physical facilities, including furniture. Almost all of the state financing of the judicial system comes from funds appropriated by the General Assembly, with a small portion coming from federal grants.

In civil actions, there are two primary cost items: a General Court of Justice fee that goes to the state for the support of the court system generally and a facilities fee that goes to the county or city that supplies the physical facilities, to be used for the support of the court facilities only. Criminal actions include other fees in addition to the General Court of Justice fee and the facilities fee. The court collects a law enforcement officers' fee for each arrest or personal service of criminal process. This fee goes to the county or city whose officer performed the service. The court also collects a fee that is remitted to the state treasurer for law enforcement officers' retirement and insurance benefits funds. In addition to basic cost items, in particular cases, the party held liable may be charged for other expenses like witness or guardian ad litem fees.

Fines and forfeitures must be distinguished from costs and fees. A fine is a money penalty imposed by the judge on a defendant as punishment upon conviction of a crime. A forfeiture occurs when a judge orders a bond forfeited for failure to meet the conditions of the bond. Under the N. C. Constitution, fines and forfeitures go to the county school fund and are not used to support the court system.

Alternative Methods of Dispute Resolution

In recent years, North Carolina has been experimenting with resolving disputes by methods other than litigation. Court litigation is not the best method for solving all disputes, and the time and cost of litigation has made it important to look to alternative methods of resolving disputes. The North Carolina Bar Association has worked closely with the AOC in supporting efforts to experiment with alternative methods of dispute resolution.

One basic alternative to court litigation is mediation, a process where an impartial third party promotes an exchange among the parties and suggests possible solutions, but the parties themselves actually reach an agreement as to how to resolve their dispute. North Carolina has an extensive mediation program that operates independently of the court system. Mediation is voluntary, and the parties are not required to reach an agreement. Currently, many of the community dispute settlement centers in North Carolina serve more than one county. These dispute settlement centers rely on trained volunteers to serve as mediators. Although many of the centers' cases are generated privately, they also get referrals from the district court on such matters as assault, larceny, trespass, harassment and communicating threats. Some centers mediate worthless check cases and others conduct mediation programs in public schools.

North Carolina also operates court-related mediation programs. In 1991 the General Assembly authorized a pilot program for mediated settlement conferences in superior court cases; today the program is available in all counties. The program requires superior court litigants and their attorneys to participate in a settlement conference with a paid mediator before their case can be tried in court. In 1995, the General Assembly created the Dispute Resolution Commission to administer mediator certification and regulate mediator conduct. The Commission includes judges, mediators, attorneys and citizens.

Mediation also is used in family law cases in the district court. Mediation of child custody and visitation disputes, first begun experimentally in Mecklenburg County, has been endorsed by the General Assembly. Currently, several district court districts have court-ordered mediation of child custody and

visitation disputes. The program will be expanded to other counties as money becomes available. Mediation is viewed as more desirable than traditional litigation to resolve custody disputes. Unlike contract or tort cases where the parties have no contact after litigation, parents need to cooperate for years in making decisions about their children. Also the “win-lose” approach of the adversarial system often does not promote the best interests of the child. Mediators for the child custody cases are not attorneys, but rather must be trained as mediators, have a graduate degree in a human relations field, and have experience in child development and family dynamics so that issues are resolved with the children’s best interest as the central focus.

The Family Financial Settlement Program provides settlement opportunities for equitable distribution, alimony and child support cases. The parties and their attorneys can choose among various dispute resolution options, with mediated settlement similar to superior court mediated settlement conferences, as the default procedure. In 2003, the General Assembly enacted a law creating a collaborative law settlement procedure for all family law issues except absolute divorce. The procedure allows husband and wife and their attorneys to agree in writing to follow the collaborative law procedure in an attempt to resolve Chapter 50 actions (alimony, child custody, child support, equitable distribution) without using the courts. Entering into such an agreement tolls the statute of limitations and other statutory time limits for filing Chapter 50 actions or for proceeding when an action has already been filed.

