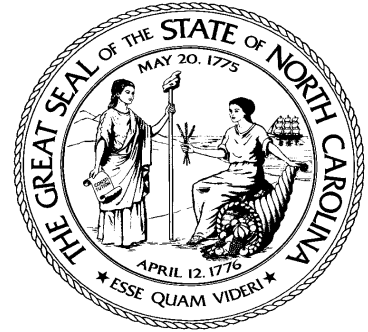


Fiscal Year 2001-02 Annual Report



***NORTH CAROLINA
COURTS:
EMPOWERING
JUSTICE***



THE NORTH CAROLINA JUDICIAL BRANCH

FISCAL YEAR 2001-02 ANNUAL REPORT: THE NORTH CAROLINA JUDICIAL BRANCH

“NORTH CAROLINA COURTS: EMPOWERING JUSTICE”

This report highlights Judicial Branch activities and statistical and financial data for the fiscal year 2001-02. In addition, the Administrative Office of the Courts publishes a comprehensive annual Statistical and Operational Summary of the Judicial Branch of Government. This report can be obtained by contacting the Administrative Office of the Courts at 919-715-0228, or on our website, www.nccourts.org.

Table of Contents

MESSAGE FROM THE CHIEF JUSTICE AND AOC DIRECTOR	1
OVERVIEW OF THE NORTH CAROLINA JUDICIAL BRANCH	2
MAJOR HIGHLIGHTS AND ACCOMPLISHMENTS, FISCAL YEAR 2001-02	7
NORTH CAROLINA JUDICIAL BRANCH FACT SHEET	14
STATISTICAL WORKLOAD HIGHLIGHTS	15
FINANCIAL HIGHLIGHTS	18
CHALLENGES FOR THE FUTURE	19

Prepared by AOC-Office of Research & Planning
N.C. Administrative Office of the Courts
P.O. Box 2448
Raleigh, NC 27602-2448

MESSAGE FROM THE CHIEF JUSTICE AND AOC DIRECTOR

Dear friend of the court:

As the Chief Justice of the Supreme Court and the Director of the Administrative Office of the Courts, we are pleased to provide you a copy of the Fiscal Year 2001-02 Annual Report: The North Carolina Judicial Branch. This report describes the North Carolina Judicial Branch and its components, presents accomplishments during the fiscal year, and outlines future challenges for the court system.

During fiscal year 2001-02, the Judicial Branch struggled to ensure the efficient administration of justice in light of a severe state budget crisis. Despite budget cuts this year, the court system persevered and continued to meet the basic needs of citizens. However, the continual lack of necessary resources and funding could eventually have serious effects on the quality of justice that our court system can provide for North Carolinians.

As the foundation for our government, the legal system is vital to the lives of the people of North Carolina. Each day, the more than 5,000 employees of the Judicial Branch provide services that make a real difference in the quality of life for all North Carolinians. We extend our appreciation to these employees for their hard work and dedicated efforts to serve the people of North Carolina. Our citizens have a court system they can be proud of, one that serves justice with the highest priorities of integrity and excellence.

We are encouraged by and appreciate your interest in the North Carolina Judicial Branch of Government.

Sincerely,

I. Beverly Lake, Jr., Chief Justice
N.C. Supreme Court

John M. Kennedy, Director
Administrative Office of the Courts



I. Beverly Lake, Jr.
Chief Justice
N.C. Supreme Court



John M. Kennedy
Director
Administrative
Office of the
Courts

OVERVIEW OF THE NORTH CAROLINA JUDICIAL BRANCH

Article IV of the N.C. Constitution establishes the North Carolina Judicial Branch as a separate and coordinate branch of State Government. North Carolina has a unified court system characterized by standard policies and procedures, state funding for all court officials and prosecutors, a uniform fee structure, and a separate statewide administrative arm. The Judicial Branch employs over 5,500 employees covering all 100 North Carolina counties and administers a total budget in excess of \$385 million.

Following is a very brief overview of the courts and other components of the North Carolina Judicial Branch. The North Carolina court system is a General Court of Justice consisting of an Appellate Division and two Trial Divisions, the Superior Court Division and the District Court Division.

APPELLATE DIVISION

SUPREME COURT: The seven-member Supreme Court is the State's highest court and decides questions of law in civil and criminal cases on appeal. The voters elect the Chief Justice and the six Associate Justices of the Supreme Court for eight-year terms. The Court sits only en banc, that is, all members sitting on each case. The Supreme Court has the power to control and supervise the proceedings of other courts and has the authority to set court schedules and promulgate general rules of practice and procedure for the trial courts.

The only original case jurisdiction exercised by the Supreme Court is in the censure and removal of judges upon the non-binding recommendations of the Judicial Standards Commission. The Court's appellate jurisdiction includes cases on appeal by right from the Court of Appeals, cases on appeal by right from the Utilities Commission, criminal cases on appeal by right from the superior courts, and cases in which review has been granted in the Supreme Court's discretion. However, most appeals are heard only after review by the Court of Appeals.

The Chief Justice of the Supreme Court also has certain administrative responsibilities. These responsibilities include appointing the Director and the Assistant Director of the Administrative Office of the Courts, designating a Chief Judge from among the judges of the Court of Appeals and a Chief District Court Judge from among the district court judges in each of the state's district court districts, assigning superior court judges to the scheduled sessions of superior court in the 100 counties, transferring district court judges to other districts for temporary or specialized duty, and various appointment powers, including one or more members of the State Judicial Council, the Commission on Indigent Defense Services, and the Chief Administrative Law Judge of the Office of Administrative Hearings.

COURT OF APPEALS: The fifteen-judge Court of Appeals is North Carolina’s intermediate appellate court and hears appeals from the State’s trial courts, from the Industrial Commission, and from final orders and decisions of certain administrative agencies. Panels of three judges hear the cases, with the Chief Judge responsible for assigning members of the Court to the five panels. The voters elect the judges on the Court of Appeals for eight-year terms.



