THE IMPORTANT ROLE OF THE NORTH CAROLINA MAGISTRATE

IMPORTANT STATISTICS
As of June 30, 2021

PERSONNEL
672.6 magistrate full-time equivalent (FTE) positions as of June 30, 2021

Magistrates represent approximately 10% 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.
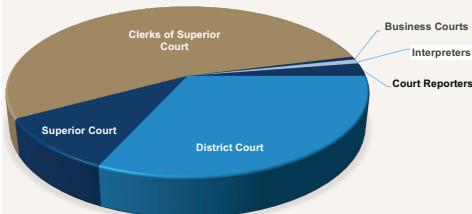
WORKLOAD
The Judicial Branch uses a workload formula to determine the appropriate number of magistrates per county, subject to a minimum quota set by the General Assembly.

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

BUDGET
For FY 2020 – 21, magistrates account for about $52 million of the Judicial Branch budget, representing 9% of the overall General Fund appropriations to the Judicial Branch.

TRIAL COURTS CERTIFIED BUDGET APPROPRIATIONS
FY 2020 – 21

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.

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

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 ejectment (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
- Hear complaints for temporary Domestic Violence Protective Orders (GS 50B), or temporary Civil No-Contact Orders (50C), where authorized by their local jurisdictions

NCAOC PROJECTS THAT INVOLVE THE RESPONSIBILITY OF MAGISTRATES

Project	Description of Project Benefits
Magistrate Video Project (MVP)	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.
	Provides real-time statewide access by law enforcement and court officials from any location
	Reduces risk to officer by eliminating the need to transport arrestee to the magistrate's office
North Carolina Statewide Warrant Repository (NCAWARE)	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
	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
	Offers ability to pre-fill arrest and warrant information prior to appearing before the magistrate, which decreases processing time
	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

NORTH CAROLINA JUDICIAL BRANCH CASELOAD STATISTICS—FISCAL YEAR 2020–21

District Court *282 judges*

1,794,782	**total cases filed**
1,836,050	**total cases disposed**
98,478	civil magistrate cases filed
99,883	civil magistrate cases disposed
190,893	civil district cases filed
188,089	civil district cases disposed
1,159,943	criminal cases filed
1,188,597	criminal cases disposed
345,468	infraction cases filed
359,481	infraction cases disposed

Superior Court *109 judges*

251,644	**total cases filed**
245,213	**total cases disposed**
17,901	civil superior cases filed*
16,172	civil superior cases disposed
100,083	felony cases filed
101,190	felony cases disposed
22,924	misdemeanor cases filed**
20,264	misdemeanor cases disposed
89,297	estate cases filed
84,482	estate cases disposed
21,439	special proceedings filed***
23,105	special proceedings disposed

Caseload

Time to disposition
(median time to disposition)

26	days civil magistrate cases
76	days civil district court cases
140	days civil district court felony cases
99	days infractions cases
277	days district court misdemeanor cases, other than traffic

211	days total civil superior court cases
311	days superior court felony cases
264	days superior court misdemeanor cases, other than traffic
73	days special proceeding cases

*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.