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ANNUAL REPORT  
*of the*  
NORTH CAROLINA  
JUDICIAL BRANCH

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2016-17

JULY 1, 2016 – JUNE 30, 2017



MISSION *of the*  
NORTH CAROLINA JUDICIAL BRANCH

TO PROTECT AND PRESERVE THE RIGHTS AND  
LIBERTIES OF ALL THE PEOPLE AS GUARANTEED BY THE  
CONSTITUTIONS AND LAWS OF THE UNITED STATES  
AND NORTH CAROLINA BY PROVIDING A FAIR,  
INDEPENDENT, AND ACCESSIBLE FORUM  
FOR THE JUST, TIMELY, AND ECONOMICAL  
RESOLUTION OF THEIR LEGAL AFFAIRS



*justice for all*

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A SPECIAL MESSAGE *from the*  
CHIEF JUSTICE OF NORTH CAROLINA  
*and the* DIRECTOR OF THE NORTH CAROLINA  
ADMINISTRATIVE OFFICE OF THE COURTS



Dear Friend of the Court,

We are pleased to provide this fiscal year 2016 – 17 Annual Report of the North Carolina Judicial Branch. We continue to be very proud of the North Carolina court system and its employees as we continue to serve the citizens and great state of North Carolina.

This report features noteworthy updates and accomplishments about the component parts and offices of the North Carolina Judicial Branch. Highlights of this fiscal year include:

- In 2016, we marked several foundational milestones and historic anniversaries within our Judicial Branch. We each have a vested interest in the strength, integrity, and dignity of our courts. We celebrated the District Court's 50th Anniversary, the North Carolina Court of Appeals' 50th Anniversary, and the Superior Court's 240th Anniversary.
- We secured salary increases for most Judicial Branch employees in the 2015 – 2017 biennial state budget.
- The North Carolina Commission on the Administration of Law and Justice (NCCALJ) released interim reports in mid-July and held (four) public comment meetings in August across the state. A total of 423 citizens attended the meetings and 238 public comments.
- With the guidance of a project advisory group, NCAOC staff, and pilot counties, the eCourts initiative is working to remove paper from the court system, advance efficiencies with our processes, and provide convenience for court system stakeholders.
- While we experienced weather-related damage, closures, and lingering disruption in our operations due to the devastation left by Hurricane Matthew in our eastern counties, we witnessed recovery efforts and the resilience of Judicial Branch employees who were hard at work attempting to fulfill our mission by providing support and services.
- The Judicial Branch opened its social media channels: Facebook, Twitter, LinkedIn, and YouTube. Social media is a great way to remain transparent, to continue to spread our message, and to educate, inform, and engage the public. Social media is also an effective and quick method to keep in touch with our 6,400 employees across the state. Please "like" and follow the official North Carolina Judicial Branch Facebook ([www.facebook.com/NCcourts](http://www.facebook.com/NCcourts)) page, join our followers on Twitter (@NCcourts), connect with us on LinkedIn ([North Carolina Administrative Office of the Courts](http://North Carolina Administrative Office of the Courts)), and subscribe to our YouTube channel ([NC Courts](http://NC Courts)).
- We launched the Judicial Branch branding templates and material to support business needs and to achieve a consistent and unified brand for our co-equal branch of government.
- The NCCALJ released its Final Report that lays the groundwork for the strategic plan of the Judicial Branch.
- We united with the Legislative and Executive branches of government as well as judicial system stakeholders for two Juvenile Justice Reinvestment press conferences.

For further details and information, visit our website at [www.NCcourts.org](http://www.NCcourts.org), and see the section, "Judicial Branch Data and Information," which will provide you with annual statistical and operational reports, activities of the North Carolina business courts, fact sheets, and other court-related data.

We appreciate your interest in the North Carolina Judicial Branch.

Sincerely,



*Mark Martin*

Mark Martin, Chief Justice  
Supreme Court of North Carolina



*Marion Warren*

Judge Marion Warren, Director  
North Carolina Administrative  
Office of the Courts

# NEW BUSINESS COURT OPENS AT WAKE FOREST UNIVERSITY



A new Business Court location opened in January at the Wake Forest University School of Law in the Law Commons of the Worrell Professional Center on the Reynolda Campus. The installation of the state's fourth Business Court provides an excellent forum for students to see an actual working court in action as the majority of the hearings are open to the public.

The North Carolina Business Court was created in 1995 specifically for handling business disputes. The court also

has locations in Charlotte, Greensboro, and Raleigh. The North Carolina Business Court is an administrative division of the General Court of Justice. Cases involving complex and significant issues of corporate and commercial law in North Carolina are designated by the Chief Justice to a Special Superior Court Judge who oversees all aspects of the case from the time of designation through trial or other resolution.

For more information about the North Carolina Business Court, visit [www.ncbusinesscourt.net](http://www.ncbusinesscourt.net).

# SUPREME COURT OF NORTH CAROLINA PORTRAIT COLLECTION



The Supreme Court unveiled five new additions to its collection of portraits of former chief justices. Over the past two years, the Court has received and hung the portraits of Chief Justices Rhoda Billings, James G. Exum, Burley B. Mitchell Jr., Henry E. Frye, and I. Beverly Lake Jr. The addition of these portraits marks the first time that the collection has changed since the presentation and hanging of Chief Justice Joseph Branch's portrait in 1993.

"The portrait collection is an incredible window into the history of the Supreme Court," said Chief Justice Mark Martin, the 28th Chief Justice of North Carolina. "The Court could not be more excited about hanging the portraits of these incredible jurists and leaders who, collectively, represent over 20 years of Court history."

The Court has a long and proud tradition of accepting the portraits of its former members that dates back to the 1800s. Each portrait is privately commissioned before being presented to the Court by the justice's family and friends in a special ceremonial session of court. The Court's portrait collection is said to be one of the most complete in the entire country.

Portraits of former associate justices adorn the halls outside of the courtroom, while the portraits of chief justices hang in chronological order in the courtroom itself. Out of respect for the fair and impartial administration of justice, portraits

are not presented until after the justice concludes his or her service on the court and are not displayed until the justice has fully retired from the practice of law.

With the addition of these five portraits, the only portraits now missing from the collection are those of the immediate past Chief Justice, Sarah Parker, and of current Chief Justice Mark Martin.

North Carolina is only one of a few states to have a growing collection of judicial portraits. Families normally donate the portrait to the Supreme Court after an unveiling ceremony in the courtroom. Remarks about the justice made at the ceremony are retained in the North Carolina Reports, helping to retain a glimpse of the person behind the opinions. About one portrait is hung each year.

## EACH PORTRAIT CONTAINS ITS OWN HISTORY.

The public is welcome to view the portrait collection in person and can schedule a visit by contacting the Clerk of Court at the Supreme Court at 919-831-5700. The portrait collection can be found online at [www.NCcourts.org/SupremeCourt](http://www.NCcourts.org/SupremeCourt). Watch a brief video on the North Carolina Judicial Branch's YouTube channel ([NC Courts](#)).