TRIAL DIVISIONS

SUPERIOR COURT DIVISIONS: The Superior Court has original jurisdiction in all felony cases and in those misdemeanor cases specified in G.S. 7A-271. Most misdemeanors are tried first in the district court, from which conviction may be appealed to the superior court for trial de novo by a jury. Although general civil jurisdiction is concurrent with the district court, the superior court is the “proper” court for the trial of civil cases where the amount in controversy exceeds \$10,000, and it has jurisdiction over appeals from most administrative agencies. Regardless of the amount in controversy, the original jurisdiction of the superior court does not include domestic relations or juvenile cases, which are heard in the district court, or probate and estate matters and certain special proceedings heard first by the clerk of superior court. Rulings of the clerk are within the appellate jurisdiction of the superior court.

For administrative purposes, the counties are grouped into forty-six superior court districts, each with a Senior Resident Superior Court Judge who exercises administrative supervision authority. These districts are further grouped into eight judicial divisions and regular resident Superior Court Judges rotate among the counties in their division, in accordance with Article IV, Section 9 of the N.C. Constitution. For elective purposes, there are sixty-two superior court districts, and the state’s ninety-three regular resident Superior Court Judges are each elected by the voters of the district for an eight-year term. In addition, there are thirteen special superior court judges, appointed by the Governor, who hold court as needed throughout the State.

DISTRICT COURT DIVISION: The jurisdiction of the district court is extensive. It includes preliminary “probable cause” hearings in felony cases, and virtually all misdemeanor and infraction cases. The district court also has jurisdiction to accept guilty pleas in certain felony cases, and the court’s jurisdiction extends to all juvenile proceedings, mental health hospital commitments, and domestic relations cases. In addition, the district courts share concurrent jurisdiction with the superior courts in general civil cases, but are the “proper” courts for general civil cases where the amount in controversy is \$10,000 or less.

Trials in criminal and infraction cases in district court are by district court judges; no trial by jury is available for such cases. Appeals are to the superior court for a trial de novo before a jury. Civil cases in district court may be tried before a jury; appeals are to the Court of Appeals.

There are 235 District Court Judges in North Carolina. For administrative purposes, District Courts are organized into thirty-nine districts, each with a Chief District Court Judge who exercises administrative supervision authority. For elective purposes, the District Courts are organized into forty districts. Voters of the district elect judges for a four-year term.

MAGISTRATES: The magistrate is a judicial officer of the District Court Division. In criminal cases, magistrates issue arrest and search warrants, conduct initial appearances, and determine conditions of pretrial release. For some relatively minor offenses they may accept guilty pleas, impose punishment and conduct trials. In civil cases, they preside over the trial of small claims (\$4,000 or less). One or more magistrates are appointed in each county. Candidates are nominated by the Clerk of Superior Court, appointed by the Senior Resident Superior Court Judge, and supervised by the Chief District Court Judge. There are 721 authorized magistrates in North Carolina.

CLERKS OF SUPERIOR COURT: The Clerk of Superior Court is a judicial officer of the Superior Court Division. The Clerk exercises the judicial power of the State in the probate of wills, administration of estates, and the handling of special proceedings such as adoptions and foreclosures. Serving both superior and district courts, clerks are the official custodians of all the records of the courts in their counties and are responsible for receiving, investing and disbursing all funds paid into or through the court. There is a Clerk of Superior Court for each of North Carolina's 100 counties, all elected to four-year terms. The Clerk of Superior Court appoints assistant and deputy clerks in such numbers as are authorized by the AOC.



OTHER MAJOR COURT COMPONENTS

STATE JUDICIAL COUNCIL: The eighteen-member State Judicial Council consists of court officials from every court function, private attorneys, and the public. Conceived as an oversight body to promote overall improvement in Judicial Branch operations, it may study and make recommendations to the Chief Justice about all aspects of our court system. Some of its specific statutory duties are to make recommendations concerning budget preparation and funding priorities, the benefits and compensation of judicial officials, creation of judgeships, development of court performance standards, case management, alternative dispute resolution, the boundaries of the judicial districts, and other matters. The present five committees of the State Judicial Council are Salaries

and Benefits, Alternative Dispute Resolution, Public Trust, Court Performance Standards, and Court Jurisdiction and Organization.

DISTRICT ATTORNEYS: District Attorneys represent the State in all criminal actions and infractions brought in superior and district court and all juvenile delinquency cases in which an attorney represents the juvenile. The District Attorney is also responsible for calendaring criminal cases for trial. The State is divided into thirty-nine prosecutorial districts and the voters of each district elect the District Attorney to a four-year term. In addition, each District Attorney may hire Assistant District Attorneys as provided by statute. There are 39 elected District Attorneys and 438 Assistant District Attorneys authorized throughout North Carolina.

REPRESENTATION FOR INDIGENT PERSONS: The Indigent Defense Services Act of 2000 created the thirteen-member Commission on Indigent Defense Services. The Commission and its staff, the Office of Indigent Defense Services, are located within the Judicial Branch, but exercise their prescribed powers independently from the AOC. The Commission and Office are responsible for providing legal representation and related services in all cases where indigent persons are entitled to representation at state expense.



Currently, there are 11 Public Defenders and 121 Assistant Public Defenders representing indigent persons in 13 counties. Public Defenders are appointed by the Senior Resident Superior Court Judge for four-year terms and may employ assistants as authorized by the Commission and funded by the General Assembly. In the remaining counties, representation of indigent persons is provided almost entirely by assignment of private counsel. Private counsel is assigned by the court, the Office of Indigent Defense Services, and in certain circumstances, the public defender.

In addition, the Office of the Appellate Defender handles criminal defense services for indigent persons who appeal convictions to the Supreme Court or the Court of Appeals. The Office of Special Counsel represents indigent patients in commitment or recommitment hearings before a district court judge at each of the state's four mental health hospitals. The Commission appoints the Appellate Defender and the attorneys who serve as special counsel.