Another method of alternative dispute resolution being used in North Carolina is court-ordered arbitration. Arbitration is submission of a dispute to a third party who renders a decision after hearing arguments and reviewing evidence. Arbitration is generally less formal and less time consuming than litigation. It has been used for many years by agreement of the parties in commercial or labor contracts. The first court-ordered alternative dispute resolution program enacted in North Carolina was mandatory, non-binding arbitration of civil claims for monetary damages of \$15,000 or less. The program now covers many superior court judicial districts and applies to civil cases for monetary damages of \$15,000 or less (except those cases where the sole issue is collection on an account). A party who is not satisfied with the arbitrator’s decision has a right to have the case heard by the district or superior court judge.

Two modified litigation techniques – mini-trials and summary jury trials – have been tried but are not widely used. Mini-trials are voluntary proceedings before a neutral third party. The parties to the dispute exchange key documents and other information and then present condensed versions of their case to the other side. The decision by the neutral third party is not binding. Summary jury trials are trials in which the parties make a condensed presentation of their evidence to a regular jury. The jury then delivers a verdict, but it is non-binding.

RELATED AGENCIES

(under the Judicial Branch)

The Judicial Standards Commission

The Judicial Standards Commission was established to consider complaints against judges and, where appropriate, to make recommendations for censure or removal. The Commission is authorized to receive written complaints from citizens concerned with qualifications or conduct of any judge and to investigate those complaints. It is also authorized to make an investigation on its own without receiving a complaint. After a complaint has been investigated and the judge has been given a due process hearing, the Commission may recommend to the Supreme Court that the judge be censured and removed. All proceedings before the Commission are confidential except: 1) formal hearings ordered by the Commission, the notice and complaint filed by the Commission concerning the formal hearing and the answer and all other pleadings related to the formal hearing; and 2) recommendations of the Commission to the Supreme Court and the record filed in support of these recommendations.

North Carolina Sentencing and Policy Advisory Commission

In 1990 the General Assembly created the North Carolina Sentencing and Policy Advisory Commission (Sentencing Commission) within AOC to evaluate sentencing laws and policies and their relationship to the purposes of the criminal justice and corrections systems. The Commission is composed of thirty members, including judges, representatives from corrections, attorneys, a member of the Victims Assistance Network and citizens who are not attorneys. In response to a legislative mandate, in its early years the Sentencing Commission devised a new sentencing structure for the state known as structured sentencing.

The Sentencing Commission continues with the charge to monitor the effect of sentencing on the prison population, determine the long-range needs of the criminal justice system and corrections systems, identify critical problems in the criminal justice and corrections systems, and recommend strategies to solve those problems. The Commission has made recommendations to the General Assembly to modify the classification of criminal sentences and to increase the amount of restitution paid by defendants to their victims, and has reported on recidivism rates of criminal defendants. It reports annually to the General Assembly.

RELATED AGENCIES

(not under the Judicial Branch)

The Department of Justice

The N.C. Department of Justice consists of 1) the Office of the Attorney General, with an Administrative Division, Civil Division, Criminal Division and Trade and Commerce Division; 2) a Training and Standards Division; and 3) the SBI. It is the duty and responsibility of the attorney general to appear in all actions, civil or criminal, in the appellate court division in which the state either is interested or is a party and to represent all state departments, agencies and institutions. The attorney general's office consults with and advises the district attorneys whenever they request such assistance, and its Special Prosecutions Section prosecutes criminal cases at the trial level when a district attorney asks it to do so. The attorney general also gives legal opinions on questions of law submitted by public officers. These opinions are usually in response to an inquiry from a governmental official about an unclear area of the law. The attorney general's opinions are of an advisory nature only.

The SBI helps identify and apprehend criminals and also helps in scientifically analyzing evidence of crimes and in investigating and preparing evidence to be used in criminal courts. The SBI aids local law

enforcement officers or district attorneys whenever they ask for help. The Criminal Information Division of the SBI operates a high-speed computerized communication system for receiving and disseminating information to law enforcement agencies and other authorized users (such as schools and foster care agencies) to help them perform their duties. Such information includes data on motor vehicle registration, stolen vehicles, wanted and missing persons, stolen property, firearms registrations, warrants, and parole and probation histories. Computer terminals are set up in state and local law enforcement agencies so that an officer who needs this type of information while investigating a case can get it quickly and efficiently.

The Governor's Crime Commission

The Governor's Crime Commission was established pursuant to the federal Omnibus Crime Control and Safe Streets Act as a mechanism for allocating federal funds within the state's criminal justice system. The Crime Commission is composed of state and local officials involved in the criminal justice system and private citizens.