# STUDY COMMISSION DELIVERS FINAL REPORT



The North Carolina Commission on the Administration of Law and Justice (NCCALJ) delivered its final report to Chief Justice Mark Martin in March 2017. NCCALJ was convened by the Chief Justice in September 2015 to conduct a comprehensive review of the state’s judicial system and make recommendations for strengthening our courts.

The independent, multidisciplinary commission was comprised of judicial stakeholders, as well as national and state leaders from the private and public sectors, appointed by Chief Justice Martin. It is the third such commission convened to study possible improvements in the courts; the first was convened in 1958 and the second in 1996.

The NCCALJ’s committees conducted research, consulted with numerous experts and court officials, and engaged in collaborative discussions to identify areas for improvement in North Carolina’s court system. The Commission’s members collectively volunteered more than 4,200 hours of service, attending 62 meetings and listening to 102 presenters. This past summer, the Commission produced interim reports and gathered public input through online comments and four public meetings held across the state, with 423 citizens in attendance at the public meetings and 238 public comments gathered. Its work was completed over a 15-month period.

Recommendations include implementing a strategic technology plan for paperless courthouses, raising the juvenile age, reducing case delays and improving efficiency, and assisting the growing number of self-represented litigants. These recommendations reflect the understanding that public trust and confidence in the courts is at its highest when the courts are seen as fair, accessible, and effectively managed.

“The Commission’s recommendations create a framework for dramatic, systemic improvement in the administration of justice in North Carolina,” said Chief Justice Martin. “The work of this blue-ribbon Commission will help ensure that North Carolina’s Judicial Branch meets the needs and expectations that the people of North Carolina have for fair, modern, and impartial courts.”

The N.C. Administrative Office of the Courts, along with other component parts of the Judicial Branch, will implement the Commission’s recommendations.

The final written report is available at [www.nccalj.org](http://www.nccalj.org), along with materials from the entire commission process.



# COMMISSION TIMELINE

## 2015

**03.04.2015**

Chief Justice Mark Martin promises to convene a commission during his State of the Judiciary address in Raleigh.

**05.27.2015**

Chief Justice Martin formally announces the new North Carolina Commission on the Administration of Law and Justice.

- The co-chairs of the NCCALJ's five Committees are appointed.

**09.03.2015**

Chief Justice Martin announces full Commission membership.

**09.30.2015**

Chief Justice Martin convenes the inaugural NCCALJ meeting in Raleigh.

**09.30.2015**

Committees begin comprehensive work.

**11.19.2015**

NCCALJ partners with the polling centers of Elon University and High Point University to measure public trust and confidence in North Carolina courts.

## 2016

**01.29.2016**

Full Commission meeting is held in Chapel Hill at the UNC School of Government.

**06.02.2016**

Commission reaches midpoint of work and produces five interim reports for public comment.

- NCCALJ announces four locations across the state for public hearings.

**06.10.2016**

Full Commission meeting held in Cary at the North Carolina Bar Association.

**07.15.2016**

Public comment period begins.

**08.03.2016**

Public hearing is held at the Guilford Technical Community College in Jamestown.

**08.11.2016**

Public hearing is held at the New Hanover County Historic Courthouse in Wilmington.

**08.18.2016**

Public hearing is held at the Buncombe County Judicial Complex in Asheville.

**08.25.2016**

Public hearing is held at the Charlotte-Mecklenburg Government Center in Charlotte.

**09.06.2016**

Public comment period ends.

- Committees incorporate public comment and finalize recommendations.

**12.02.2016**

NCCALJ holds final full Commission meeting in Raleigh.

## 2017

**03.15.2017** Final Report is presented to Chief Justice Mark Martin.

## E-COURTS INITIATIVE CONTINUES TO EXPAND



The eCourts initiative continues to expand and evolve to remove excess paper from the court system, advance efficiencies with our processes, reduce foot traffic in the courthouses, and provide convenience for constituents of the court system.

Additionally, an eCourts strategic technology plan has been developed in coordination with the North Carolina Commission on the Administration of Law and Justice (NCCALJ) Technology Committee and is included in the NCCALJ final report.

New eCourts developments include:

- The Civil Domestic Violence system (ECCDV) allows for the electronic remote filing of protective orders and is currently active in five counties. The program was recently awarded a three-year grant of \$750,000 from the United States Department of Justice Office on Violence Against Women that will enable NCAOC to expand the system to 11 new counties (16 total) and integrate it with NCAWARE. After

implementation, the ECCDV system will serve half of the state's population.

- Court Information Public Records Search (CIPRS) provides modernized public records search for criminal and infractions information in the courthouse. A civil version is currently in the early stages of development.
- Electronic Compliance and Dismissal (ECAD) provides online dismissals after a citizen demonstrates compliance with the relevant statute. NCAOC is developing new functions that will expand services to traffic court that provide online reduction requests of offenses (from non-waivable to waivable) and out-of-court dismissals when a decision has already been made to dismiss the charge(s).

The eCourts program refers to a system where entire cases (or significant components of them) are managed in an electronic (i.e., paperless) environment. Citizens can find services available 24/7 at [onlineservices.NCcourts.org](http://onlineservices.NCcourts.org).

## JUDICIAL FELLOWSHIP LAUNCHES TO ASSIST TRIAL COURTS



In April 2017, NCAOC launched the North Carolina Judicial Fellowship, a new office to provide independent legal research and writing support exclusively for Superior and District Court judges. The Fellowship is the fruit of a recommendation by the Civil Justice Committee of the North Carolina Commission on the Administration of Law and Justice (NCCALJ) and was the first recommendation fully implemented.

The Fellowship is staffed by a director and eight judicial fellows. The fellows serve two-year, staggered terms and deliver services similar to those provided by research assistants at the Supreme Court and Court of Appeals. Fellows are based out of the Judicial Center in Raleigh but travel to courthouses throughout the state.

Fellows are available to conduct in-depth legal research, attend hearings or trials, assist in drafting orders, and perform

a variety of other tasks. Already, fellows have assisted judges on a wide variety of matters including rule 2.1 complex civil cases, complex equitable distribution orders, and motions for appropriate relief.

“This innovative program is a long overdue improvement to our court system,” said NCAOC Director Judge Marion Warren. “Given the immense volume of cases that our trial courts handle every year, the Fellowship will be a great asset to Superior and District Court judges across the state.”

The Fellowship has been expanding services district-by-district with the goal of being statewide by April 2018. Learn more at [www.NCcourts.org/fellowship](http://www.NCcourts.org/fellowship).

*North Carolina Judicial Fellows assisting at an Innocence Inquiry Commission hearing in Boone, N.C., in July 2017. Left to right: Superior Court Judge Gale Adams, Superior Court Judge Joseph Crosswhite, Superior Court Judge Marvin Blount, and Judicial Fellows Mac Clebone and Jada Akers.*



# LEGISLATURE PASSES JUVENILE JUSTICE REINVESTMENT ACT



During the 2017 legislative session, the General Assembly adopted a key NCCALJ recommendation and enacted the Juvenile Justice Reinvestment Act (JJRA), also known as “Raise the Age.” JJRA is a provision of the Appropriations Act of 2017 and aims to improve the justice system’s response to children and teenagers under the age of 18 who are accused of nonviolent crimes.