TRIAL COURT ADMINISTRATORS: These administrators assist in managing the day-to-day administrative operations of the trial courts. Their responsibilities include civil case calendaring, jury utilization, and establishing and managing local court rules. There are currently twelve Trial Court Administrators, serving fourteen of the state's forty-six superior court 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 and district courts.

ADMINISTRATIVE OFFICE OF THE COURTS: The Administrative Office of the Courts (AOC) is the administrative and business arm of the Judicial Branch. The AOC provides statewide support services for the courts, including information technology, human resources, financial, legal, research, and purchasing services. In addition, the AOC prepares and administers the court system's budget. The Director of the AOC is appointed by the Chief Justice, but has independent statutory responsibility for the administration of the court system. The Assistant Director is also appointed by the Chief Justice, and serves as the administrative assistant to the Chief Justice.



JUDICIAL BRANCH COMMISSIONS: The Judicial Branch has five commissions.

Judicial Standards Commission: This seven-member Commission is the agency responsible for the investigation of complaints "concerning the qualifications of any justice or judge of the General Court of Justice." The Commission was created by the General Assembly in 1972 pursuant to a constitutional amendment approved by the voters.

Sentencing and Policy Advisory Commission: This thirty-member Commission is responsible for developing recommendations regarding the appropriate sentencing of felons and misdemeanants in North Carolina. The Commission also monitors sentencing practices in the State, publishes annual statistical data, and projects state prison and jail populations. The Commission was created by the General Assembly in 1990.

Dispute Resolution Commission: Established by the General Assembly in 1995, this fourteen-member Commission is charged with certifying and regulating the conduct of mediators serving the statewide superior court Mediated Settlement Conferences and the district court Family Financial Settlement Programs, certifying mediation trainers, and suggesting revisions to program rules and forms.

Chief Justice's Commission on Professionalism: This sixteen-member Commission's mandate is to encourage professionalism within the practice of law in North Carolina and to raise the public's perception of the court system. The North Carolina Supreme Court created the Commission in 1998. In 2002, Chief Justice I. Beverly Lake, Jr. presented the second annual Chief Justice's Professionalism Award to Senator Robert B. Morgan of Lillington.

Commission on Indigent Defense Services: The Commission was established by legislation in 2000, and is described in the "*Representation of Indigent Persons*" and "*Improving Court Operations*" sections of this report.

MAJOR HIGHLIGHTS AND ACCOMPLISHMENTS, FISCAL YEAR 2001-02

Despite funding woes, the North Carolina Judicial Branch remains a national leader in the trend of “therapeutic” justice, which includes resolving disputes in more constructive, less adversarial ways that attempt to address the underlying causes and provide long-term solutions.

SERVING FAMILIES

The North Carolina Judicial Branch has placed increased emphasis on serving children, families, victims, and other citizens in need across the State. The following are some of the major highlights and accomplishments in this area.

Family Courts: Legislation in 1998 authorized the AOC to experiment with unified family courts. In 1999, Districts 14, 20, and 26 established the first Family Court pilot programs. In 2000, the Family Court program was expanded to Districts 5, 6A, and 12. In 2001, the Family Court program was further expanded to include Districts 8 and 25. Family Courts coordinate all case management and service agency efforts for a single family in distress, to better serve that family and provide more consistent, efficient use of trial court time. One judge hears all matters affecting a family, either with the breakup of a marriage or the filing of a juvenile action. In an effort to improve outcomes for a family, non-trial means of resolving the case, such as mediation, are used to settle these disputes before resorting to an adversarial trial.



Custody and Visitation Mediation: As of June 30, 2002, 55 counties in 28 districts had a custody and visitation mediation program. The program provides parties who have unresolved issues about child custody or visitation with a non-adversarial alternative to litigation. It helps them to step back from their own conflict and focus on the best interests of their children. In most cases, parents are required to participate in this program before proceeding through the traditional court system. The mediators selected are highly skilled and must meet rigid training and experience requirements. Through this program, many parents are able to reach a lasting and mutual agreement regarding the structure and parameters of child custody without returning to the court system.

Update of Child Support Guidelines: The Conference of Chief District Court Judges is required to prescribe uniform statewide guidelines for determining child support obligations of parents, and to review the child support guidelines at least every four years to determine whether the guidelines result in



appropriate child support orders. For this purpose, the Conference appointed a Child Support Guidelines Committee consisting of four Chief District Court Judges. Following public hearings held in spring 2002 and review by the Conference, new guidelines were drafted that incorporate economic change across the State as reflected by tax rates, price levels, and the self support reserve. As a result, basic obligations in some areas of the North Carolina child support schedule increased while other areas decreased. In June 2002, the Committee presented its recommendations to the Conference. The Conference adopted the Committee's recommendations and promulgated the modified Child Support Guidelines, effective October 1, 2002.

Family Financial Settlement Program: Approved for statewide expansion in October 2001, the Family Financial Settlement Program provides settlement opportunities for parties dealing with issues of equitable distribution, alimony, and child support. Utilization of the program is not mandatory, except in family court districts. The program's procedures permit couples and their attorneys to choose among various dispute resolution options, including mediated settlement, neutral evaluation, judicial settlement conference, and any other procedure authorized by local rule. Mediated settlement serves as the default procedure if the parties do not select one of the other procedures. This has been a year of growth for this program, which now operates in 21 district court judicial districts. During fiscal year 2001-02, the Dispute Resolution Commission certified more than 150 mediators to serve the Family Financial Settlement Program.

Guardian ad Litem Program: The mission of the program is to provide independent advocates to represent and promote the best interests of abused, neglected or dependent children in court and to advocate for the children to be in safe and permanent homes. During fiscal year 2001-02, the Guardian ad Litem (GAL) Program provided representation to 15,234 children through the team advocacy of 3,610 volunteers and 100 attorneys.



The program also recruited the largest number of new volunteers in its nineteen-year history. With a grant from the National Corporation for Community Service, thirteen local programs each benefited from a full-time Americorps VISTA Member who worked to recruit and mobilize community volunteers. Another grant-funded project led to extensive service by pro bono attorneys who volunteered throughout the state giving trial and appellate representation and other services.

