

A POCKET GUIDE *to the*
NORTH CAROLINA
JUDICIAL BRANCH

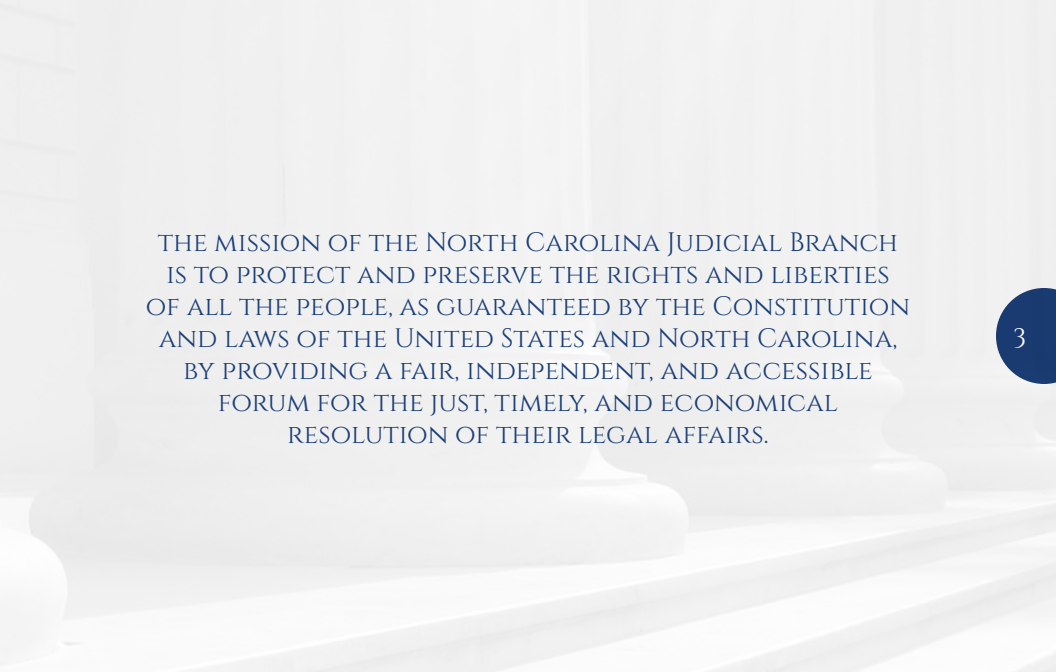


Anniversary Edition

This Pocket Guide provides basic information about North Carolina's three branches of government with specific emphasis on the North Carolina Judicial Branch.



Thanks for your time and interest in learning more about North Carolina State Government.



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

from the NORTH CAROLINA CONSTITUTION

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

from the NORTH CAROLINA CONSTITUTION

Article 4, Section 1

The judicial power of the State shall, except as provided in Section 3 of this Article, be vested in a Court for the Trial of Impeachments and in a General Court of Justice. The General Assembly shall have no power to deprive

from the NORTH CAROLINA CONSTITUTION

Article 4, Section 1 (continued)

6

the judicial department of any power or jurisdiction that rightfully pertains to it as a coordinate department of the government, nor shall it establish or authorize any courts other than as permitted by this Article.

THREE BRANCHES *of* NORTH CAROLINA STATE GOVERNMENT

- LEGISLATIVE BRANCH
- EXECUTIVE BRANCH
- JUDICIAL BRANCH

*The state motto of
North Carolina is
Esse Quam Videri —
“To Be Rather Than to Seem.”*



THREE BRANCHES *of* NORTH CAROLINA STATE GOVERNMENT

LEGISLATIVE BRANCH

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



OUR STATE'S LEADERS

Legislative Branch

Speaker of the House

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

President Pro Tempore

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

THREE BRANCHES *of* NORTH CAROLINA STATE GOVERNMENT

EXECUTIVE BRANCH

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



OUR STATE'S LEADERS

Executive Branch

Governor

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



THREE BRANCHES *of* NORTH CAROLINA STATE GOVERNMENT

JUDICIAL BRANCH

The Judicial Branch interprets what our laws mean and makes decisions about the laws and those who break them. The courts of the North Carolina Judicial Branch are split into three divisions, the Appellate Division, the Superior Court Division, and the District Court Division.