“We must reinvest in our youth and raise the age for non-violent juvenile offenders,” said Chief Justice Mark Martin during a press conference at the North Carolina Legislative Building.

Years of perseverance, research, study, and education on this topic brought together a strong, bipartisan coalition of support for Raise the Age in 2017 that included all three branches of

government – executive, judicial, and legislative – as well as law enforcement and advocacy organizations.

Raising the age was a significant recommendation made by the North Carolina Commission on the Administration of Law and Justice after concluding a 15-month study to strengthen the state’s unified court system.

Although most of the substantive legislative changes affecting juvenile court will not become effective until December 2019, some judicial districts have already implemented “Raise the Age” juvenile adjudication policies.

*Together with judicial stakeholders, Chief Justice Martin held a press conference in support of the Juvenile Justice Reinvestment Act, HB280.*



# PUBLIC OUTREACH AND CIVIC EDUCATION BECOME PRIORITIES



## SOCIAL MEDIA SITES

The Judicial Branch’s Facebook page ([www.facebook.com/NCcourts](http://www.facebook.com/NCcourts)) was launched to share announcements, information, events, photographs, and videos pertaining to the Judicial Branch in an effort to further educate the public and strengthen public trust and confidence. The page will be a valuable communication tool to keep the public informed about the Judicial Branch.

The Judicial Branch also launched a YouTube channel to host its videos about the courts and various programs and events occurring around the state. In addition, the Branch expanded its use of Twitter and LinkedIn to post messages for court stakeholders.

Connect with the Judicial Branch on our official Twitter page ([@NCCourts](https://twitter.com/NCCourts)), our LinkedIn page ([North Carolina Administrative Office of the Courts](https://www.linkedin.com/company/north-carolina-administrative-office-of-the-courts)), and our YouTube channel ([NC Courts](https://www.youtube.com/channel/UC...)).

## SPEAKERS BUREAU

A new Speakers Bureau was launched as a free public service to raise awareness and understanding provided by the judicial and legal community of North Carolina. Led by Supreme Court Justices Paul Newby and Sam Ervin IV, the Speakers Bureau is a united effort to support civics education

by engaging stakeholders throughout the bench and bar to inform the public about the rule of law, the judicial system, and the importance of the courts in our society.

Under the leadership of Chief Judge Linda McGee of the Court of Appeals, the Speakers Bureau is maximizing awareness about various court anniversaries, including the 50th anniversaries of the unified court system, Court of Appeals, District Court, and the Administrative Office of the Courts; the 240th anniversary of the Superior Court; and the 200th anniversary of the Supreme Court.

“Our courts handle approximately 3 million cases each year, cases that help keep our citizens safe, our economy vibrant, and our liberties secure,” said Chief Justice Martin. “We must educate North Carolinians and improve public understanding of the vital role that courts perform in protecting our constitutional rights and responsibilities.”

Throughout North Carolina, judicial officials and court staff, as well as private attorneys, will volunteer as speakers in their local communities.

Each speaker will bring their own unique perspective on their role within the judicial system, as well as inform the audience about the establishment of the North Carolina court system and its impact within our communities. Learn more or request a speaker at [Celebrate.NCcourts.org](http://Celebrate.NCcourts.org).



# BUDGET AND PERSONNEL QUICK FACTS



## WORKLOAD FORMULAS

The North Carolina Administrative Office of the Courts (NCAOC) partners with the National Center for State Courts to develop methodology that is used to determine staffing needs for district court judges, superior court judges, clerks of superior court staff, magistrates, assistant district attorneys, and legal assistants.

Using extensive time-study information, a case weight based approach was employed to determine staffing shortfalls. Using the same approach, NCAOC has conducted workload studies for family court case coordinators and custody mediators.

This information is used to advise the General Assembly about needs for staffing and other resources. Whenever the fiscal situation does not permit the filling of all vacancies, this information is the basis of the vacancy management system. In addition, the workload information is used to reassign vacant resources to needier offices throughout the state.

## EXPANSION NEEDS

The Judicial Branch continues to have constitutionally mandated services that are either unfunded or underfunded. These services include foreign language access, juror and witness fees, pay plan restoration for assistant and deputy clerks and magistrates, technology advancements, and adding employees based on needs as determined by workload formulas.



The North Carolina General Assembly meets in the Legislative Building located at 16 West Jones Street in Raleigh. Outside the doors leading into the building is the state seal of North Carolina, containing its motto: *Esse Quam Videri* — “To Be Rather Than to Seem.”

Certified Appropriations	Budget
Total certified appropriations, 2016–17	\$511,770,044
*Percent increase from 2015–16	5.53%
Total certified appropriations as a percent of total state General Fund appropriations	2.29%

*\*Includes legislative increases due to inflation.*

## Personnel (All Funding Sources)

Position	Total
<b>JUSTICES AND JUDGES</b>	
*Supreme Court Justices	7
*Court of Appeals Judges	15
*Superior Court Judges	109
*District Court Judges	272
<b>AUTHORIZED PERSONNEL</b>	
*District Attorneys	44
Assistant District Attorneys	648
*Clerks of Superior Court	100
Clerk Personnel	2,553.10
Guardian ad Litem Personnel	151.875
Magistrates	674.60
Administrative Office of the Courts Staff	400.25
Court Support Staff	1,193.375
Trial Court Administrators	8
**Other	56
<b>TOTAL</b>	<b>6,232.2</b>

*\*Independently elected judicial officials; the Judicial Branch has 547.*

*\*\*Judicial Standards Commission, Conference of District Attorneys, Dispute Resolution Commission, Conference of Clerks of Superior Court, Equal Access to Justice Commission, Innocence Inquiry Commission, Chief Justice’s Commission on Professionalism, Sentencing and Policy Advisory Commission, Pro Bono Resource Center, and the North Carolina Commission on the Administration of Law and Justice.*



# JUDICIAL BRANCH BUDGET



Detailed budget information is in the Budget Management and Financial Services Statistical and Operational Report at [www.NCcourts.org/Citizens/JData](http://www.NCcourts.org/Citizens/JData).

## BACKGROUND

The North Carolina Constitution establishes the Judicial Branch as an equal branch of government, along with the Legislative and Executive branches. North Carolina’s court system, called the General Court of Justice, is a unified statewide and state-operated system.

The state pays the majority of operating expenses of the Judicial Branch, including salaries and travel expenses of all court officials, juror and witness fees, and equipment and office supplies for the judicial system. By state statute, G.S. 7A – 302, counties and municipalities are responsible for the physical facilities occupied by court personnel across the state.

The Chief Justice of the Supreme Court of North Carolina appoints the director of the North Carolina Administrative Office of the Courts (NCAOC). G.S. 7A – 343 sets forth the duties of the director, which include identifying staffing needs and managing and authorizing expenditures for the judicial budget.