Drug Treatment Courts: A Drug Treatment Court (DTC) uses a team of court and community professionals to help ensure that selected substance abuse offenders receive the intensive treatment they need to become healthy, law-abiding and productive family and community members. Adult DTC works with non-violent, repeat offenders who are facing jail or prison time. Family DTC works with parents and guardians who

are in danger of losing custody of their children due to abuse or neglect charges. Juvenile DTC works with non-violent juvenile offenders whose drug and/or alcohol use is negatively impacting their lives at home, in school and in the community.

Currently, there are fifteen adult drug courts, in Districts 3B, 5, 9, 9A, 10, 14, 18, 19B, 21, 25, 26 and 28, three juvenile drug courts, in Districts 10, 14 and 19C, and two family drug courts, in Districts 14 and 21. Districts 11, 12 and 15B plan to begin adult drug courts in 2003 and Districts 21 and 26 will have operational juvenile drug courts in January 2003. Mecklenburg County's DTCs received several significant awards in 2002, including the National Commission Against Drunk Driving's Award for Outstanding Achievement in the Fight Against Drunk Driving. In addition, Mecklenburg's Family DTC was recognized as a national model court and will serve as the host site for the 2003 national training program.

RESOLVING DISPUTES

While several of the highlights mentioned in the previous section included various dispute resolution alternatives, there are still other methods available for resolving disputes. The following are some additional major highlights and accomplishments in the area of alternative dispute resolution.

Court-Ordered Arbitration: As of June 30, 2002, arbitration programs were operating in 33 superior court districts covering 72 counties. Although counted by superior court districts since the Program's inception, most of the cases arbitrated are district court cases as opposed to superior court cases. In these counties, most civil cases involving claims totaling \$15,000 or less may be subject to court-ordered, non-binding arbitration. As a rule, arbitration hearings are limited to one hour, take place in the courthouse, and are conducted by a trained and approved attorney arbitrator who is either appointed by the court or selected by the parties. Historically, 70% of the cases are resolved at the hearing, with the arbitrator's award ultimately becoming the final judgment of the court.

Mediated Settlement Conferences: In 1995, the General Assembly mandated a statewide program of mediated settlement conferences for superior court civil cases. In some districts, the Senior Resident Superior Court Judge refers all eligible cases to mediated settlement while in other districts, certain case types are exempted. Mediators facilitate settlement discussions between parties in an effort to help them arrive at mutually agreeable solutions to their disputes. The Mediated Settlement Conferences Program allows parties and their attorneys to meet with a neutral mediator to discuss their dispute and seek a resolution. As of June 2001, nearly 1,000 mediators were certified in North Carolina to conduct mediated settlement conferences. Historically, approximately 50% of the cases are settled at the conference.

Alternative Dispute Resolution (ADR) Committee: The ADR Committee, now a committee of the Judicial Council, was created by order of the North Carolina Supreme Court in July 2000. Appointed by the Chief Justice to four-year terms, the committee members provide representation for all court groups affected by non-trial intervention methods. The Committee's duties are to provide ongoing coordination and policy direction for all court-sponsored dispute resolution programs; provide a forum for consideration of future development of such programs; monitor the effectiveness of such programs; and serve as a clearinghouse for rules affecting these programs.

INCREASING UNDERSTANDING AND ACCESS TO THE COURTS

The North Carolina Judicial Branch made efforts to bridge the information gap between the public and the court system. The following are some highlights in this area.

Chief Justice's Media and the Courts Forum: The Chief Justice's Media and the Courts Forum was created to facilitate a dialogue between the court system and the media. This thirty-six-member forum consists of representatives from the working press as well as their top management, various judicial officials, attorneys and professors. The goal of the Forum is to help make court information more accessible to the press while ensuring that the right to a fair trial is maintained for both prosecuting witnesses and defendants.

Public Trust: The Public Trust Committee of the State Judicial Council is composed of Council members, additional court officials, and members of the public. The goals set forth by the Committee involve changing the perceptions and realities of the court system by improving communication with and education of court users and personnel. In 2001, the State Judicial Council adopted the Committee's recommendations to work with state education officials to improve the public school curriculum as it relates to court and civics education, improve and make court educational materials more accessible to court users, and train court officials and staff to better serve court users. During 2002, federal grant funds were awarded by the Governor's Crime Commission to begin implementing these recommendations.

Foreign Language Services Project: As North Carolina's non-English speaking population grows, the Foreign Language Services Project continues to make the courts more accessible to everyone. The Project has continued to meet the needs of court officials and non-English speakers around the state by helping court officials locate interpreters of all languages, and by translating and distributing bilingual criminal and civil forms, bilingual brochures on the criminal and civil court process, and advice for court attendance. In addition, the Project has distributed a bilingual help sign for court officials to use outside their offices, as well as a new bilingual form detailing the consequences for failing to appear at one's court date. The Project has trained over 600 prospective court interpreters and now has 25 Spanish



interpreters who have passed the State court interpreting certification exam. Classes on working with interpreters, culture, and Spanish are offered by the foreign language coordinator to all court officials at conferences around the state. The Project has been grant-funded and the Judicial Branch still has no dedicated funds appropriated specifically for interpreters.

IMPROVING COURT OPERATIONS

During the year, the North Carolina Judicial Branch continued to search for ways to improve court operations and to make them more efficient and effective. Following are some accomplishments and highlights in this area.

Court Performance Standards: In 2001, acting on recommendation of the State Judicial Council, Chief Justice I. Beverly Lake, Jr., adopted the *“Trial Court Performance Standards and Measures for the North Carolina Court System.”* The Standards System is designed to help trial courts develop and set specific standards to evaluate and improve performance, and thus become more effective and efficient for and accountable to the public we serve. The State Judicial Council adopted committee recommendations asking the AOC to conduct pilot projects on local and state levels to learn how to implement and use the standards to improve court performance and public satisfaction for years to come. Funding for the project is provided by a federal grant from the Governor’s Crime Commission and a grant for the state matching fund requirement from the Z. Smith Reynolds Foundation.



