

CREATION OF THE DISTRICT COURTS IN NORTH CAROLINA

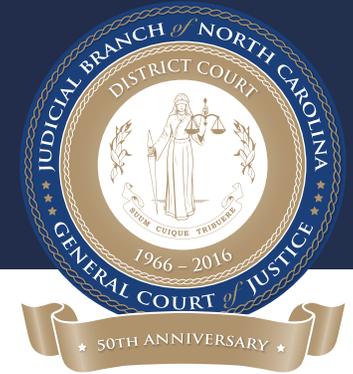
A BRIEF OVERVIEW

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A BRIEF OVERVIEW



Prior to 1966 there were basically three levels of courts in North Carolina: the Supreme Court, the Superior Courts and a hodgepodge of local courts. The local courts varied from Recorder's Courts, to Domestic Relations Courts, to Municipal Courts to Justice of the Peace Courts. Around 1955 it became widely accepted that something should be done to change the system of local courts to bring uniformity to the court system. At the request of Governor Luther Hodges and Chief Justice W.V. Barnhill, the N.C. Bar Association formed the Committee on Improving & Expediting the Administration of Justice in North Carolina. The committee, historically referred to as the Bell Commission, was chaired by prominent Charlotte attorney J. Spencer Bell. The Bell Commission completed a detailed study which ultimately led to the concept of a unified set of local courts known as the District Courts.

Many of the initial recommendations of the Bell Commission, unrelated to creation of District Court, were not widely received at the General Assembly in 1959. The Commission was forced to reconvene and after further study presented revised proposals to the 1961 General Assembly. The new plan required an amendment to Article IV of the North Carolina Constitution. That proposed Constitutional amendment was placed on the ballot in November of 1962 and approved by a vote of the people. Upon approval of the amendment, legislation was needed to implement the new plan. The General Assembly of 1963 created a Courts Commission and charged the commission with the task of preparing the legislation. The work of the commission ultimately led to proposed

legislation which was ratified by the 1965 General Assembly and known as the Judicial Department Act of 1965.

Due to the sweeping nature of the changes in the Judicial Department Act of 1965, the Act provided for the District Courts to be established statewide in three phases. The District Court was formally established in 22 counties in December of 1966 following elections in those counties. The District Court was formally established in 61 counties in December of 1968 following elections in those counties. Finally, the District Court was established in the 17 remaining counties in December 1970 following elections in those counties. The newly elected District Court Judges took office the first Monday in December following their election. As the District Courts were established, the series of local courts were all abolished and their caseloads were transferred to the dockets of District Court. The offices of Justice of the Peace were also abolished and replaced by Magistrates.

It is significant to note that the Bell Commission and the 1965 General Assembly also recommended a constitutional amendment for the creation of an intermediate court of appeals. That amendment was approved by vote of the people in November 1965. The N.C. Court of Appeals formally became operational on October 1, 1967. As such, the 50th anniversary of the N.C. Court of Appeals will be celebrated in 2017. Also of significance is the fact that the N.C. Supreme Court will be celebrating its 200th anniversary in 2019.

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