## APPROPRIATIONS FOR FISCAL YEAR 2016–17 BUDGET

The Judicial Branch began FY 2016 – 17 with \$511.7 million in appropriations from the General Assembly; this appropriation represents 2.29 percent of the state’s overall General Fund of \$22.3 billion.

## HOW THE BUDGET IS SPENT

Of the Judicial Branch’s \$516.5 million adjusted budget as approved by the General Assembly, 90.8 percent of it was used for employee salaries and benefits; this includes \$150.9 million (29.2 percent) used to pay salaries and benefits for elected judicial officials, magistrates, and appointed officials whose offices are constitutionally based.

The remaining 9.2 percent of the Judicial Branch FY 2016 – 17 budget supported operations. More than 86.62 percent of this operations budget was devoted to local court operations; central administration accounted for 3 percent; and technology services, equipment, and statewide infrastructure together accounted for 7 percent. Appellate courts, independent commissions, and passthrough appropriations accounted for the remaining 3 percent (Chart 1).

## MONIES COLLECTED BY THE COURTS DO NOT STAY WITH THE COURTS

Monies disbursed — such as fines, fees, forfeitures, restitution, and civil judgments that are paid to the courts — come through clerk of superior court offices. Although the monies are collected and receipted by the courts, less than 1 percent of these monies stays with the court system. Monies are remitted to citizens, counties, the state treasurer, and other state agencies.

For FY 2016 – 17, \$725.7 million was disbursed by clerks of superior court — nearly 41 percent went to the state treasurer, other state agencies, and law enforcement retirement (Chart 2). Of the General Court of Justice monies remitted to the state treasurer, funds equivalent to 47 percent were appropriated by the General Assembly to the Judicial Branch.

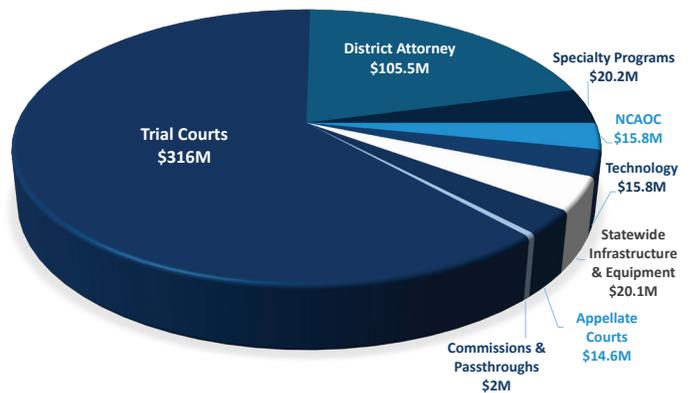
Counties and municipalities receive payments for fines, forfeitures (i.e., bond forfeitures), facilities fees, officer fees, pretrial civil revocation fees, service of process fees, and jail fees. City crime labs receive fees paid by offenders for lab work conducted at their facilities. Fines and forfeitures, which are required by the state Constitution to go to local schools, make up the largest sum of money received by counties. Facilities fees, which are paid as part of court costs in both criminal and civil cases, are the next largest source of revenue.

In FY 2016 – 17, the court system disbursed \$70.6 million to counties and municipalities, of which \$38.2 million was fine and forfeiture revenue and \$12.9 million was facility fee revenue, and \$355.1 million was distributed to citizens.

**Chart 1**

### FY 2016 – 17 State General Fund Appropriations

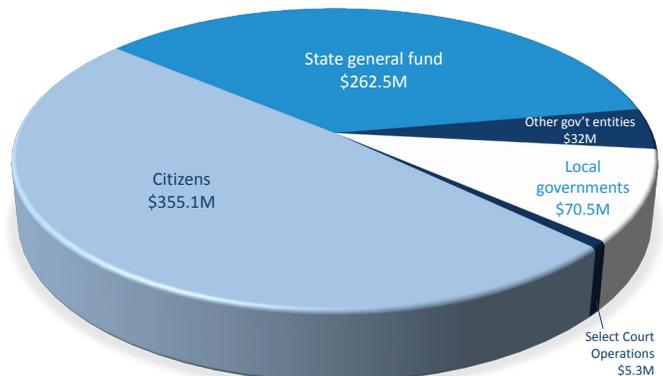
Statewide Certified Budget Total: \$22.3 billion  
Judicial Branch Certified Budget: \$512 million (2.29 percent of the State General Fund) (figures shown in millions)



