



# THE IMPORTANT ROLE OF THE NORTH CAROLINA MAGISTRATE

## IMPORTANT STATISTICS AS OF JUNE 30, 2018

### PERSONNEL

674.6 magistrate full-time equivalent (FTE) positions as of June 30, 2017

Magistrates represent approximately 11% of the Judicial Branch workforce.

Like other appointed and elected judicial officials, magistrates earn no leave.

### FUNCTION

Magistrates provide an independent and impartial review of complaints brought to the magistrate by law enforcement officers or the general public.

Magistrates also provide timely and cost effective resolutions to civil actions up to \$10,000 including summary ejectment (eviction) cases for residential and non-residential properties.

### WORKLOAD

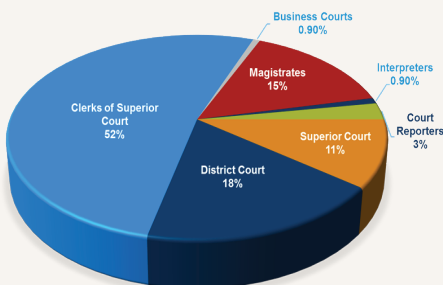
The Judicial Branch uses a workload formula to determine the appropriate number of magistrates per county, subject to a minimum quota set by the General Assembly.

Magistrates are salaried employees who provide services 24 hours a day, seven days a week, 365 days a year.

### BUDGET

For FY 2017 – 18, magistrates account for about \$49.3 million of the Judicial Branch budget, representing 9.23% of the overall General Fund appropriations to the Judicial Branch.

## TRIAL COURTS CERTIFIED BUDGET APPROPRIATIONS FY 2017 – 18



## ABOUT THE MAGISTRATE

A magistrate is an independent judicial officer, recognized by the North Carolina Constitution as an officer of the district court. Magistrates take the same oath as judges and are subject to the Code of Judicial Conduct. N.C. Const., Art. IV, §10; N.C.G.S. §§7A-170 and 7A-143.

Magistrates perform numerous duties as officers of the district court in both civil and criminal proceedings. Most people may be familiar with the magistrate's role in criminal proceedings, which includes conducting initial appearances, setting conditions of release, and issuing warrants. On the civil side, magistrates hear small claims cases, enter orders for summary ejectment (evictions), determine involuntary commitments, and handle other responsibilities. The magistrate is the only civil official in the state who can perform a marriage.

A magistrate is an officer of the district court division. Unlike judges and justices, magistrates are not elected. A magistrate is nominated for office by the clerk of superior court, appointed by the senior resident superior court judge, and supervised by the chief district court judge.

In order to be eligible for nomination or renomination as a magistrate, a candidate must be a resident of the county for which he or she will be appointed. The candidate also must have a four-year college degree or eight years of work experience as a clerk of superior court; or a two-year associate degree and four years of work experience in a job related to the court system, law enforcement, or other public service work. Many magistrates are attorneys, but they are not required to be, and those who are attorneys are prohibited from practicing law while in office as a magistrate.

A magistrate serves an initial term of two years, with subsequent terms of four years. While magistrates are not under the jurisdiction of the Judicial Standards Commission like judges are, they must obey the Code of Judicial Conduct, and the grounds for removing magistrates are the same as for removing judges. Judges, justices, and magistrates share the same mandatory retirement age.

## MAGISTRATES HAVE THE AUTHORITY TO:

- Set release conditions (non-capital offenses)
- Hear small claims civil actions in which the amount in controversy is \$10,000 or less, effective July 1, 2017
- Accept guilty pleas and admissions of responsibility and enter judgment for certain infractions and Class 3 misdemeanors
- Process dispositions by waiver for misdemeanors and infractions involving alcohol, traffic, boating, state park/recreational areas, littering, and wildlife (e.g., hunting, fishing)
- Issue arrest and search warrants
- Hear and enter judgments on worthless checks (≤\$2,000)
- Conduct initial appearances
- Administer oaths
- Provide punishment for direct criminal contempt
- Assign year's allowances to surviving spouses and children
- Perform civil marriage ceremonies
- Accept affidavit and petitions for involuntary commitment proceedings
- Take affidavits for verification of pleadings
- Issue subpoenas
- Take depositions and examination before trial
- Enter orders for summary ejection (evictions)
- Take acknowledgment of written contract or separation agreement
- Review vehicle towing by law enforcement
- Review seizures of vehicles in DWI and speeding to elude cases
- Conduct hearing for driver license civil revocations

## NCAOC PROJECTS THAT INVOLVE THE RESPONSIBILITY OF MAGISTRATES

Project	Description of Project Benefits
<b>Magistrate Video Project (MVP)</b>	<p>The Magistrate Video Project (MVP) provides software and equipment for video communications between a magistrate and law enforcement officers. In rural counties where magistrates often operate on an on-call basis, the MVP technology allows magistrates to begin processing an offender from home. The officer can continue booking the arrestee rather than waiting for the magistrate to drive to a location.</p> <p>Provides real-time statewide access by law enforcement and court officials from any location</p> <p>Reduces risk to officer by eliminating the need to transport arrestee to the magistrate's office</p>
<b>North Carolina Statewide Warrant Repository (NCAWARE)</b>	<p>NCAWARE is a web-based system that maintains information about criminal processes, such as warrants, magistrate orders, citations that lead to arrest, criminal summons, orders for arrest, release orders, and appearance bonds. It also tracks information for people and businesses involved in such processes</p> <p>Provides real-time statewide records so that law enforcement can view and serve any electronic unserved process in the state without having paper in hand</p> <p>Offers ability to pre-fill arrest and warrant information prior to appearing before the magistrate, which decreases processing time</p> <p>Populates court case information into ACIS through real-time interfaces. Demographic driver/vehicle data is automatically pre-populated via a connection with the North Carolina Division of Motor Vehicles</p>

## NORTH CAROLINA JUDICIAL BRANCH CASELOAD STATISTICS—FISCAL YEAR 2017–18

Caseload	District Court 272 judges		Superior Court 107 judges	
	2,288,102	total cases filed	262,488	total cases filed
	2,599,630	total cases disposed	291,654	total cases disposed
	206,328	civil magistrate cases filed	17,044	civil superior cases filed*
	205,925	civil magistrate cases disposed	15,990	civil superior cases disposed
	188,088	civil district cases filed	105,303	felony cases filed
	189,630	civil district cases disposed	128,210	felony cases disposed
	1,387,735	criminal cases filed	25,798	misdemeanor cases filed**
	1,637,419	criminal cases disposed	28,544	misdemeanor cases disposed
	505,951	infraction cases filed	75,327	estate cases filed
	566,656	infraction cases disposed	78,516	estate cases disposed
			39,016	special proceedings filed***
			40,394	special proceedings disposed
<b>Time to disposition</b> (median time to disposition)	13	days civil magistrate cases	211	days total civil superior court cases
	68	days civil district court cases	252	days superior court felony cases
	100	days civil district court cases	209	days superior court misdemeanor cases, other than traffic
	76	days infractions cases	104	days special proceeding cases
	172	days district court misdemeanor cases, other than traffic		

\*The number of civil cases filed and disposed in superior court includes business court cases.

\*\*The number of misdemeanor cases filed and disposed in superior court includes cases that originated in superior court, were transferred to superior court, and were appealed from district court. Also includes DWI cases.

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