The pilot project will test broad implementation of the Standards System in one to five individual volunteer judicial districts. The project will also pilot test implementation of selected standards on a statewide basis, beginning with standards designed to measure and improve court responsiveness and courtesy to the public.

Commission on Indigent Defense Services: In its first year of operation, the Commission took significant steps to control increases in the cost of indigent representation. Fiscal year 2001-02 ended with an increase in spending and obligations of less than one percent above fiscal year 2000-01. By comparison, the average annual increase over the seven years prior to 2001 was almost 10%, with no year having an increase as low as 2001-02. The Commission also developed more uniform rates of compensation in capital and non-capital cases, and is implementing a number of initiatives to increase recoupment of attorney’s fees from defendants in appropriate cases.

In addition, the Commission took significant steps toward improving the quality of indigent representation. The Commission established higher qualification standards for attorneys seeking appointment to capital cases and appeals, recruited and evaluated attorneys for the capital and appellate rosters, and provided defense attorneys with improved access to experts and other resources. The Commission also

expanded the Office of the Capital Defender, and successfully recommended that the General Assembly establish a new public defender office in Forsyth County. The Commission worked with the existing public defender offices to develop new plans for the appointment of counsel, and required that those plans provide for more significant oversight over the quality and efficiency of representation in public defender districts. Finally, the Commission is planning several educational programs for areas of representation that traditionally have not had adequate continuing legal education and is in the process of developing model performance standards for appointed counsel.

Judicial Branch Education Study Committee: This twenty-eight-member Committee was established to plan and develop a comprehensive, centralized approach to Judicial Branch Education (JBE) throughout the State. The Committee's work was completed and a report prepared in June 2002 for review and approval by the State Judicial Council. Seizing on somewhat unique resources available in North Carolina, including the Institute of Government, the Committee's central recommendation is to establish a Judicial College. Other recommendations include that JBE programs use educational principles that promote continuing professional development; that JBE programs be guided by a curriculum that systematically addresses the needs of the people served by the program; that JBE programs be delivered in formats that maximize the opportunity for the participants to learn and develop knowledge and skills needed to perform their jobs; that evaluation be recognized as critical to the successful operation of JBE programs; recognition that substantial additional funding will be needed for JBE programs; that other organizations providing training to JBE personnel continue to be supported; and that the Chief Justice appoint a working group (a committee of the State Judicial Council) to advocate for the implementation of the recommendations.

UTILIZING TECHNOLOGY

The Judicial Branch continued to seek ways to utilize new technologies to improve court processes and to provide better service to the citizens of North Carolina. Although the Judicial Branch is in need of very substantial resources to modernize and improve its technical services, there have been several major accomplishments:



Magistrate System: During 2002, AOC focused on implementing the Magistrate System statewide by bringing the only remaining counties (Mecklenburg, Wake and Buncombe) on line. The Magistrate System automatically enters information used for typical magistrate criminal processes, such as charge information, to decrease redundant data entry and reduce manual work by magistrates and clerks.

Another objective was to begin implementing the Magistrate System in law enforcement agencies throughout the State. The System provides a real-time database of warrants that have not yet been served, and law enforcement agencies can utilize the system to enter information to take before a magistrate for probable cause findings. This will save valuable time for both law enforcement officers and magistrates. As of November 2002, 39 law enforcement agencies and 1,681 law enforcement users have

been given access to the Magistrate System. An additional 64 law enforcement agencies have requested access and are scheduled for training and implementation.

ECitation Project: In 2002, the AOC assumed management of the eCitation project from the State Highway Patrol after the Patrol successfully completed a pilot project in Cumberland County. The eCitation system produces electronic citations, such as for traffic violations when an officer stops a motorist, and shares the automated information with Division of Motor Vehicles systems. The information contained in the electronic citations is transmitted to the court system's criminal and infraction databases, thus, reducing data entry requirements, and saving time and money, with increased accuracy. The project will be in the planning stages through summer 2003 with statewide implementation scheduled to begin in late 2003 or early 2004.

Security: The AOC enhanced security for its automated systems to include intrusion detection systems for early warning of online attacks, systems to help manage network traffic, a new network security policy to enforce standards among network applications, and procedures to ensure secure storage and transfer of confidential records and files. The AOC also laid the groundwork for large-scale access by law enforcement to AOC's electronic criminal infraction systems (the Magistrate System, eCitation, and a future electronic warrant repository).

Wireless Local Area Network (LAN): Last year, AOC piloted Wireless LANs in New Hanover, Pender, Wayne, Greene, and Lenoir counties, and installed wireless equipment in the Wake County courthouse. Wireless LANs use electromagnetic waves rather than some form of wire to transmit and receive data between computing devices. This technology provides easier access to information in the courtroom to judges and district attorneys, and cost savings by eliminating hardwire cabling.

Worthless Check System: The Worthless Check Program eliminates the need to prosecute each worthless check case because the district attorney permits the writer of the worthless check (the defendant) to pay a fee to the State and restitution to the merchant or individual who accepted the check to avoid criminal prosecution. In 2002, the AOC implemented a new Worthless Check System involving a series of web pages and links. These improvements provide quicker access to information necessary to process restitution. As a result, payment of restitution by defendants and distribution of restitution to injured parties occurs in a more timely fashion.