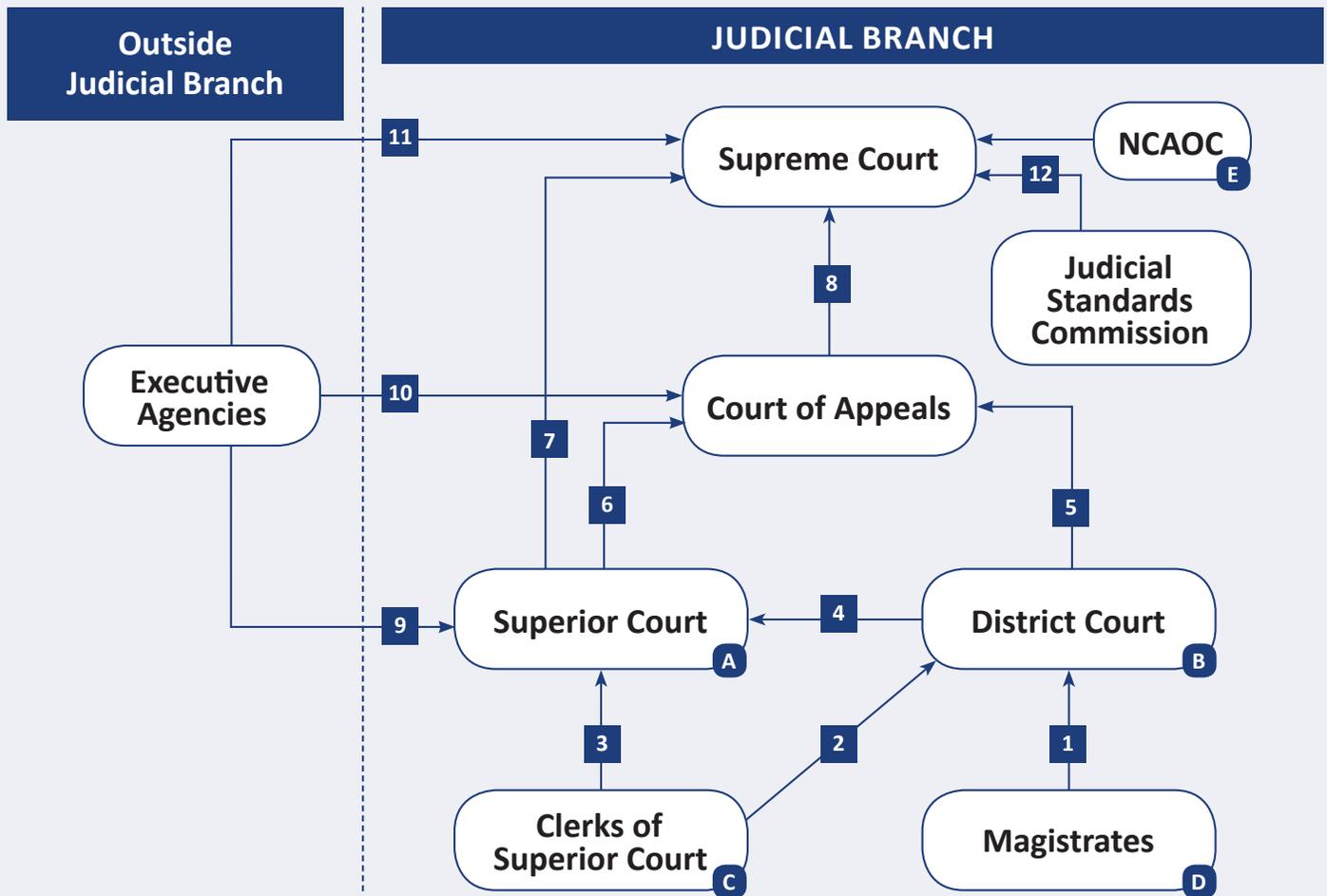
**Chart 2**

### FY 2016 – 17 Clerk of Superior Court Disbursements

Total disbursed: \$725.7 million (figures shown in millions)



# JUDICIAL BRANCH ORGANIZATIONAL STRUCTURE AND ROUTES OF APPEAL



- A. Superior courts have original jurisdiction over all felony cases and civil cases in which the amount in controversy exceeds \$25,000.\*
  - B. District courts have original jurisdiction over misdemeanor cases not assigned to magistrates; probable cause hearings; accept guilty / no contest pleas in certain felony cases; civil cases in which the amount in controversy is \$25,000 or less;\* juvenile proceedings; domestic relations; mental health hospital commitments.
  - C. Clerks of superior court have original jurisdiction over probate and estates, certain special proceedings (condemnations, adoptions, partitions, foreclosures, etc.); in certain cases, may accept guilty pleas or admissions of responsibility and enter judgment.
  - D. Magistrates have original jurisdiction to accept certain misdemeanor guilty pleas and admission of responsibility to infractions; worthless check misdemeanors valued at \$2,000 or less; small claims in which the amount in controversy is \$10,000 or less; valuation of property in certain estate cases.
  - E. The Chief Justice appoints the Director of the North Carolina Administrative Office of the Courts. The NCAOC serves the Judicial Branch through Budget Management; Communications; Court Programs and Services; Financial Services; General Counsel; General Services; Guardian ad Litem; Human Resources; Research, Policy, and Planning; Training and Development; Training and Field Support; and Technology Services.
1. Most appeals from magistrates go to the district court for de novo proceedings.
  2. Appeals involving adoptions; appeals of foreclosures of a certain jurisdictional amount may go to the district court.
  3. All appeals not handled by the district court.
  4. Appeals in all criminal cases for de novo trial.
  5. Appeals in all civil and juvenile cases.
  6. All appeals which do not proceed directly to the Supreme Court.
  7. Appeals in cases in which a first-degree murder defendant has been sentenced to death. Appeals from the Business Court. Appeals in redistricting cases. The Supreme Court conducts discretionary review of appeals directly from the trial courts in cases of significant public interest, in cases involving legal principles of major significance, in cases where delay would cause substantial harm, or in cases where the Court of Appeals docket is unusually full.
  8. Appeal of right exists in cases involving certain constitutional questions and in cases in which there has been a dissent in the Court of Appeals. The Supreme Court also conducts discretionary review of appeals from the Court of Appeals in cases of significant public interest, in cases involving legal principles of major significance, in cases where delay would cause substantial harm, or in cases where the Court of Appeals docket is unusually full.
  9. Appeals from administrative decisions that do not proceed directly to the Supreme Court or the Court of Appeals.
  10. Appeals of the Industrial Commission, the North Carolina State Bar, the Property Tax Commission, the Commissioner of Insurance, the Department of Health and Human Services, the Secretary of Environmental Quality, and the Utilities Commission (in decisions other than general rate cases).
  11. Appeals of final orders of the Utilities Commission in general rate cases.
  12. Recommendations from the Commission for removal, suspension, censure, or public reprimand.

\*The district and superior courts have concurrent original jurisdiction in civil actions (G.S. 7A-240). The small claims court is the proper division for the trial of civil actions in which the amount in controversy is \$10,000 or less, and the district court division is the proper division for matters of \$25,000 or less (G.S. 7A-243); the superior court division is the proper division for matters exceeding \$25,000 in controversy.

# SUPREME COURT OF NORTH CAROLINA



The Supreme Court of North Carolina is the state’s highest court, and there is no further appeal from its decisions on matters of state law. It is made up of the Chief Justice, who also serves as the head of the Judicial Branch, and six associate justices. Each justice serves an eight-year term. The Supreme Court has no jury and makes no determinations of fact, but considers whether error occurred at trial or in judicial interpretation of the law. Read more in the 2016–17 Statistical and Operational Report for the Appellate Courts, available on [www.NCcourts.org](http://www.NCcourts.org).

## SPRING TERM 2017



Seated (from left to right): Justice Paul M. Newby, Chief Justice Mark Martin, Justice Robin Hudson. Standing (from left to right): Justice Sam J. Ervin IV, Justice Barbara A. Jackson, Justice Cheri Beasley, Justice Michael Morgan.

### SPECIAL SESSION IN EDENTON

The Supreme Court of North Carolina held a special session of court — only its fifth session outside Raleigh since 1861 — at the Historic Chowan County Courthouse in Edenton on May 9. The Chowan County Courthouse is the oldest courthouse in North Carolina and celebrated its 250th anniversary this year.

This session, made possible by last year’s ratification of Senate Bill 161, was the third time the court traveled to the 1767 Chowan Courthouse in the past 13 years. It first held a court session in the historic courtroom in 2004. Its second visit was in May 2013 in recognition of the 300th anniversary of the founding of Edenton.

The Supreme Court of North Carolina heard oral arguments in two cases: *Wray v. the City of Greensboro* and *State v. Mario Andrette McNeill*.

The Chowan County Courthouse was recognized as a National Historic Landmark in 1970, and its classic Georgian style architecture is the finest of its kind in the South. The courthouse remains a key attraction of Historic Edenton State Historic Site.

