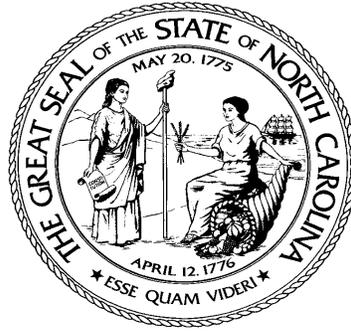


# Fiscal Year 2004-05 Annual Report



## NORTH CAROLINA COURTS



THE NORTH CAROLINA JUDICIAL BRANCH

# FISCAL YEAR 2004-05 ANNUAL REPORT: THE NORTH CAROLINA JUDICIAL BRANCH

## *"NORTH CAROLINA COURTS"*

This report highlights Judicial Branch activities and statistical and financial data for the fiscal year 2004-05. In addition, the Administrative Office of the Courts publishes a comprehensive annual Statistical and Operational Summary of the Judicial Branch of Government. These reports can be obtained by contacting the Administrative Office of the Courts at 919-715-0228, or on our website, [www.nccourts.org](http://www.nccourts.org).

## Table of Contents

MESSAGE FROM THE CHIEF JUSTICE AND AOC DIRECTOR .....	1
OVERVIEW OF THE NORTH CAROLINA JUDICIAL BRANCH .....	2
MAJOR HIGHLIGHTS AND ACCOMPLISHMENTS, FISCAL YEAR 2004-05 .....	7
NORTH CAROLINA JUDICIAL BRANCH FACT SHEET .....	13
STATISTICAL WORKLOAD HIGHLIGHTS .....	14
FINANCIAL HIGHLIGHTS .....	17
CHALLENGES FOR THE FUTURE .....	19

Prepared by AOC Research and Planning Division  
N.C. Administrative Office of the Courts  
P.O. Box 2448  
Raleigh, NC 27602-2448

---

## MESSAGE FROM THE CHIEF JUSTICE AND AOC DIRECTOR

Dear friend of the court:

As the Chief Justice of the Supreme Court and the Director of the Administrative Office of the Courts, we are pleased to provide you a copy of the *Fiscal Year 2004-05 Annual Report: The North Carolina Judicial Branch*. We are truly proud of the North Carolina court system. Thank you for this opportunity to share our successes.

The report describes the North Carolina Judicial Branch and all of its components. It also presents the court system's accomplishments during the fiscal year. In addition, the report outlines challenges that the court system faces for the future.

Your interest in the North Carolina Judicial Branch of Government is greatly appreciated.



Sarah Parker  
Chief Justice  
N.C. Supreme Court



Judge Ralph A. Walker  
Director  
Administrative Office  
of the Courts

Sincerely,

A handwritten signature in cursive script that reads "Sarah Parker".

Sarah Parker, Chief Justice  
N.C. Supreme Court

A handwritten signature in cursive script that reads "Ralph A. Walker".

Judge Ralph A. Walker, Director  
Administrative Office of the Courts

## ***OVERVIEW OF THE NORTH CAROLINA JUDICIAL BRANCH***

**A**rticle IV of the N.C. Constitution establishes the North Carolina Judicial Branch as a separate and coordinate branch of State Government. North Carolina has a unified court system characterized by standard policies and procedures, state funding for all court officials and prosecutors, a uniform fee structure, and a separate statewide administrative arm. The Judicial Branch employs over 5,800 employees (including Indigent Defense Services) covering all 100 North Carolina counties.

Following is a very brief overview of the courts and other components of the North Carolina Judicial Branch. The North Carolina court system is a General Court of Justice consisting of an Appellate Division and two trial divisions, the Superior Court Division and the District Court Division.

### **APPELLATE DIVISION**

**SUPREME COURT:** The seven-member Supreme Court is North Carolina's highest court and decides questions of law in civil and criminal cases on appeal. The voters elect the chief justice and the six associate justices of the Supreme Court for eight-year terms, in non-partisan elections. The Court sits only en banc, that is, all members sitting on each case. The Supreme Court has the power to control and supervise the proceedings of other courts and has the authority to set court schedules and promulgate general rules of practice and procedure for the trial courts.

The only original case jurisdiction exercised by the Supreme Court is in the censure and removal of judges upon the non-binding recommendations of the Judicial Standards Commission. The Court's appellate jurisdiction includes cases on appeal by right from the Court of Appeals, cases on appeal by right from the Utilities Commission, criminal cases on appeal by right from the superior courts, and cases in which review has been granted in the Supreme Court's discretion. However, most appeals are heard only after review by the Court of Appeals.

The chief justice of the Supreme Court also has substantial administrative responsibilities. These responsibilities include appointing the director and the assistant director of the Administrative Office of the Courts (AOC), designating a chief judge from among the judges of the Court of Appeals and a chief district court judge from among the district court judges in each of the state's district court districts, assigning superior court judges to the scheduled sessions of superior court in the 100 counties, transferring district court judges to other districts for temporary or specialized duty, and various appointment powers, including one or more members of the State Judicial Council, the Commission on Indigent Defense Services, and the chief administrative law judge of the Office of Administrative Hearings. The chief justice is chair of the State Judicial Council and is closely involved with the AOC in matters for administration of the court system.

**COURT OF APPEALS:** The fifteen-judge Court of Appeals is North Carolina's intermediate appellate court and hears appeals from the state's trial courts, from the Industrial Commission, and from final orders and decisions of certain administrative agencies. Panels of three judges hear the cases, with the chief judge responsible for assigning members of the Court to the five panels. The voters elect the judges on the Court of Appeals to eight-year terms in non-partisan elections.

### **TRIAL DIVISIONS**

**SUPERIOR COURT DIVISION:** The Superior Court Division has original jurisdiction in all felony cases and in certain misdemeanor cases. Most misdemeanors are tried first in the district court, from which conviction may be appealed to the superior court for trial *de novo* by a jury. Although general civil jurisdiction is concurrent with the district court, the superior court is the "proper" court for the trial of civil cases where the amount in controversy exceeds \$10,000, and it has jurisdiction over appeals from most administrative agencies. Regardless of the amount in controversy, the original jurisdiction of the superior court does not include domestic relations or juvenile cases, which are heard in the district court, or probate and estate matters and certain special proceedings heard first by the clerk of superior court. Rulings of the clerk are within the appellate jurisdiction of the superior court.