NORTH CAROLINA JUDICIAL BRANCH FACT SHEET
Fiscal Year July 1, 2001 - June 30, 2002

Population and Area Served: 8,336,829 Population (approximate)
100 Counties

Court Organization: 46 Superior Court Districts for Administrative Purposes
62 Superior Court Districts for Elective Purposes
39 District Court Districts for Administrative Purposes
40 District Court Districts for Elective Purposes
39 Prosecutorial Districts
11 Public Defender Districts

Numbers of Justices and Judges: 7 Supreme Court Justices
15 Court of Appeals Judges
106 Superior Court Judges
235 District Court Judges

Numbers of Other Authorized Personnel:

39 District Attorneys	121 Assistant Public Defenders
438 Assistant District Attorneys	12 Trial Court Administrators
100 Clerks of Superior Court	133 Guardian ad Litem Personnel
2,255 Clerk Personnel	323 Administrative Office of the Courts
721 Magistrates	1,066 Other Staff
11 Public Defenders	

Total Judicial Branch Personnel: 5,582

BUDGET

Total Judicial Branch Appropriations, 2001-02:	\$378,310,998
Percent Decrease from 2000-01:	-0.71%
Total Judicial Branch Appropriations as a Percent of Total State General Fund Appropriations:	2.76%

CASES FILED AND DISPOSED, FISCAL YEAR 2001-02

Court	Filed	% Change From 2000-01	Disposed	% Change From 2000-01
Supreme Court:				
Appeals	144	10.8%	131	47.2%
Petitions	662	4.4%	601	-5.4%
Court of Appeals:				
Appeals	1,620	0.1%	1,726	17.8%
Petitions	768	0.8%	715	3.6%
Superior Court*:	316,507	4.7%	298,390	4.3%
District Court**:	2,795,758	2.3%	2,705,092	3.4%

*Includes Felonies, Misdemeanors, Civil, Estates, and Special Proceedings.

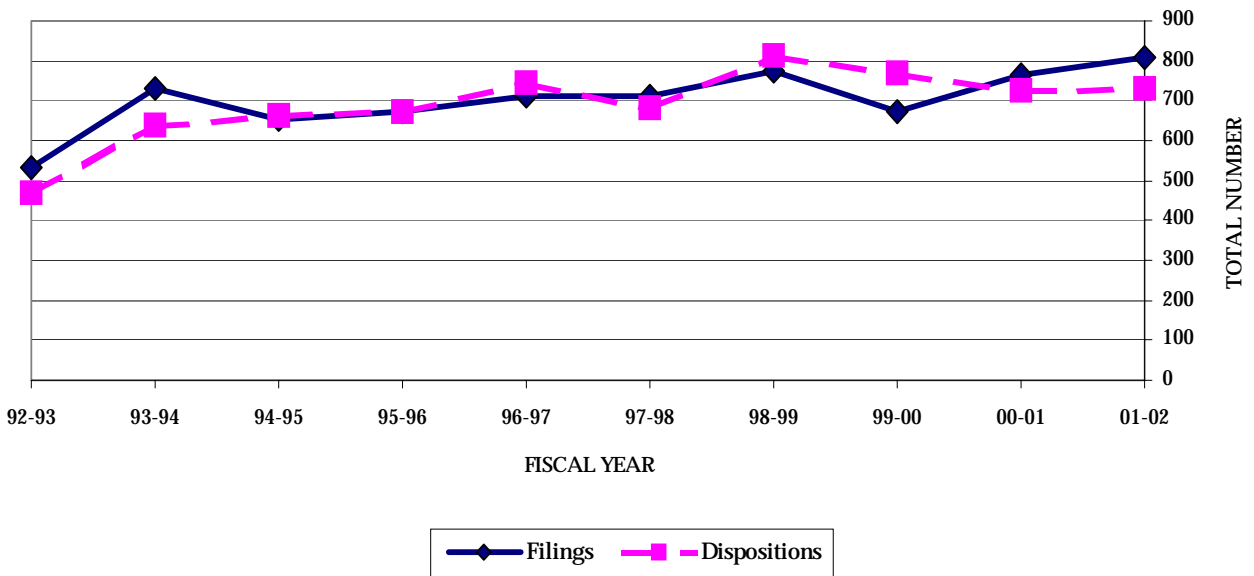
**Includes Criminal Non-Motor Vehicle, Criminal Motor Vehicle, Infractions, Small Claims, Domestic Relations, General Civil and Magistrate Appeals/Transfers, and Civil License Revocations (Civil License Revocations are counted only at filing).

STATISTICAL WORKLOAD HIGHLIGHTS

As has been the trend over the past decade, the work demands on the North Carolina Judicial System continue to increase. As shown on the following tables, both filings and dispositions increased last year for all courts. Some other caseload highlights from fiscal years 2000-01 to 2001-02 include:

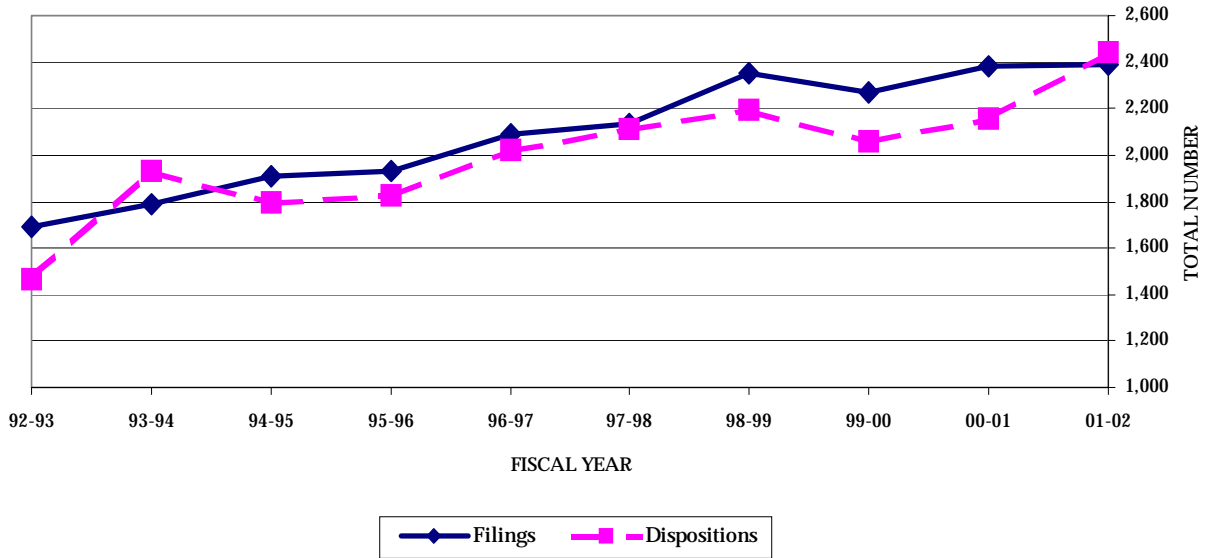
- There was a 5% increase in felony filings and a 5.3% increase in felony dispositions. The felony categories with the most dramatic increases in filings during that period were Robbery (20.6%), Fraudulent Activity (17.1%), and Burglary/Breaking or Entering (8.7%). DWI appeals to superior court increased by 3.5%.
- For district court case filings, infractions increased by 4.7% and criminal motor vehicle cases increased by 3.8%. In addition, domestic relations cases decreased by 2.2% and general civil cases (including magistrate appeals and transfers) decreased by 7.4%.