### Caseload Inventory

Cases Filed	Begin Pending (7/1/16)	Filed	Disposed	End Pending (6/30/17)
<b>PETITIONS FOR REVIEW*</b>				
Civil domestic	4	12	16	0
Juvenile	2	16	14	4
Other civil	51	178	163	66
Criminal (including death sentences)	81	292	312	61
Administrative agency decision	2	11	10	3
<b>TOTAL PETITIONS FOR REVIEW</b>	<b>140</b>	<b>509</b>	<b>515</b>	<b>134</b>
<b>APPEALS**</b>				
<b>Civil domestic</b>	1	3	4	0
Petitions for review granted that became civil domestic appeals	2	3	0	5
<b>Juvenile</b>	1	0	1	0
Petitions for review granted that became juvenile appeals	1	2	0	3
<b>Other civil</b>	13	32	21	24
Petitions for review granted that became other civil appeals	0	21	15	6
<b>Criminal, defendant sentenced to death</b>	0	5	0	5
<b>Other criminal</b>	17	36	30	23
Petitions for review granted that became other criminal appeals	0	34	21	13
<b>Administrative agency decision</b>	0	1	0	1
Petitions for review granted that became appeals of administrative agency decision	0	0	0	0
<b>TOTAL APPEALS</b>	<b>110</b>	<b>137</b>	<b>92</b>	<b>94</b>
<b>OTHER PROCEEDINGS</b>				
Rule 16(b) additional issues	0	3	2	0
Motions	0	907	688	0
<b>TOTAL OTHER PROCEEDINGS</b>	<b>0</b>	<b>910</b>	<b>690</b>	<b>0</b>

\*Petitions for review are cases in which the court is asked to accept discretionary review of decisions of the Court of Appeals and other tribunals.

\*\*The Appeals category comprises cases within the court’s appellate jurisdiction.

# COURT OF APPEALS



The Court of Appeals is the state’s intermediate appellate court. The court has 15 judges who serve eight-year terms and hear cases in panels of three. The court is led by a Chief Judge, who is appointed Chief Judge by the Chief Justice of the Supreme Court of North Carolina.

The Court of Appeals decides only questions of law in cases appealed from superior and district courts and from some administrative agencies of the Executive Branch. Appeals range from infractions to non-capital murder cases.

If there has been a dissent in an opinion of the Court of Appeals, the parties to the case have the right to have the Supreme Court review the decision. If there is no dissent, then the Supreme Court may still review the case upon a party’s petition.

Read more in the 2016 – 17 Statistical and Operational Report for the Appellate Courts, which is available on [www.NCCourts.org](http://www.NCCourts.org) in the Data and Information section.

## Filings and Dispositions of Appeals and Petitions

Fiscal Year	Filings	Dispositions
2016 – 17	2,264	2,201
2015 – 16	2,183	2,229
2014 – 15	2,377	2,312
2013 – 14	2,389	2,435
2012 – 13	2,564	2,490
2011 – 12	2,549	2,775
2010 – 11	2,549	2,671
2009 – 10	2,493	2,126
2008 – 09	2,502	2,307
2007 – 08	2,424	2,567
2006 – 07	2,707	2,973

*These tables summarize filing and disposition activity in the Court of Appeals.*

*In addition to trend data for the past 10 years, these tables provide filings and dispositions for cases on appeal, petitions, and motions during fiscal year 2016 – 17. “Cases on appeal” include cases appealed from district courts, superior courts, and administrative agencies. They are counted as appeals only after a record is filed with the clerk’s office and a docket number is assigned.*

*The “petition” category includes petitions involving only the four “extraordinary” writs set out in Article V of the Rules of Appellate Procedure: certiorari, mandamus, prohibition, and supersedeas. “Motions” encompass any type of relief sought from the Court of Appeals, either in a case already filed with the Court of Appeals or one on its way to the Court of Appeals but not yet filed.*

*Cases on appeal represent the largest portion of the Court of Appeals’ workload, since most are disposed of by written opinion. The other methods of disposition include the court’s dismissal of the appeal and an appealing party’s withdrawal of the appeal.*

## Filings and Dispositions

Cases Filed	Number Of Cases
Cases on appeal	1,394
Petitions	870
Motions	4,163



## COURT OF APPEALS CELEBRATES 50TH ANNIVERSARY

The Court of Appeals held special sessions and a commemorative unveiling of a judges’ portrait wall on May 18 in celebration of its 50th anniversary.

“Today’s special sessions present a unique opportunity to recognize the important work this court has done over the past 50 years, reflect on the changes in the Court, and celebrate the dedicated people who have contributed to its success,” said Court of Appeals Chief Judge Linda McGee.

“The Court of Appeals is the last stop for most cases and renders the final decision in approximately 95 percent of all appealed cases,” said Chief Justice Mark Martin. “On behalf of the Supreme Court, thank you for being such effective guardians of the rule of law.”



*This photograph of the Chief Judge and the current judges of the Court of Appeals was taken on May 1, 2017. Pictured left to right (seated): Judge Rick Elmore, Judge Wanda G. Bryant, Chief Judge Linda M. McGee, Judge Ann Marie Calabria, Judge Donna S. Stroud. Pictured left to right (standing): Judge Valerie Zachary, Judge John S. Arrowood, Judge Hunter Murphy, Judge Richard Dietz, Judge John M. Tyson, Judge Robert N. Hunter Jr., Judge Chris Dillon, Judge Mark Davis, Judge Philip Berger Jr., Judge Lucy Inman.*

# SUPERIOR COURTS



The superior court division has original jurisdiction over all felony criminal cases, civil cases involving more than \$25,000, and misdemeanor and infraction appeals from the district court.

The Constitution stipulates that a jury of 12 renders the verdict for any criminal defendant who pleads not guilty. In civil cases, a judge generally will decide the case without a jury, unless a party to the case requests one.

Superior court is divided into eight divisions and 50 districts across the state. Every six months, superior court judges rotate among the districts within their divisions. The rotation system is provided for by the state Constitution and designed to minimize conflicts of interest that might result from having a permanent judge in one district.

The North Carolina Business Court is a specialized forum of the state courts' superior court division. Cases involving complex and significant issues of corporate and commercial law in our state are assigned by the Chief Justice of the Supreme Court of North Carolina to a special superior court

judge who oversees resolution of all matters in the case through trial.

Read more in the 2016 – 17 Statistical and Operational Report for Trial Courts, which is available at [www.NCcourts.org](http://www.NCcourts.org) in the Data and Information section.

## Caseload Inventory

Case Type	Filed	Disposed
Civil cases*	16,194	16,095
Estates	72,461	77,557
Special proceedings	40,804	43,102
Criminal – nontraffic	126,707	145,937
Criminal – traffic	8,604	8,085

\*"Civil cases" includes cases heard by Business Court.

## Manner of Disposition

Case Type	Jury Trial	Judge Trial	Voluntary Dismissal	Final Order/ Judgment W/O Trial	Clerk	Other*
Civil cases	143	2,681	8,084	2,572	994	1,621
Estates	0	1	18	10	77,312	216
Special proceedings**	1	118	10,233	261	28,211	4,278

\*\*Other" includes magistrate trial, dismissal on order of the court, and discontinued.

\*\*The number of special proceedings cases filed and disposed reflects those cases that are non-confidential.

Case Type	Trial	Plea	Dismissal With Leave	Dismissal Without Leave	Dismissal After Deferred Prosecution	Other*
Criminal – nontraffic	2,419	76,040	1,229	49,734	1,289	15,226
Criminal – traffic	307	1,959	141	3,119	3	2,556

\*\*Other" includes speedy trial dismissals.

