



# 2007 – 2008

## NORTH CAROLINA COURTS ANNUAL REPORT

July 1, 2007 – June 30, 2008



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Prepared by the



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## Mission of the North Carolina Judicial Department

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.

# Message from the Chief Justice and the NCAOC Director

Dear Friend of the Court,

We are pleased to provide this State Fiscal Year 2007–2008 Annual Report of the North Carolina Judicial Department. We truly are proud of the North Carolina court system, and we thank you for this opportunity to share our successes.

This report describes the North Carolina Judicial Department and all of its component offices. It also presents noteworthy accomplishments of the court system during the fiscal year.

Your interest in the North Carolina Judicial Department of government is greatly appreciated.

Sincerely,



*Sarah Parker*

Sarah Parker, Chief Justice  
Supreme Court of North Carolina



*J. Smith*

Judge John W. Smith, Director  
N.C. Administrative Office of the Courts



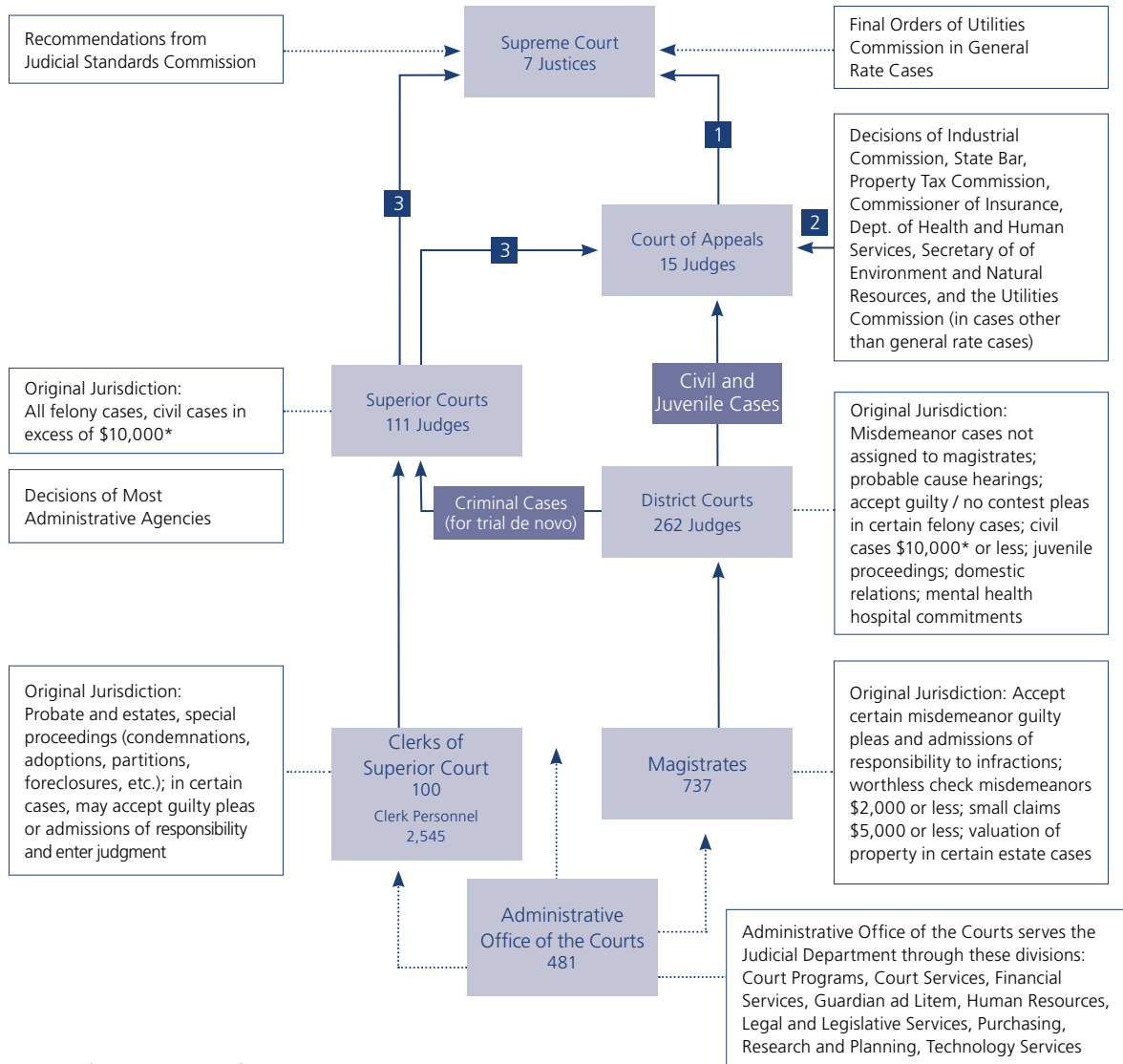


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# Court Organizational Structure and Routes of Appeal

As of June 30, 2008



- 1 Appeals from the Court of Appeals to the Supreme Court are by right in cases involving constitutional questions, and cases in which there has been dissent in the Court of Appeals. In its discretion, the Supreme Court may review Court of Appeals decisions in cases of significant public interest or cases involving legal principles of major significance.
- 2 Appeals from these agencies lie directly to the Court of Appeals.
- 3 As a matter of right, appeals go directly to the Supreme Court in first degree capital murder cases in which the defendant has been sentenced to death, and in Utilities Commission general rate cases. In all other cases appeal as of right is to the Court of Appeals. In its discretion, the Supreme Court may hear appeals directly from the trial courts in cases of significant public interest, in cases involving legal principles of major significance, where delay would cause substantial harm, or when the Court of Appeals docket is unusually full.