OUR STATE'S LEADERS

Judicial Branch

Chief Justice

In addition to presiding over the sessions of the Supreme Court of North Carolina, the Chief Justice has numerous administrative duties as head of the Judicial Branch, including appointing the director and assistant director of the Administrative Office of the Courts, designating the Chief Judge of the Court of Appeals and a chief district court judge for each district court district, creating the

schedule of superior court sessions and assigning superior court judges to those sessions, transferring district court judges to other districts for temporary or specialized duty, appointing the chief administrative law judge of the Office of Administrative Hearings, and either serving on or appointing representatives of the Judicial Branch to groups such as the State Judicial Council and the Commission on Indigent Defense Services.

CHIEF JUSTICE *of* NORTH CAROLINA



Mark Martin

Chief Justice Mark Martin is the 28th Chief Justice of the Supreme Court of North Carolina. He was elected to an eight-year term starting January 1, 2015, and has served the Supreme Court since being elected in 1998. Chief Justice Martin is dedicated to strengthening and advancing the rule of law. He has authored more than 400 appellate decisions during his 20-year tenure on the Supreme Court and Court of Appeals. He is the only sitting judge in North Carolina who has served on the Supreme Court, Court of Appeals, and Superior Court.



justice for all

ELECTED OFFICIALS *of the* NORTH CAROLINA JUDICIAL BRANCH

The North Carolina Judicial Branch includes about 550 independently elected judicial officials. These officials are:

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

The Judicial Branch has about 6,000+ employees located in all 100 counties and 240 facilities across the state.

TYPES *of* COURT

Appellate Division

Supreme Court

The Supreme Court is the state's highest court. This court has a Chief Justice and six associate justices, who sit as a body and decide cases appealed from lower courts, including from the Court of Appeals. The Supreme Court has no jury, and it makes no determinations of fact; rather, it considers only questions of law, which means resolving a party's claim that there were errors

in legal procedures or in judicial interpretation of the law in the trial court or the Court of Appeals.

Court of Appeals

The Court of Appeals is an intermediate appellate court that was created to relieve the Supreme Court of a portion of its heavy caseload. It has fifteen judges, who sit in panels of three to hear cases. One of the judges is the

Chief Judge of the Court of Appeals, appointed by the Chief Justice of the Supreme Court. Most of the court's sessions are held in Raleigh, but individual panels sometimes meet in other locations throughout North Carolina.

Like the Supreme Court, the Court of Appeals decides only questions of law. Its decisions are printed in the bound North Carolina Court of Appeals reports and posted online at appellate.NCcourts.org at the same site as opinions of the Supreme Court.

Both appellate courts are located in downtown Raleigh.

(pictured below) The Court of Appeals building is located at 1 West Morgan Street in Raleigh.



TYPES *of* COURT

Trial Division

Superior Court Division

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

busiest counties, several sessions may be held concurrently each week.

District Court Division

Like the superior court division, the state is divided into district court districts for electoral purposes and administrative purposes. (A map of the district court judicial districts is available online.) Also like the superior court, the district court sits in the county seat of each county. It may

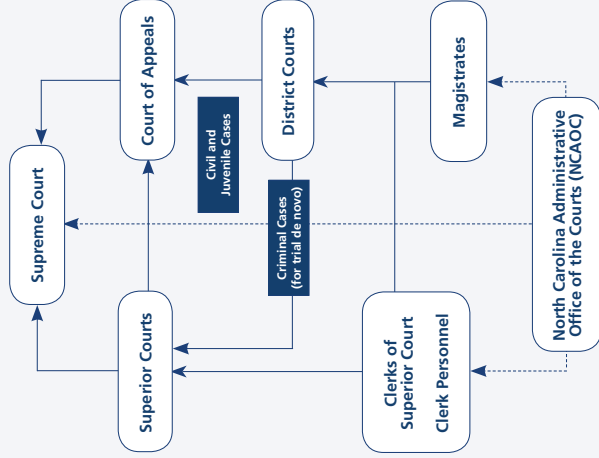
sit in certain other cities and towns if authorized by the General Assembly. Most counties have only one seat of court, but a few counties have several. Unlike the superior court, the district court districts are not grouped into larger judicial divisions. Each administrative district court district has a chief district court judge who manages the administrative duties of the court.