Besides awarding federal and state grant money and advising the governor on matters pertaining to the criminal justice system, the Commission studies criminal justice issues, makes long-range planning and policy recommendations for improving the criminal justice system and develops a legislative agenda for improving the system. It also provides data analysis, research and technical assistance to state agencies, and serves as the primary clearinghouse for information on crime and the criminal justice system.

North Carolina State Bar

The North Carolina State Bar is the official organization of attorneys for the state. This organization, through its Board of Law Examiners, licenses attorneys. The state bar also is the body empowered by the state to initiate disciplinary action against attorneys and to adopt the canons of ethics for lawyers. To practice, an attorney must be a member of the state bar. In addition to its regular and prescribed functions, the state bar also studies matters of general importance to the adjudication process.

The North Carolina State Bar has issued a Code of Professional Responsibility that defines the ethical conduct that the public has a right to expect of attorneys. Attorneys are bound by this code and look to it for guidance with regard to acceptable professional conduct. This code is published in the volume of the General Statutes entitled "Rules." The state bar has a committee that investigates complaints of unethical practice by an attorney and, if a violation is found, initiates disciplinary action. Any citizen who wishes to make a complaint about the conduct of an attorney should contact the North Carolina State Bar.

THE GENERAL ASSEMBLY

While not a component of the judicial system, the General Assembly's actions have a tremendous impact on the system because the legislature, by its enactment of laws and funding of programs, determines to a large extent how the system will operate. The General Assembly receives reports and recommendations from commissions studying the criminal adjudication process and court system and decides whether to enact the recommendations into law. Also, the legislature enacts many laws that have not come from a study commission but have a significant impact on the system.

Several committees of the General Assembly deserve special mention. Most laws dealing with trial procedure and substantive criminal and civil law changes and many changes of the structure of the court system pass through the judiciary committees of the House and the Senate. Each body's appropriation committee has a subcommittee on Justice and Public Safety that is responsible for making all budgetary recommendations for the Judicial Branch. The Justice and Public Safety subcommittees not only consider bills that have come from other committees, but also initiate proposals concerning increasing the number of various court officials and funding new programs within the court system.

EDUCATION AND TRAINING OF COURT PERSONNEL

Because court personnel need to keep up with ever-changing law and procedure, education and training programs for them are essential to a good judicial system. The Supreme Court requires judges to attend at least thirty hours of continuing legal education in a two-year period. As practicing attorneys, district attorneys and public defenders must attend at least twelve hours of training each year. Newly appointed magistrates are required to successfully complete a basic training course and must attend at least twelve hours of continuing education during each two-year term of office. Two agencies play a role in providing this vital service.

Administrative Office of the Courts

The AOC works closely with the School of Government in planning and preparing programs, and it supplies legal memoranda, books and materials to court personnel. In addition, the AOC has an education manager who is responsible for maximizing the effectiveness of all Judicial Branch training.

School of Government

The School of Government at The University of North Carolina at Chapel Hill engages in research, teaching and consultation with court personnel. It has faculty members who conduct seminars or short courses each year for judges, clerks, district attorneys, public defenders and magistrates. It also publishes various articles, memoranda and books to aid court personnel in their work. The publications are available from the School of Government.

PRIVATE ORGANIZATIONS

Private associations of court officials and of attorneys also contribute to the working of the court system.

Private Associations of Court Personnel

Each group of court officials has formed its own private organization to meet and discuss mutual problems. Each group holds at least one annual meeting, while most hold more. These meetings are primarily educational. Speakers discuss changes in the law affecting the group, and the court officials discuss matters of mutual concern. Generally, the officers of the associations plan the programs with the assistance of the School of Government and the AOC. Another function of these organizations is to permit the particular group of court officials to take positions that reflect the opinion of the entire group on matters of concern to the group.

North Carolina Bar Association

The North Carolina Bar Association is a private association of North Carolina lawyers. The association has many committees that study various areas of the law. The Association provides several continuing legal education programs for members of the bar each year. These programs play an important role in keeping attorneys apprised of new procedures and changes in substantive law.