The 100 North Carolina counties are grouped into forty-seven superior court districts for administrative purposes, each with a senior resident superior court judge who exercises administrative supervision authority. These districts are further grouped into eight judicial divisions. Regular resident superior court judges rotate among the counties in their division, in accordance with Article IV, Section 11, of the N.C. Constitution. For elective purposes, there are sixty-five superior court districts. The state's ninety-five regular resident superior court judges are elected by the voters of the district to an eight-year term in non-partisan elections. In addition, there are fourteen special superior court judges appointed by the Governor, who hold court as assigned by the chief justice throughout the state.

**DISTRICT COURT DIVISION:** The jurisdiction of the district court is extensive. It includes preliminary "probable cause" hearings in felony cases, and virtually all misdemeanor and infraction cases. The district court also has jurisdiction to accept guilty pleas in certain felony cases, and the court's jurisdiction extends to all juvenile proceedings, mental health hospital commitments, and domestic relations cases. In addition, the district courts share concurrent jurisdiction with the superior courts in general civil cases, but are the "proper" courts for general civil cases where the amount in controversy is \$10,000 or less.

Trials in criminal and infraction cases in district court are by district court judges; no trial by jury is available for such cases. Appeals are to the superior court for a trial *de novo* before a jury. Civil cases in district court may be tried before a jury; appeals are to the Court of Appeals.

There are 239 district court judges in North Carolina. The district courts are organized into thirty-nine districts for administrative purposes, each with a chief district court judge who exercises administrative supervision authority. For elective purposes, the district courts are organized into forty districts. Voters of the district elect judges to a four-year term in non-partisan elections.

**MAGISTRATES:** The magistrate is a judicial officer of the District Court Division. In criminal cases, magistrates issue arrest and search warrants, conduct initial appearances, and determine conditions of pretrial release. For some relatively minor offenses they may accept guilty pleas and waivers, impose punishment and conduct trials. In civil cases, they preside over the trial of small claims (\$5,000 or less). One or more magistrates are appointed in each county. Candidates are nominated by the clerk of superior court, appointed by the senior resident superior court judge, and supervised by the chief district court judge. There are 718 authorized magistrates in North Carolina.

**CLERKS OF SUPERIOR COURT:** The clerk of superior court is a judicial officer of the Superior Court Division. The clerk exercises the judicial power of the State in the probate of wills, administration of estates, acceptance of waivers for certain offenses, and the handling of special proceedings such as adoptions and foreclosures. Serving both superior and district courts, clerks are the official custodians of all the records of the courts in their counties and are responsible for receiving, investing and disbursing all funds paid into or through the court. There is a clerk of superior court for each of North Carolina's 100 counties, all elected to four-year terms. The clerk of superior court appoints assistant and deputy clerks in such numbers as are authorized by the AOC.

### **OTHER MAJOR COURT COMPONENTS**

**STATE JUDICIAL COUNCIL:** The eighteen-member State Judicial Council consists of court officials from every court function, private attorneys, and members of the public. The Governor, chief justice, legislature, and court and bar associations appoint council members. Conceived as an advisory and oversight body to promote overall improvement in Judicial Branch operations, it may study and make recommendations to the chief justice about all aspects of our court system. Some of its specific statutory duties are to make recommendations concerning budget preparation and funding priorities, benefits and compensation of judicial officials, creation of judgeships, development of court performance standards, case management, alternative dispute resolution, boundaries of the judicial districts, and other matters. The present six committees of the State Judicial Council are Salaries and Benefits, Alternative Dispute Resolution, Public Trust, Court Performance Standards, and Court Jurisdiction and Organization.

**DISTRICT ATTORNEYS:** District attorneys represent the State in all criminal actions and infractions brought in superior and district court and juvenile cases in which an attorney represents the juvenile. The district attorney is also responsible for calendaring criminal cases for trial. There are thirty-nine prosecutorial districts and the voters of each district elect the district attorney to a four-year term. In addition, each district attorney may hire assistant district attorneys as provided by statute. There are 39 elected district attorneys and 453 assistant district attorneys authorized throughout North Carolina.

**REPRESENTATION FOR INDIGENT PERSONS:** The Indigent Defense Services Act of 2000 created the thirteen-member Commission on Indigent Defense Services. The Commission and its staff, the Office of Indigent Defense Services, are located within the Judicial Branch, but exercise their prescribed powers independently from the AOC. The Commission and Office are responsible for providing legal representation and related services in all cases where indigent persons are entitled to representation at state expense.

As of June 30, 2005, there were 13 public defenders and 155 assistant public defenders representing indigent persons in 20 counties. Effective July 2005, a new public defender office was established in Wake County. Public defenders are appointed by the senior resident superior court judge for four-year terms and may employ assistants as authorized by the Commission and funded by the General Assembly. In the remaining counties, representation of indigent persons is provided almost entirely by assignment of private counsel. Private counsel is assigned by the court, the Office of Indigent Defense Services, and in certain circumstances, the public defender.

In 2004, the General Assembly authorized the creation of a new statewide juvenile defender based on a recommendation from the Commission on Indigent Defense Services. The Commission appointed the first juvenile defender in November 2004.

In addition, the Office of the Appellate Defender handles criminal defense services for indigent persons who appeal convictions to the Supreme Court or the Court of Appeals, as well as services for indigent persons who are entitled to appellate counsel in certain civil proceedings. The Office of the Capital Defender represents indigent defendants charged with potentially capital offenses. The Office of Special Counsel represents indigent patients in commitment or recommitment hearings before a district court judge at each of the state's four mental health hospitals. The Commission appoints the appellate defender, the capital defender, and the attorneys who serve as special counsel.

**JUDICIAL SUPPORT PERSONNEL:** Personnel are provided to support district and superior court judges statewide. Judicial assistants perform a variety of administrative and secretarial functions, including preparing documents and tracking the status of cases. Trial court coordinators perform a variety of administrative and case management functions, as well as assisting with legal research and developing case

management procedures. Trial court administrators are jointly hired by the senior resident superior court judge and the chief district court judge since they work for both the Superior Court and District Court Divisions. They are responsible for civil case calendaring, jury utilization, and establishing and managing local court rules. There are currently twelve trial court administrators, serving fourteen superior court districts.