Magistrates' Courts

Magistrates hold court in both civil and criminal matters as officers of the

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

COURT STRUCTURE *and* ROUTES *of* APPEAL



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

NORTH CAROLINA'S JUDICIAL BRANCH SEAL

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

Elements and symbolism in the new seal include:

- Lady Justice symbolizes the moral force in judicial systems.
- The balanced scales held by Lady Justice represent the impartiality with which justice is served.
- The sword held by Lady Justice symbolizes the power of justice and reason.



NORTH CAROLINA'S JUDICIAL BRANCH SEAL

- Lady Justice is blindfolded to show that justice is not subject to influence.
- The three stars collected together symbolize three co-equal branches within North Carolina's state government – legislative, executive, and judicial.
- The General Court of Justice refers to a unified judicial system. As defined by the General Statutes: "North Carolina's court system, called the General Court of Justice, is a unified statewide, state-operated system comprised of three divisions."



- The phrase “Suum Cuique Tribuere” is Latin for “To render to every one his own.”
- Colors used are dark blue and gold.
- The dark blue symbolizes authority, confidence, dignity, intelligence, stability, trust, and truth.
- The gold represents courage, illumination, knowledge, and wisdom. Gold is also a precious metal associated with wealth and prosperity — which solidifies the Judicial Branch as being a co-equal branch of government also of high value and worth its weight.

justice for all

NORTH CAROLINA COURT ANNIVERSARIES

CELEBRATE.NCCOURTS.ORG

Unified Courts

The N.C. Constitution establishes the Judicial Branch as a separate and co-equal branch of state government with the legislative and executive branches. North Carolina's court system, called the General Court of Justice, is a state operated and state-funded unified court system.



1966-2016

NCAOC

The 1962 amendment of the State Constitution that created the current Judicial Branch also established the North Carolina Administrative Office of the Courts (NCAOC) to support this third branch of North Carolina's state government.



1966-2016

NORTH CAROLINA COURT ANNIVERSARIES

CELEBRATE.NCCOURTS.ORG

District Court

District courts hear cases involving civil, criminal, and juvenile matters, as well as appeals from the magistrate.

Like superior court, district court sits in the county seat of each county. It may also sit in certain other cities and towns specifically authorized by the General Assembly.



1966-2016

Court of Appeals

The Court of Appeals is North Carolina's intermediate appellate court that decides

questions of law in cases appealed from superior and district courts and from some administrative agencies of the executive branch of North Carolina's state government.



1967-2017

NORTH CAROLINA COURT ANNIVERSARIES

CELEBRATE.NCCOURTS.ORG

Superior Court

All felony criminal cases, civil cases involving more than \$25,000, and misdemeanor and infraction appeals from district court are tried in superior court. Business court is a specialized forum that hears cases involving complex, significant issues of corporate and commercial law.



1777-2017

Supreme Court

The Supreme Court of North Carolina is the state's highest court. There is no further appeal in the state from its decisions. The court hears appeals of the decisions from the other divisions of the General Court of Justice and appeals of the decisions of some state agencies.



1819-2019

MORE INFORMATION

Learn more about North Carolina State Government at www.NC.gov

Learn more about the North Carolina Judicial Branch and Court System at www.NCcourts.org



Learn about North Carolina's court anniversaries and history at Celebrate.NCcourts.org

500 copies of this public document were printed at a cost of \$200.00, or \$0.40 per copy.



justice for all

CELEBRATE.NCCOURTS.ORG