## N.C. SUPERIOR COURTS CELEBRATE 240TH ANNIVERSARY



1777-2017

On September 20, the Cumberland County Bar Association and 12th Judicial District Bar hosted a celebration honoring the 240th anniversary of the North Carolina Superior Court. An opportunity to celebrate North Carolina's oldest courts, the anniversary celebration began with a dedication ceremony renaming the Cumberland County Courthouse in honor of the late Judge E. Maurice Braswell. Following the courthouse dedication, the celebration included a program in the Historic Cumberland County Courthouse honoring Judge Sammie Chess Jr., North Carolina's first African-American superior court judge; former Supreme Court of North Carolina Justice Patricia Timmons-Goodson; and attorney Rudolph Singleton, who will receive the John B. McMillan Distinguished Service Award. The program also included a portrait presentation of Sylvia X. Allen, the first female African-American assistant district attorney in Cumberland County. The portrait remains on permanent display in the Historic Cumberland County Courthouse.

# DISTRICT COURTS



District courts hear cases involving civil, criminal, and juvenile matters, as well as appeals from the magistrate. District courts are divided into 43 districts across the state and sit in the county seat of each county. They may also sit in certain other cities and towns specifically authorized by the General Assembly.

Civil cases such as divorce, custody, child support, and cases involving less than \$25,000 are heard in district court, along with criminal cases involving misdemeanors and infractions.

Civil cases are heard by a jury if a party requests one, but certain cases are always decided by a judge without a jury, such as child custody disputes. The district court also hears juvenile cases (age 16 and under) that involve delinquency issues, and it has the authority to hear juvenile undisciplined cases (ages 16 and 17). It also considers abuse, neglect, and dependency cases involving children younger than 18.

Read more in the 2016 – 17 Statistical and Operational Report for Trial Courts, which is available on [www.NCCourts.org](http://www.NCCourts.org) in the Data and Information section.

## MAGISTRATES

Magistrates are appointed by the senior resident superior court judge from nominations provided by the clerk of superior court. Magistrates are supervised by chief district court judges.

Magistrates accept guilty pleas for minor misdemeanors and infractions, such as for hunting or fishing violations or for traffic violations, and may accept waivers of trial for certain worthless check cases if authorized by the chief district court judge to do so. In civil cases, the magistrate is authorized to try small claims cases (\$10,000 or less), landlord eviction cases, and suits for recovery of personal property and motor vehicle mechanics' liens.

## Caseload Inventory

Case Type	Filed	Disposed
Civil	187,330	183,926
Civil magistrate (small claims)	205,481	206,037
Criminal – nontraffic	502,871	572,212
Criminal – traffic	856,498	936,439
Infractions	541,468	577,970

## Manner of Disposition

Case Type	Jury Trial	Judge Trial	Magistrate Trial	Voluntary Dismissal	Final Order / Judgment W/O Trial	Clerk	Other*
Civil cases	110	61,974	87	30,410	40,719	25,167	25,459
Civil magistrate (small claims)	0	128	135,038	50,619	454	35	19,763

\*"Other" includes dismissal on order of the court and discontinued dispositions.

Case Type	Trial	Plea	Dismissal With Leave	Dismissal Without Leave	Dismissal After Deferred Prosecution	Other*
Criminal – nontraffic	15,939	150,226	16,580	257,213	13,387	118,867
Criminal – traffic	10,195	108,395	105,320	453,062	975	258,492

\*"Other" includes felony heard and bound over, probable cause not found, probable cause waived, worthless check waiver, and felony superseding indictment.

Case Type	Waiver	Nonwaiver
Infractions	266,986	310,984

# COURT PROGRAMS, CONFERENCES, AND COMMISSIONS



Program	Description
Alternative dispute resolution services	Offers a less adversarial, more expeditious process for settling legal disputes
Child custody mediation services	Provides neutral, non-adversarial court-ordered mediation services in cases involving custody/visitation of minor children
Family court	Coordinates the management of family law cases to ensure timely and efficient resolution of legal matters within established time standards
Foreign language interpreting services	Helps facilitate equal access to justice for limited English proficient (LEP) speaking and/or deaf and hard of hearing people involved in court proceedings
Guardian ad Litem	Team representation model consisting of attorney advocates, volunteers, and staff appointed to protect and promote the best interest of abused and neglected children under the jurisdiction of North Carolina juvenile courts
Juvenile Court Improvement Project	Coordinates the management of child abuse, neglect, and dependency cases to ensure timely, efficient, and effective resolution of cases
Problem solving courts and other services	Local special courts and initiatives managed and operated by superior and district courts that attempt to address the challenges of litigants before them

Conference	Description
Conference of Clerks of Superior Court	Serves as the primary point of contact between the 100 elected clerks of superior court, the General Assembly, the NCAOC, and other state, local, and public entities to ensure the effective and efficient exchange of information
Conference of District Attorneys	Serves the 44 elected district attorneys in their pursuit of justice and improvement of the administration of criminal law by providing training, materials, research, technical support, and monitoring criminal legislation

Commission	Description
Chief Justice’s Commission on Professionalism	Enhances professionalism among North Carolina’s lawyers while providing ongoing attention and assistance to ensure that practice of law remains a high calling, dedicated to the service of clients and the public good
Dispute Resolution Commission	Certifies and regulates private mediators who serve North Carolina’s courts; also recommends dispute resolution policy, provides support to court-based mediation programs, and certifies mediation training programs
Innocence Inquiry Commission	Reviews, investigates, and hears post-conviction innocence claims if new evidence of innocence comes to light by providing an independent and balanced truth-seeking forum
Judicial Standards Commission	Considers complaints against state district, superior, and appellate court judges and justices and, where appropriate, makes recommendations for discipline
Sentencing and Policy Advisory Commission	Makes recommendations to the General Assembly for the modification of sentencing laws and policies, and for the addition, deletion, or expansion of sentencing options as necessary to achieve policy goals
State Judicial Council	Advisory and oversight body for the Judicial Branch of government, chaired by the Chief Justice of the Supreme Court and consisting of representatives from every component of the court system and the bar, and from public, non-attorney members, to fulfill its duties as described in G.S. 7A-409.1

# SIGNIFICANT NCAOC SERVICE AREA HIGHLIGHTS



July 1, 2016 – June 30, 2017

The North Carolina Administrative Office of the Courts (NCAOC) is the administrative services provider that the North Carolina judicial community can rely on as a partner to help our unified court system operate more efficiently and effectively. The NCAOC's approach is to apply professional expertise consistently and uniformly in the best interest of the court system, which includes a personnel base of more than 6,200, of whom 547 (judges, justices, district attorneys, and clerks) are independently elected judicial officials. This section highlights the NCAOC's support of the court system, judicial officials, and staff statewide.