**ADMINISTRATIVE OFFICE OF THE COURTS:** The AOC is the administrative and business arm of the Judicial Branch. The AOC provides statewide support services for the courts, including information technology, human resources, financial, legal, research, planning, and purchasing services. In addition, the AOC prepares and administers the court system's budget. The director of the AOC is appointed by the chief justice, but has independent statutory responsibility for the administration of the court system. The assistant director is also appointed by the chief justice, and serves as the administrative assistant to the chief justice.

**JUDICIAL BRANCH COMMISSIONS:** The Judicial Branch has six commissions.

**Judicial Standards Commission:** This seven-member Commission is responsible for the investigation of complaints concerning the qualifications of any justice or judge of the General Court of Justice and may recommend action be taken by the Supreme Court. The Commission was created by the General Assembly in 1972 pursuant to a constitutional amendment approved by the voters.

**Sentencing and Policy Advisory Commission:** This thirty-member Commission is responsible for developing recommendations regarding the appropriate sentencing of felons and misdemeanants in North Carolina. The Commission also monitors sentencing practices in the State, publishes annual statistical data, and projects state prison and jail populations. The Commission was created by the General Assembly in 1990 and is served by a full time staff.

**Dispute Resolution Commission:** Established by the General Assembly in 1995, this fourteen-member Commission is charged with certifying and regulating the conduct of mediators serving the statewide superior court mediated settlement and the district court family financial settlement programs, certifying mediation trainers, and suggesting revisions to program rules and forms.

**Chief Justice's Commission on Professionalism:** This sixteen-member Commission's mandate is to encourage professionalism within the practice of law in North Carolina and to improve the public's perception of the court system. The North Carolina Supreme Court created the Commission in 1998.

**Commission on Indigent Defense Services:** The Commission was established by legislation in 2000, and is described in the "*Representation for Indigent Persons*" section of this report.

## *MAJOR HIGHLIGHTS AND ACCOMPLISHMENTS, FISCAL YEAR 2004-05*

### SERVING FAMILIES

The North Carolina Judicial Branch has placed increased emphasis on serving children, families, victims, and other citizens in need across the state. Following are some major highlights and accomplishments in this area.

**Family Courts:** Legislation in 1998 authorized the AOC to experiment with the concept of Unified Family Courts. Implementation began in 1999 with Districts 14 (Durham County), 20 (Union, Stanly, Richmond and Anson Counties), and 26 (Mecklenburg County) designated as the first Family Court pilot programs. In 2000, the Family Court program was expanded to Districts 5 (New Hanover and Pender Counties), 6A (Halifax County), and 12 (Cumberland County). In 2001, the program was further expanded to include Districts 8 (Wayne, Lenoir, and Green Counties) and 25 (Catawba, Caldwell, and Burke Counties). The ninth Family Court program, District 28 (Buncombe County), was funded to begin implementation efforts in January 2004. The most recent expansion efforts have been in District 10, Wake County, with some implementation funding received in the late summer of 2004.

Family courts coordinate all case management and service agency efforts for a single family in distress, to better serve that family and provide more consistent, efficient use of trial court time. One judge hears all matters affecting a family, either with the breakup of a marriage or the filing of a juvenile action. In an effort to improve outcomes for a family, non-trial means of resolving the case, such as mediation, are used to settle these disputes before resorting to an adversarial trial. In addition to providing information about local community services, Family Courts may offer, or partner with community agencies to offer, a wide variety of ancillary programs and services, such as Truancy Diversion Court, permanency mediation, Access and Visitation, and parent education for divorcing families.

**Custody and Visitation Mediation:** In 2005, 30 of 39 judicial districts had a custody and visitation mediation program. The program provides parties who have unresolved issues about child custody or visitation with a non-adversarial alternative to litigation. It helps them to step back from their own conflict and focus on the best interests of their children. In most cases, parents are required to participate in this program before proceeding through the traditional court process. The mediators selected are highly skilled and must meet rigid training and experience requirements. Through this program, many parents are able to reach a lasting and mutual agreement regarding the structure and parameters of child custody without returning to the court system.

**Family Financial Settlement Program:** Approved for statewide expansion in October 2001, the family financial settlement program provides settlement opportunities for

parties dealing with issues of equitable distribution, alimony, and child support. Utilization of the program is not mandatory, except in districts that are a specialized family court district. The program's procedures permit couples and their attorneys to choose among various dispute resolution options, including mediated settlement, neutral evaluation, judicial settlement conference, and any other procedure authorized by local rule. Mediated settlement serves as the default procedure if the parties do not select one of the other procedures.

**Guardian ad Litem Program:** In 1983, the General Assembly established the Office of Guardian ad Litem Services Program (GAL) in the AOC, mandating the appointment of an attorney Guardian ad Litem for abused and neglected children. The GAL Program uses a team of trained attorneys and community volunteers to represent and promote the best interests of children in court and to advocate for children to be in safe and permanent homes. Since 1994, the GAL Program has had staff and volunteers in all 39 district court districts. During FY 2004-05, 4,033 GAL volunteers and 101 attorney advocates represented 16,528 children in 37,322 scheduled court hearings. GAL volunteers gave the state 774,336 hours in training and casework.

There has been a dramatic increase in the appeals of abuse and neglect proceedings. To this end, the GAL Program is collaborating with the court system and other agencies to expedite appeals and reduce the costly time delay for families and children. Total expenditures for the GAL Program in FY 2004-05 amounted to \$8,411,932.

**Court Improvement Program for Children and Families:** The Court Improvement Program (CIP) was established by grant as part of a federal initiative to support family preservation, prevention of child abuse, and services to families at risk. The grant was initially authorized by the Omnibus Budget Reconciliation Act of 1993. Its purpose is to assess and improve court processes related to foster care and adoption. The AOC has received federal funding for the program since 1995. These funds are distributed to districts to be used for training and information programs for juvenile court and management assistance in developing and implementing improvements in policy, procedure, and management for juvenile courts.

A statewide assessment of proceedings relating to foster care and adoption was initiated in 2004. The results of the statewide assessment are expected to be reported in 2006. Findings will be used to develop recommendations for further improving the processing of child abuse and neglect cases.