SUPREME COURT
 Appeals and Petitions Filed and Disposed



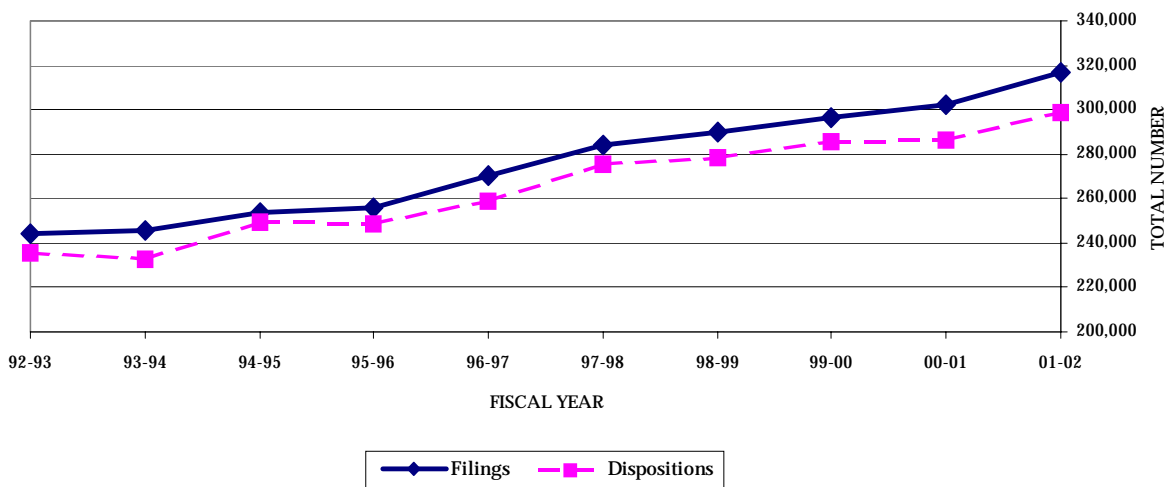
COURT OF APPEALS

Appeals and Petitions Filed and Disposed



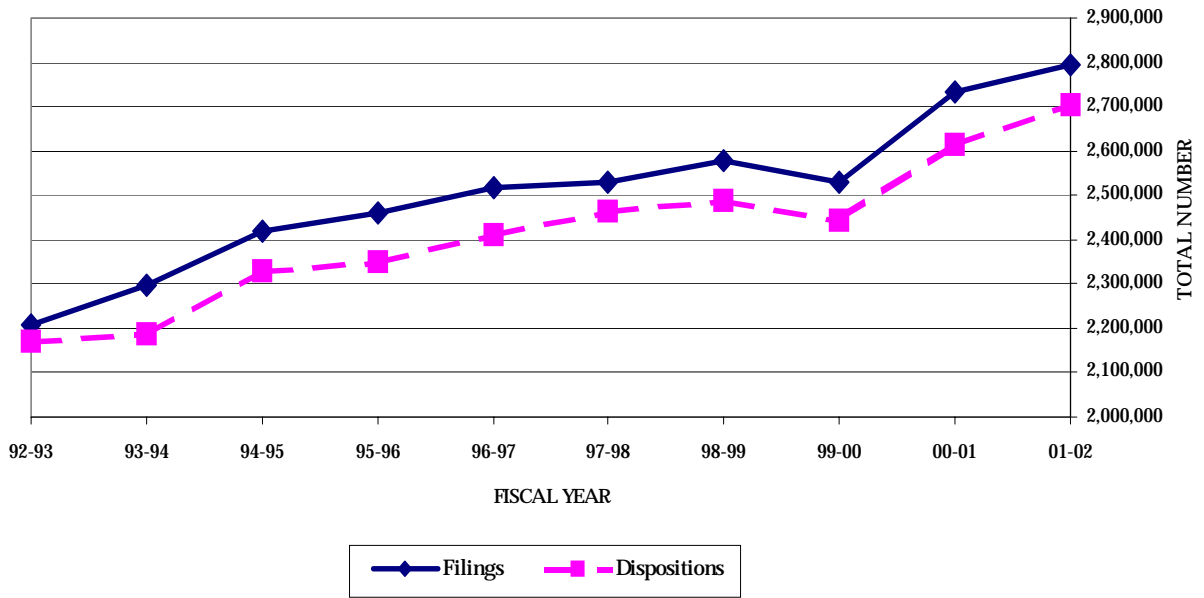
SUPERIOR COURT

Criminal, Civil, Estates, and Special Proceedings Filed and Disposed



DISTRICT COURT

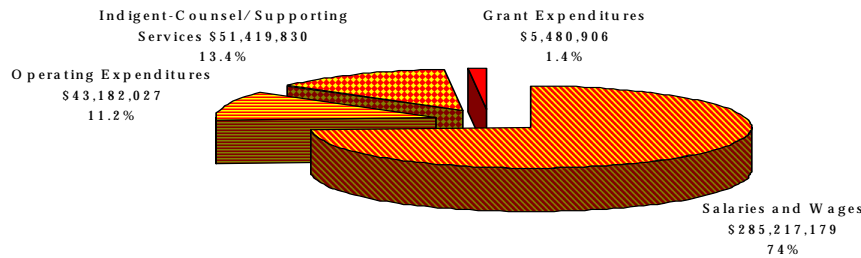
Criminal, Civil, Infractions, and Civil License Revocations Filed and Disposed



FINANCIAL HIGHLIGHTS

The North Carolina Judicial Branch receives less than 3% of the total state budget. The following chart shows major court budget expenditures for fiscal year 2001-02 and the accompanying tables show the expenditures in specific program areas.