North Carolina Academy of Trial Lawyers

The North Carolina Academy of Trial Lawyers is a private association of lawyers who represent criminal defendants and plaintiffs in civil actions. The academy provides numerous continuing legal education programs in the areas of criminal and civil litigation. It also has a representative who lobbies for the Academy's interests in the General Assembly.

North Carolina Association of Black Lawyers

The North Carolina Association of Black Lawyers is a private association of black lawyers formed to express the collective concerns of black attorneys. The organization maintains strong ties with black law students. It provides continuing legal education programs.

North Carolina Association of Women Attorneys

The North Carolina Association of Women Attorneys is a private statewide bar association formed to promote the participation of women in the legal profession and to promote the rights of women under the law. It sponsors continuing legal education programs and lobbies for legislation of interest to the goals of the organization.

North Carolina Association of Defense Attorneys

The North Carolina Association of Defense Attorneys is a private association of North Carolina attorneys who devote a substantial amount of their professional time to representing the defense in civil litigation. The Association conducts continuing legal education seminars for its members. It occasionally retains lobbyists to address proposed legislation.

North Carolina Judicial Branch Data Fiscal Year 2005-06

Total Judicial Branch Appropriations, 2005-06: \$353,046,078
 Total Judicial Branch Appropriations as a Percent of Total State
 General Fund Appropriations: 2.06%
 Total Judicial Branch Expenditures: \$364,343,480
 (Appropriations and Expenditures do not include Indigent Defense)

<u>Supreme Court</u>		
7 Justices	Appeals filed	204
	Appeals disposed	196
<u>Court of Appeals</u>		
15 Judges	Appeals filed	1,715
	Appeals disposed	1,979
<u>Superior Court</u>		
109 Judges	Total cases filed	359,590
(includes 14 special judges)	Total cases disposed	336,914
<u>District Court</u>		
239 Judges	Total cases filed	2,994,123
	Total cases disposed*	2,901,744

*Not including dispositions of civil license revocations

Superior Court Cases	Filed	Disposed
Civil	27,591	28,254
Felonies	109,815	102,193
Misdemeanors	42,849	41,075
Estates	61,823	60,272
Special Proceedings	117,512	105,120
District Court Cases	Filed	Disposed
Domestic Relations	131,046	135,471
General Civil	66,004	61,527
CVM Appeal/Transfer	3,838	3,875
Civil Magistrate	274,032	276,614
Criminal Non-Motor Vehicle	648,224	655,354
Criminal Motor Vehicle	1,013,371	986,716
Infractions	804,335	782,187
Civil License Revocations	53,273	

North Carolina Judicial Branch Data
Fiscal Year 2005-06
 (continued)

Uniform Basic Costs (Including One Service Fee)

Type of Case	Magistrate	District Court	Superior Court
Criminal	\$110	\$110	\$135
Civil	\$80	\$95	\$110

Total Judicial Branch Personnel: 5,876.95

39.00	District Attorneys	14.00	Public Defenders
475.00	Ass't District Attorneys	183.00	Ass't Public Defenders
100.00	Clerk of Superior Court	182.75	IDS & Indigent Defense Staff
2,315.25	Clerk Staff	126.25	Guardian ad Litem Staff
12.00	Trial Court Administrators	1,013.20	Court Support Staff
718.00	Magistrates	306.00	AOC
		22.50	Other*

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

Compensation of the Judicial Branch: As of July 1, 2006¹

Chief Justice, Supreme Court	\$130,629
Associate Justice, Supreme Court	\$127,215
Chief Judge, Court of Appeals	\$124,034
Judge, Court of Appeals	\$121,915
Judge, Senior Regular Resident, Superior Court ²	\$118,602
Judge, Superior Court	\$115,289
Chief Judge, District Court	\$104,689
Judge, District Court	\$101,376
Director, Administrative Office of the Courts	\$118,602
Assistant Director, Administrative Office of the Courts	\$108,332
Clerk, Superior Court	\$76,842(average)
District Attorney/Public Defender	\$111,646
Assistant District Attorney/Assistant Public Defender	\$66,391(average)
Magistrate, District Court	\$38,467(average)

1. In addition to these salaries, judges, district attorneys, and clerks may get an increase in salary depending on their length of service.
2. Superior Court judges receive a travel allowance and reimbursement for actual travel mileage.