**Drug Treatment Courts (DTC):** A drug treatment court uses a team of court and community professionals to help ensure that North Carolina's alcohol and/or drug addicted offenders receive the intensive treatment they need to become healthy, law-abiding and productive family and community members. Adult DTC works with non-violent, repeat offenders who are facing jail or prison time. Family DTC works with parents and guardians who are in danger of losing custody of their children because they are abusing or chemically addicted to drugs and/or alcohol. Juvenile DTC works

with non-violent juvenile offenders whose drug and/or alcohol use negatively impacts their lives at home, in school and in the community.

There are adult drug treatment courts in fourteen districts (Districts 3B, 5, 9A, 10, 12, 14, 15B, 18, 19B, 21, 24, 25, 26 and 28), juvenile drug treatment courts in five districts (Districts 10, 14, 19C, 21, and 26), and family dependency drug treatment courts in seven districts (Districts 6A, 8, 12, 14, 15B, 26 and 28).

## **RESOLVING DISPUTES**

While several of the highlights mentioned in the previous section included various dispute resolution alternatives, there are still other methods available for resolving disputes. North Carolina is a national leader in innovative programs aiming to resolve disputes in alternative ways than expensive and often acrimonious and unsatisfying adversarial litigation. Following are some additional major highlights and accomplishments in the area of alternative dispute resolution.

**Court-Ordered Arbitration:** As of June 30, 2005, arbitration programs were operating in 72 counties. In these counties, most civil cases involving claims totaling \$15,000 or less may be subject to court-ordered, non-binding arbitration. As a rule, arbitration hearings are limited to one hour, take place in the courthouse, and are conducted by a trained and approved attorney arbitrator who is either appointed by the court or selected by the parties. Historically, 70% of the cases are resolved at the hearing, with the arbitrator's award ultimately becoming the final judgment of the court.

**Mediated Settlement Conferences:** In 1995, the General Assembly mandated a statewide program of mediated settlement conferences for superior court civil cases. Mediators facilitate settlement discussions between parties in an effort to help them arrive at mutually agreeable solutions to their disputes. The mediated settlement program allows parties and their attorneys to meet with a neutral mediator to discuss their dispute and seek a resolution.

**Alternative Dispute Resolution (ADR) Committee:** The ADR Committee, now a committee of the State Judicial Council, was created by order of the North Carolina Supreme Court in July 2000. Appointed by the chief justice to four-year terms, committee members include representatives of all court groups affected by non-trial intervention methods. The Committee's duties are to provide ongoing coordination and policy direction for all court-sponsored dispute resolution programs, provide a forum for consideration of future development of such programs, monitor the effectiveness of such programs, and serve as a clearinghouse for rules affecting these programs.

## INCREASING UNDERSTANDING AND ACCESS TO THE COURTS

The North Carolina Judicial Branch continues to make efforts to bridge the information gap between the public and the court system. One program that has received particular emphasis in recent years is designed to ensure access to justice for the state's increasing population of non-English speaking people.

**Interpreter Services:** The purpose of Interpreter Services, is to facilitate access to the courts for non-English-speaking persons, with a particular emphasis on North Carolina's sizeable Hispanic/Latino population. The program continues to meet the needs of the courts and non-English speakers around the state by helping court officials locate interpreters of all languages, including deaf and hard of hearing; assisting with development of policy and guidelines for interpreters, advising the courts on interpreter use, training court officials on cultural and interpreting issues, and by translating and distributing over 50 court forms and bilingual brochures on court processes. The program has trained over 900 prospective court interpreters and now has over 40 certified Spanish interpreters working throughout the State. Through Interpreter Services, North Carolina is a member of the National Consortium for State Court Interpreter Certification along with 34 other states. The program also has its own advisory committee made of court officials, attorneys and advocates from around North Carolina.

## IMPROVING COURT OPERATIONS

During the year, the North Carolina Judicial Branch continued to search for ways to improve court operations . Following are some accomplishments and highlights in this area.

**Employee Mediation:** During FY 2004-05, the AOC created a new mediation program to assist with the resolution of employment disputes. Under this program, Judicial Branch hiring authorities may utilize mediators trained to mediate such disputes. The mediation program will include a formal process as part of the AOC Grievance Procedure and an informal process for handling employment disputes statewide.

**Court Performance Standards:** To achieve the most effective and efficient trial court operations, improve the administration of justice, and better serve the public who use the courts, in 2001, Chief Justice I. Beverly Lake, Jr., on the recommendation of the State Judicial Council, adopted a "Trial Court Performance Standards and Measurement System" for North Carolina's courts. This nationally recognized standards system is designed to help trial courts identify and set guidelines for their operations, measure their performance, manage their caseloads, and make improvements to better meet the needs and expectations of the public. In 2002, with oversight of the State Judicial

Council, the AOC began conducting grant-funded projects to learn how to implement and use the standards to improve court performance for years to come.

The first segment of the project focused on measuring and improving court users perceptions of court performance, including responsiveness and courtesy. In 2003, the project distributed public surveys at courthouses statewide and community volunteers observed trial court proceedings to find out the public's perception of how the courts are doing. Responses from the surveys and court observations were predominantly positive, particularly in the areas of courtesy, respectfulness, fairness, and helpfulness. Respondents expressed the most dissatisfaction with the timeliness of case processing. The results are helping to identify key areas in need of improvement and will establish approaches to improve court operations and public perceptions in those areas. A web-based version of the survey is used on a continuing basis to gain input from people who use the courts.

The next segment of the project is implementing a web-based system to provide trial court officials with up-to-date data for three specific performance measures adopted by the State Judicial Council in 2003. Since June 2005, a test version of the Court Performance Management System (CPMS) has been available on the court system Intranet, providing up-to-date performance management data for every court official, for all counties. The performance measures are based on guidelines for case processing times adopted by the Supreme Court. This test phase of the system is scheduled to end in early 2006, after which, with approval of the State Judicial Council, the CPMS will be available on the court system's public Internet web site. This CPMS is also developing approaches to integrate the need to measure and manage performance into the planning and development of court technology and information systems, and future phases of the CPMS will include additional performance measures, expand the system to additional case types, and eventually displace the costly production and distribution of paper statistics for court officials.