## BUDGET MANAGEMENT

### Court funds management

\$951.31 million resources and fees managed  
\$518.3 million appropriations  
\$34.93 million special funds and grants  
\$264.73 million pass-through fees  
\$133.385 million other funds

## COMMUNICATIONS

### New projects

Celebrate NC Courts initiative  
Speakers Bureau program:  
    341 volunteer speakers  
    101 speaking events and media interviews  
Judicial Branch branding system  
Social media for Judicial Branch  
Juror Appreciation Month

### Ongoing work

28,336,973 webpage views  
1,800 web updates  
604 public inquiries  
300 news articles  
200+ media inquiries  
75 press releases  
7 press events  
38 surveys

## COURT PROGRAMS AND SERVICES

### Alternative dispute resolution

2,807 family financial cases completed  
3,839 court-ordered arbitration cases completed  
5,535 mediated settlement cases completed

### Child custody mediation

20,077 people attended orientation  
10,411 child custody cases mediated  
11,310 mediation sessions held  
5,455 parenting agreements drafted

### Unified family courts

46,074 domestic cases filed  
74.1% of pending domestic cases were less than one year old

### Language access services

10 NCAOC Spanish court interpreters  
85 certified Spanish court interpreters  
1 certified French court interpreter  
2 certified Mandarin court interpreters  
1 certified Vietnamese court interpreter

## FINANCIAL SERVICES

### Accounting functions

\$127.6 million fixed assets management  
91,730 payroll payments completed  
93,262 vendor payments completed  
16,083 employee travel forms processed  
3,000 IRS 1099 – MISC forms processed  
3,442 IRS 1099 – MISC forms processed for clerks of superior court offices  
442 electronic transfers  
3,482 deposits

## GENERAL COUNSEL

### Legislative tracking during the 2016 – 17 legislative session

1,612 bills reviewed for applicability  
419 bills actively monitored, effect of summarized, forms and procedures drafted for, or amendments sought for

## GENERAL SERVICES

### Quick facts

1,839 transactions processed monthly, including:

- Open market solicitations through various bid processes
- Purchase orders for goods and services
- Supply orders via the Online Store
- Printing requests submitted through the Online Store and in hard-copy format

500 deliveries for supplies and equipment made statewide monthly

3,900 estimated number of boxes delivered per month (for a total weight exceeding 1.6 million pounds)

## GUARDIAN AD LITEM

### Staff

3 regional administrator positions  
139 field staff positions working in 69 offices  
7 administrative, training, and legal staff positions

### Attorneys

64 paid attorneys  
109 pro bono attorneys  
12 staff attorney advocate positions  
116 conflict attorneys

### Volunteers

5,371 volunteer advocates  
515,616 hours of service  
\$12.45 million saved due to volunteer efforts  
*Volunteers donate on average 8 hours of service monthly. Independent Sector valued volunteer time during 2016 at \$24.14 per hour.*

### Program statistics

69,830 child abuse and neglect hearings  
18,085 abused and neglected children received legal representation  
190 juvenile appellate cases filed

## HUMAN RESOURCES

### Quick facts

21 HR positions, serving an average of 323 Judicial Branch positions  
90.8% of the total Judicial Branch budget is allocated for salaries and benefits.

### Judicial Branch FTE positions supported (total 6,778.20)

293 hiring authorities  
286 judges  
5,228.95 court staff  
56 commissions and conferences staff  
526 indigent defense services  
400.25 NCAOC managers and staff

### Employee recognition

1,092 service awards  
895 service awards processed  
206 retirement certificates

### Voluntary shared leave

51 recipients  
7,672 total hours received  
150 average hours received  
4-400 range of hours received  
291 donors  
9,212 total hours donated  
32 average hours donated  
4-1,040 range of hours donated

### Recruitment

557 job postings  
51,184 total applicants  
92 average applicants per posting  
1,072 web hits per posting  
25,134 applicant notices

### HR online training

431 unlawful workplace harassment  
79 HR rules and tools

## RESEARCH, POLICY, AND PLANNING

### Contracts

20 counties and municipalities  
96 positions  
\$6.1 million

### Grants

59 federal and local entities  
258 positions  
\$16.8 million

## TRAINING AND DEVELOPMENT

### Recent projects

Electronic compliance and dismissal (ECAD)  
NCAWARE for law enforcement  
Public records  
Introduction to VCAP

### Current / ongoing projects

Estates tracking  
Discovery automation system (DAS)  
Domestic violence awareness  
Writs of execution  
Digital recording

### Resources developed

How to use online compliance and dismissal (OCAP)  
VCAP inquiry for DSS

### LMS usage

7,077 training objects completed in the LearningCenter  
2,639 judicial employees received credit for completing instructor-led training sessions  
2,343 online learning objects completed by employees

### Computer applications supported

Child support enforcement system (SES)  
Civil case management (CaseWise)  
Civil, estates, and special proceedings index (VCAP)  
Criminal and infractions case index (ACIS, CCIS-CC)  
Criminal case management system (CCIS-DA, CCIS-PD)  
Court information public records search (CIPRS)  
Discovery automation system (DAS)  
eFiling  
HR-payroll system  
Judgment abstracting  
Juvenile index and case management system (JWise)  
Microsoft office  
North Carolina warrant repository system (NCAWARE)  
Online payments, reductions, and compliance and dismissals  
Online collections and payments (OCAP)  
payNticket®  
Worthless check program

### Technical needs supported

Digital recording of court sessions  
Fingerprint tracking  
Evidence handling  
Interfacing with North Carolina agencies  
Division of Motor Vehicles (DMV)  
State Bureau of Investigation (SBI)  
Department of Social Services (DSS)  
State Archives  
Clerk of superior court procedural matters  
Improved workflow and file security  
Jury management support  
Closed circuit hearing equipment and support

## TECHNOLOGY SERVICES

### Criminal

1.12 million transactions daily  
45.2 million criminal cases  
4.3 million infraction cases

### Civil

1.15 million transactions daily  
20.5 million civil cases

### Discovery Automation System (DAS)

339,590 total number of DAS case folders  
1.94 million total number of DAS documents  
356.4 million estimated number of DAS pages

### eCITATION

3,804 eCITATIONS created daily  
22,884 law enforcement officer users  
471 law enforcement agencies implemented

### Email

30 million inbound spam messages blocked  
29 million emails securely delivered

### NCAWARE

12,665,578 processes (served / unserved)  
47,351 court and law enforcement users  
907,747 processes available to be served  
1,901 processes served daily

### payNticket

913,361 citations disposed  
More than \$206.5 million collected  
*Note: Monies collected are disbursed to state and local government agencies as directed by the North Carolina General Assembly.*

### Credit card payments in courthouses

551,166 payments processed  
More than \$94.2 million collected

### Help Desk

109,291 call tickets processed  
20,930 passwords reset via self-service

### Security

36,639 system / application security requests processed



More information about the Judicial Branch and the NCAOC service areas is available in the Statistical and Operational Reports and fact sheets located in the Data and Information section of [www.NCcourts.org](http://www.NCcourts.org).

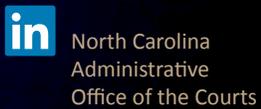


*justice for all*

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