FY 2001- 02 Judicial Branch Actual Expenditures
(Grant expenditures also include some salaries and wages.)



FY 2001- 02 Judicial Branch Actual Expenditures

Court Component	Expenditures	Percent of total
Supreme Court	\$3,932,971	1.02%
Court of Appeals	\$6,104,752	1.58%
Superior Court	\$30,334,080	7.87%
District Court	\$65,521,716	17.01%
Clerk of Superior Court	\$99,123,383	25.73%
Representation of Indigents	\$66,648,306	17.30%
Guardian Ad Litem	\$7,211,049	1.87%
District Attorney	\$55,652,197	14.44%
AOC	\$27,499,702	7.14%
Court Information Technology Fund	\$1,399,548	0.36%
Judicial Standards Commission	\$122,218	0.03%
Dispute Resolution Programs	\$4,202,869	1.09%
Family Court	\$1,464,023	0.38%
Case Calendaring District Court	\$140,407	0.04%
Sentencing & Policy Advisory Commission	\$595,067	0.15%
Sentencing Services	\$5,868,045	1.52%
Drug Treatment Court	\$1,029,956	0.27%
Mecklenburg Drug Court	\$301,552	0.08%
State Bar	\$1,344,334	0.35%
Equipment/Supply	\$1,322,861	0.34%
Grant-Supported Projects	\$5,480,906	1.42%
Grand Total	\$385,299,942	100.00%

CHALLENGES FOR THE FUTURE

The following are some of the major issues that the Judicial Branch will need to address in the near future.

Funding: The Judicial Branch continues to struggle due to inadequate funding. In recent years, the Judicial Branch has received less than three percent of the entire state budget. While total appropriations to all state agencies increased, the Judicial Branch share of the appropriation decreased in FY 2001-02 compared to FY 2000-01. However, despite the omnipresent budgetary constraints that impact all of state government, the Judicial Branch will continue to strive to improve court operations, quality of justice, and service to the public.

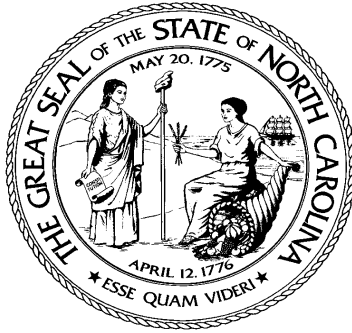
Technology: Responsive and efficient technology will enable the AOC to more economically and effectively deliver services and provide information to our courts, the legal community, businesses, and the public. A severe shortage of funds continues to slow this progress. However, the Judicial Branch has managed to move forward with some priorities to continue infrastructure and software modernization, and provide consistent maintenance and support in order to deliver the highest quality customer service possible.

Court Jurisdiction and Organization: The State Judicial Council created the Court Jurisdiction and Organization Committee to study the appropriateness of cases to be heard by court officials at various levels of the court system and make recommendations to the Council. Appointed by the Chief Justice, the committee members include two court officials at every trial court level (superior court judges, district court judges, clerks, magistrates, and district attorneys), the Chief Judge of the Court of Appeals, and two legislators. Initially, the Committee made recommendations to the State Judicial Council concerning concurrent jurisdiction for district court judges, magistrates and clerks of superior court in infractions and Class 3 misdemeanors. The Committee will provide some comprehensive recommendations in time for consideration by the General Assembly in the 2003 legislative session.

Court Performance Standards: Through the adoption of the Trial Court Performance Standards and Measurement System, the Judicial Branch has taken a positive step toward improving the quality of justice in service to the public. Especially with the courts in dire need of resources it is critical to know and fix what is not working and enhance what is working within the court system. Court performance standards provide the courts with a framework by which effective and efficient decisions can be made about court operations, services to the public, and the use of finite resources. In May 2002, the AOC was awarded grant funding to carry out pilot projects to test the implementation of the Standards System in individual volunteer judicial districts and on a limited basis statewide. Court officials in two districts have already volunteered to participate as pilot sites, and are in the early

planning and development phase. The project also will secure a national expert to provide assistance and guidance to the project. To test the Standards System on a statewide basis, the AOC will use surveys and other methods to assess the public court users' view of the courtesy and responsiveness of court personnel, going directly to the people who use the courts to find out what works well and what can be improved.

Judicial Branch Fiscal Integrity and Accountability: In recent years, efforts to improve the quality of justice administered by the court system have been greatly hampered by a severe state budget crisis. The realization that the already under funded and overstretched court system cannot absorb any additional workload without additional court resources is undeniable. As a result, adequate funding and personnel resources needed to improve court operations, replace outdated equipment, and promote technological progress are not available to the Judicial Branch, a separate but equal branch of state government. The Judicial Branch is not free to manage and allocate funds appropriated by the General Assembly as it determines necessary to best meet the demands of the vast and increasingly complex caseload, and the needs of citizens. As a result, in 2003, the Judicial Council plans to consider approaches, and as appropriate develop legislation, to address many of these issues, in order to ensure the future of the court system for years to come.



**N.C. Administrative Office of the Courts
2 East Morgan Street
P.O. Box 2448
Raleigh, NC 27602-7107
www.nccourts.org**

____ copies of this public document were printed for
a total cost of \$_____, or about \$___ per copy.
Printed on recycled paper.