**Sentencing Services Program:** The Sentencing Services program was initiated in 1983 in an effort to conserve prison resources by providing the court with sentencing plans that make the best use of community resources to manage appropriate offenders in the community. The 2002 Appropriations Act reduced the program's overall budget by nearly 40%, from approximately \$5.8 million to just over \$3.6 million, and transferred the program from the AOC to the Office of Indigent Defense Services, directing the Office to reconfigure the program as necessary to implement the budget cut. During FY 2004-05, a mix of grant programs and state-operated programs continued to provide services in all 100 counties under the direction of the Office of Indigent Defense Services.

## UTILIZING TECHNOLOGY

Substantial progress has been achieved on several important court technology projects. Although the Judicial Branch is in need of significantly more funding in this area, in FY 2004-05, the AOC delivered systems that brought technological efficiencies to the court system. The AOC obtained over \$1.3 million in grant funds from the Governor's Crime Commission and other grant funding from the Bureau of Justice Assistance to supplement our appropriations, and to keep the AOC's initiatives moving forward.

**Statewide Warrant Repository (NCAware):** The court system is the hub of the criminal justice information system. As such, a fully automated repository of all outstanding criminal processes, such as warrants and orders for arrest, is necessary to apprehend known criminal and terrorist elements within the state. An important part of the NCAware project is to provide secure statewide access to all of North Carolina's outstanding summons, warrants, and orders for arrest. This new environment will allow law enforcement to access the repository from remote PCs. Pilot implementation of NCAware is expected to begin in January 2007.

**eCitation Project:** The eCitation project, a Criminal Justice Information Network (CJIN) initiative, automates the production of criminal and traffic citations so that the citation data is external and transmitted electronically from the issuing officer's patrol car to the clerks' offices. ECitation eliminates both the traditional paper citation and redundant data entry by clerks. By December 2007, eCitation is expected to be available to all law enforcement agencies. Since project inception, over 240,000 electronic citations have been transmitted.

**Judgment Abstracting:** Judgment abstracting enhances the existing civil case processing system by giving the clerks the ability to record specific money judgment for civil district, civil superior, juvenile, and miscellaneous file types. The system allows for the automation of complex judgments that were previously manually captured, calculated, and recorded in judgment docket books. This project enables statewide access to judgments in all 100 counties.

**Disaster Recovery:** The purpose of a disaster recovery test is to restore the AOC data center and its connectivity in the event of a natural or other disaster. The AOC created procedures, manuals, backups, documentation, and test scripts for a successful disaster recovery test at the IBM facility in Sterling Forest, New York scheduled for October 2005.

**NORTH CAROLINA JUDICIAL BRANCH FACT SHEET**  
**Fiscal Year July 1, 2004 - June 30, 2005**

<b>Population and Area Served:</b>	8,541,263	Population (approximate)
	100	Counties
<b>Court Organization:</b>	47	Superior Court Districts for Administrative Purposes
	65	Superior Court Districts for Elective Purposes
	39	District Court Districts for Administrative Purposes
	40	District Court Districts for Elective Purposes
	39	Prosecutorial Districts
	13	Public Defender Districts
<b>Numbers of Justices and Judges:</b>	7.00	Supreme Court Justices
	15.00	Court of Appeals Judges
	109.00	Superior Court Judges
	239.00	District Court Judges
<b>Numbers of Other Authorized Personnel:</b>		
39.00	District Attorneys	12.00 Trial Court Administrators
463.00	Assistant District Attorneys	120.50 Guardian ad Litem Personnel
100.00	Clerks of Superior Court	288.00 Administrative Office of the Courts
2,306.75	Clerk Personnel	981.475 Court Support Staff
718.00	Magistrates	20.50 Other**

**Total Judicial Branch Personnel: 5,419.225\*\*\***

\*Beginning with the FY 2004-05 printing of this report, Judicial Branch personnel are counted as full-time equivalents (FTEs) rather than positions. FTEs measure the percentage of time that an employee works.

\*\*Judicial Standards Commission, District Attorney's Conference, Dispute Resolution Commission and Sentencing Commission

\*\*\*The total figures include grant-funded positions but not Indigent Defense Services positions.

**BUDGET\***

<b>Total Judicial Branch Authorized Appropriations as a Percent of Total State General Fund Appropriations:</b>	<b>2.10%</b>
Total Judicial Branch Authorized Appropriations, 2004-05:	\$333,885,323
Percent Increase from 2003-04:	7.99%

\*not including indigent defense

**CASES FILED AND DISPOSED, FISCAL YEAR 2004-05**

Court	Filed	% Change From 2003-04	Disposed	% Change From 2003-04
Supreme Court:				
Appeals	234	28.6%	239	24.5%
Petitions	547	-19.3%	574	-13.6%
Court of Appeals:				
Appeals	1,707	-2.9%	1,719	1.0%
Petitions	1,012	10.5%	1,012	17.7%
Superior Court*:	343,065	2.6%	327,667	1.8%
District Court**:	2,840,367	1.3%	2,770,951	3.1%

\*Includes Felonies, Misdemeanors, Civil, Estates, and Special Proceedings

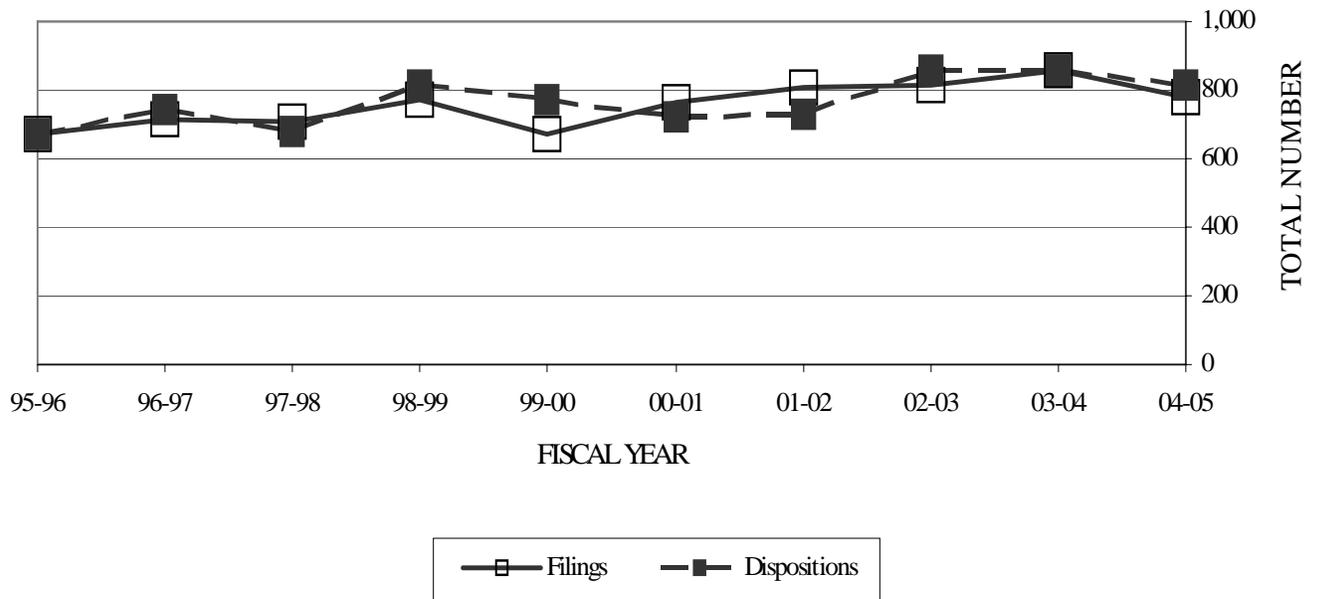
\*\*Includes Criminal Non-Motor Vehicle, Criminal Motor Vehicle, Infractions, Small Claims, Domestic Relations, General Civil and Magistrate Appeals/Transfers, and Civil License Revocations (counted only at filing)

**STATISTICAL WORKLOAD HIGHLIGHTS**

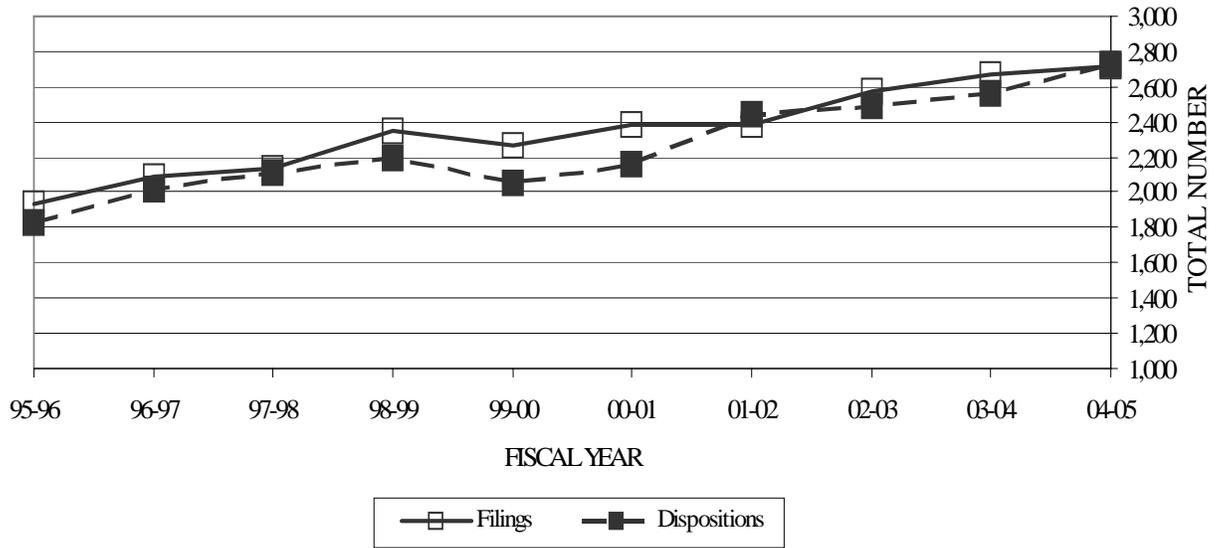
As has been the trend over the past decade, the work demands on the North Carolina Judicial Branch continue to increase. As shown on the following tables, filings and dispositions increased last year for some courts. Some other caseload highlights from fiscal years 2003-04 to 2004-05 include:

- There was a 1.9% increase in felony filings and a 1.1% decrease in felony dispositions. The superior court case category with the most significant increase in filings during that period was misdemeanors (6.2%). Misdemeanor dispositions increased by 3.2%.
- For district court cases, criminal motor vehicle case filings increased by 3.4% and dispositions increased by 5.1%. Domestic relations case filings increased by 3.2% and dispositions increased by 2.6%. In addition, district court dispositions increased by 3.1%.

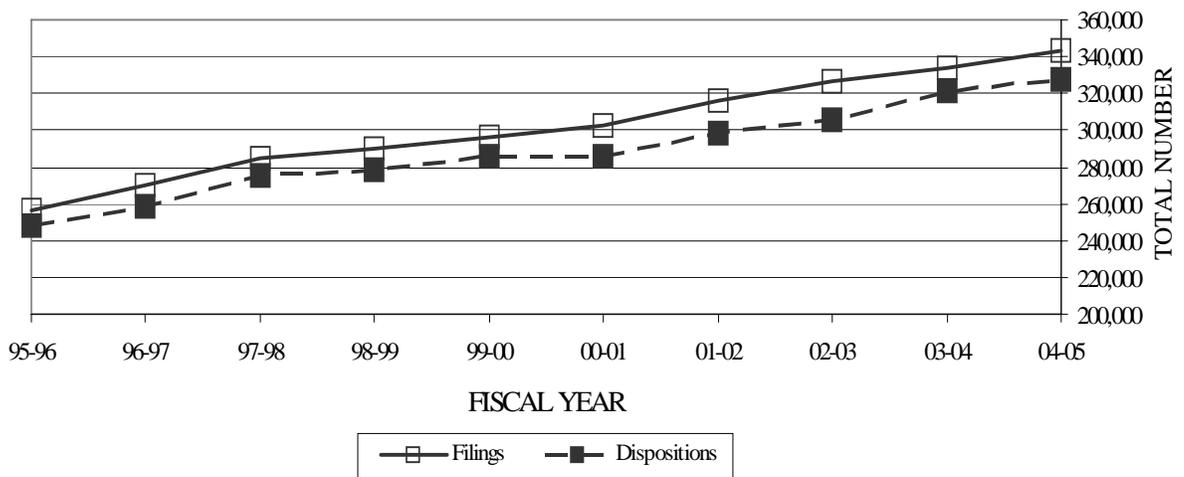
**SUPREME COURT**  
 Appeals and Petitions Filed and Disposed



**COURT OF APPEALS**  
 Appeals and Petitions Filed and Disposed

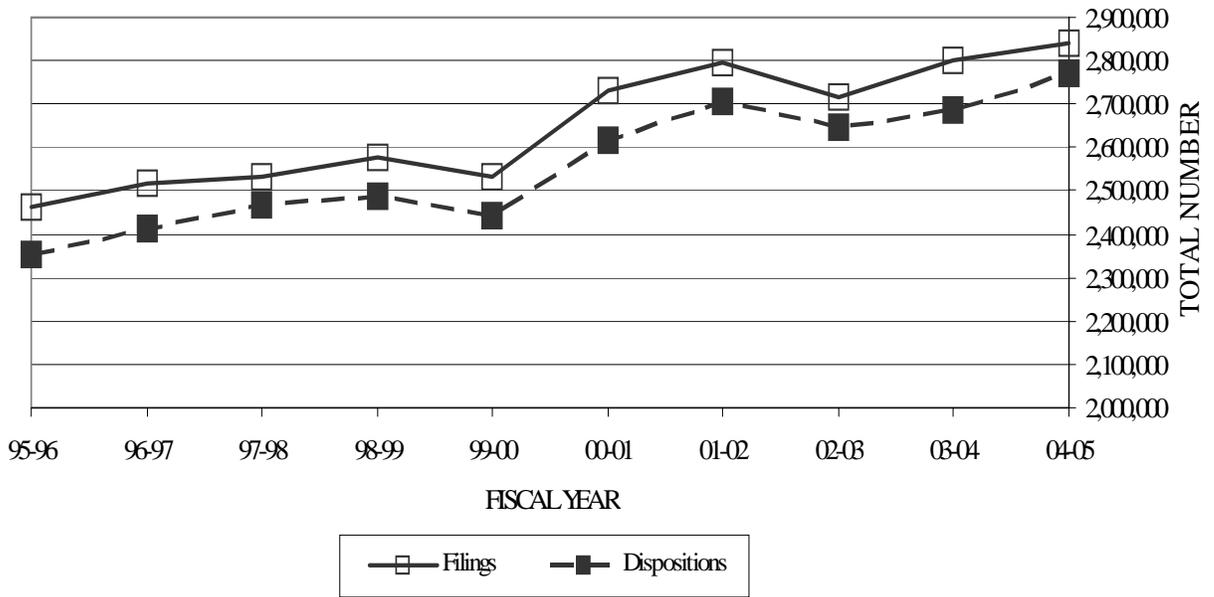


**SUPERIOR COURT**  
 Criminal, Civil, Estates, and Special Proceedings Filed and Disposed



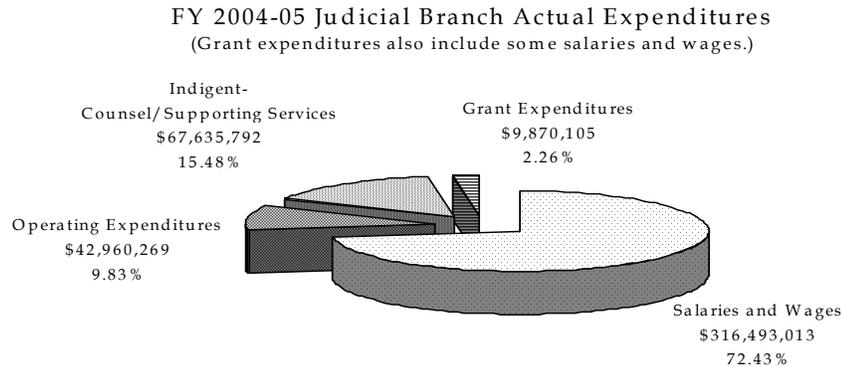
## DISTRICT COURT

Criminal, Civil, and Infractions Filed and Disposed and Civil License Revocations Filed



## FINANCIAL HIGHLIGHTS

The North Carolina Judicial Branch received only 2.10% of total state general fund appropriations as show on page 18 of this report. The chart and tables on this page show major court budget expenditures for fiscal year 2004-05 in specific program areas.

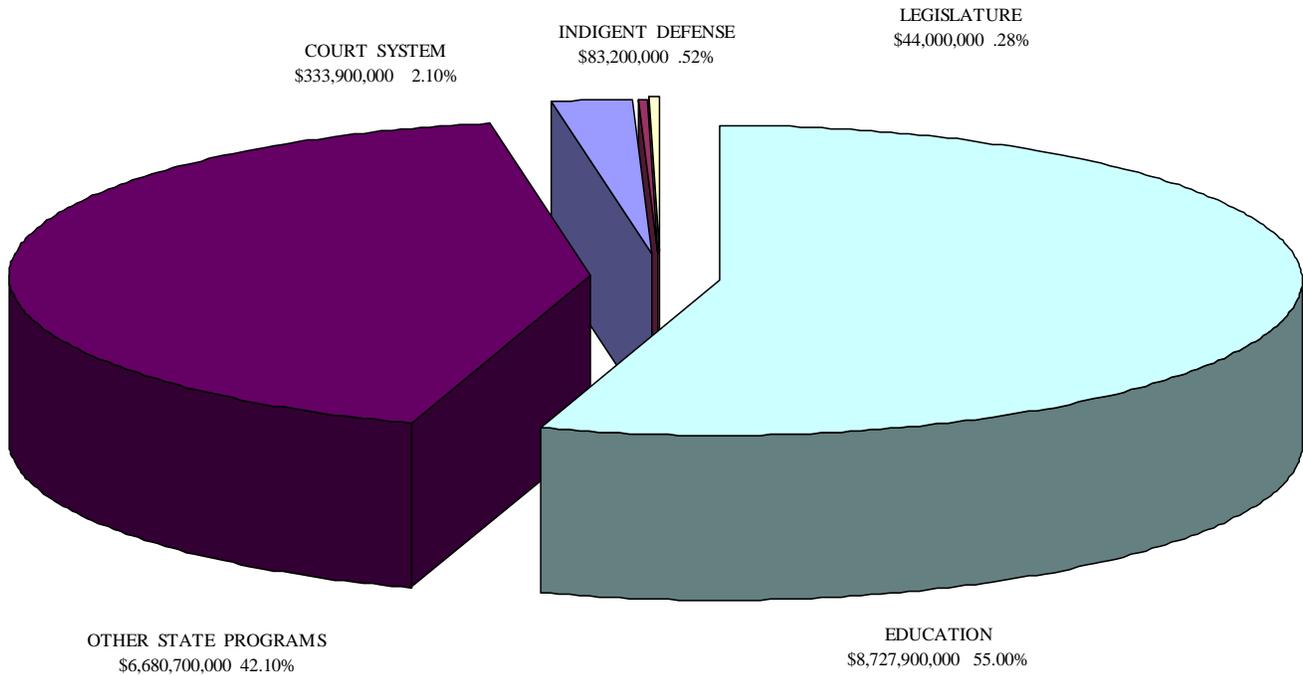


### FY 2004- 05 Judicial Branch Actual Expenditures

Court Component	Expenditures	Percent of total
Supreme Court	\$4,736,570	1.08%
Court of Appeals	\$6,202,927	1.42%
Superior Court	\$31,988,270	7.32%
District Court	\$70,424,192	16.12%
Clerk of Superior Court	\$107,423,278	24.58%
Representation of Indigents*	\$91,800,049	21.01%
Guardian ad Litem	\$8,411,932	1.93%
District Attorney	\$60,642,181	13.88%
AOC	\$32,727,934	7.49%
Court Information Technology Fund	\$1,384,858	0.32%
Judicial Standards Commission	\$120,365	0.03%
Dispute Resolution Programs	\$4,022,112	0.92%
Family Court	\$1,653,298	0.38%
Sentencing & Policy Advisory Commission	\$684,170	0.16%
Drug Treatment Court	\$1,205,398	0.28%
State Bar	\$590,000	0.14%
Equipment/Supply	\$3,071,540	0.70%
Grant-Supported Projects	\$9,870,105	2.26%
<b>Grand Total</b>	<b>\$436,959,179</b>	<b>100.00%</b>

\*Includes \$3,553,131 for the Sentencing Services Program

**NORTH CAROLINA STATE GOVERNMENT FY 2004-05  
 AUTHORIZED BUDGET APPROPRIATION  
 APPROXIMATELY \$15,869,700,000**



**JUDICIAL BRANCH RECEIPTS**

**Over \$460 Million Distributed to Citizens and Government:**

**Collected for Citizens: \$198,145,534**

(from judgments, restitution, condemnation awards, child support, alimony, etc.)

**Remitted to the State Treasurer: \$149,864,302**

(from various court fees, appellate division report sales, law enforcement officer and sheriff benefits, and pretrial civil revocation fees)

**Distributed to Counties: \$111,481,697**

(from facilities, officer, jail, and pretrial civil revocation fees, and fines and forfeitures, totaling \$78,397,130 for public schools)

**Distributed to Municipalities: \$3,320,167**

(from facilities, officer, and jail fees)

## CHALLENGES FOR THE FUTURE

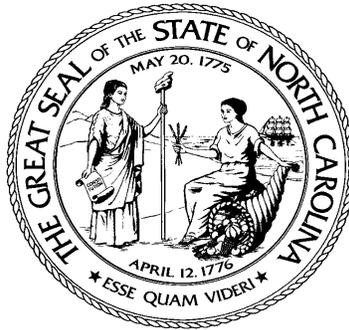
Previous sections of this report outlined ongoing initiatives to improve the administration of justice. Following are some of the major issues that the Judicial Branch must address in the immediate future.

**Funding:** With continued increases in the size and complexity of caseloads, the ongoing need for management authority, and severe under funding for FY 2004-05 the Judicial Branch received an authorized appropriation from the General Assembly of only \$333,885,323 (excluding Indigent Defense Services and State Bar/Civil Justice Act funds). This appropriation represents a mere 2.10% of the entire state budget. It is an interesting contrast that the court system collected and distributed more than \$460 million to citizens and government from various fees, fines, forfeitures, appellate division report sales, law enforcement officer and sheriff benefits, and a variety of judgments and awards such as child support (these amounts are detailed on page 18). It is critical that adequate funding be provided so that the courts may maintain and improve court operations, ensure quality justice, and provide better service to the public. The court system will continue to press for its critical needs in personnel, technology and equipment, and programs and operations.

**Technology:** The challenge of inadequate funding has also required the AOC to reprioritize planned new initiatives and move with measured speed on its modernization plans. However, the AOC will continue to maintain the stability and functionality of its existing information systems and infrastructure. We continue to enhance our statewide network and enterprise server to improve service, security, and dependability for the 6,000 court personnel and over 2,700 law enforcement officers who use our systems. The AOC will strive to always deliver high quality services to all of its users statewide.

**Judicial Branch Fiscal Integrity and Accountability:** In recent years, efforts to improve the quality of justice administered by the court system have been greatly hampered by inadequate funding provided by the legislature. The already under-funded and overstretched court system cannot absorb additional workload without additional resources. Adequate funding and personnel resources needed to maintain and improve court operations have not been available to the Judicial Branch. In addition, improvement is critically needed in the way available resources are allocated and administered as needs change during a fiscal year and over time. The Judicial Branch--the third branch of government--does not have the budgetary flexibility and management authorities necessary to manage and allocate funds appropriated by the General Assembly to best meet the demands of its vast and increasingly complex caseload, and the needs of our citizens. Since 2003, the State Judicial Council has considered and endorsed legislation to address these issues. Although legislation has not yet been enacted, efforts continue to work with the legislature towards securing authorities for the court system commensurate to an equal and coordinate branch of government.





**N.C. Administrative Office of the Courts  
P.O. Box 2448  
Raleigh, NC 27602-7107  
[www.nccourts.org](http://www.nccourts.org)**

1,100 copies of this public document were printed for a total cost of \$839.23, or about \$0.762 per copy.  
Printed on recycled paper.

---