\*The district and superior courts have concurrent original jurisdiction in civil actions (G.S. 7A-240). \*However, the district court division is the proper division for the trial of civil actions in which the amount in controversy is \$10,000 or less; and the superior court division is the proper division for the trial of civil actions in which the amount in controversy exceeds \$10,000 (G.S. 7A-243).

[G.S. 7A-240, or NCGS § 7A-240, is a formal cite reference to a particular statute enacted by the General Assembly. The statutory references made here can be found on [www.ncleg.net](http://www.ncleg.net)]



# Judicial Department Fact Sheet

## Judicial Department Personnel

State Fiscal Year July 1, 2007–June 30, 2008

### Numbers of Justices and Judges

Supreme Court Justices	7.00
Court of Appeals Judges	15.00
Superior Court Judges	111.00
District Court Judges	262.00

### Numbers of Other Authorized Personnel

District Attorneys	42.00
Assistant District Attorneys	601.00
Public Defenders	16.00
Assistant Public Defenders	228.00
Clerks of Superior Court	100.00
Assistant and Deputy Clerks	2,544.75
IDS and Indigent Support Staff	223.50
Guardian ad Litem Personnel	163.25
Magistrates	737.35
N.C. Administrative Office of the Courts	480.50
Court Support Staff	1,162.775
Trial Court Administrators	13.00
<b>Other*</b>	31.50

**Total Judicial Department Personnel** 6,738.625

\*Judicial Standards Commission, Conference of District Attorneys, Dispute Resolution Commission, Conference of Clerks of Superior Court, Innocence Inquiry Commission, Chief Justice's Commission on Professionalism, and Sentencing and Policy Advisory Commission positions.

## Budget

Total Judicial Department Authorized Appropriations, 2007–2008	\$400,159,117
Percent Increase from 2006–2007	13.34%
Total Judicial Department Authorized Appropriations (not including indigent defense) as a percent of total state general fund appropriations	2.12%

Budgeted increase funded through increased court costs and fees.

# The State Judicial Council

The State Judicial Council is an advisory and oversight body for the Judicial Department of government, chaired by the Chief Justice of the Supreme Court of North Carolina and consisting of representatives from every component of the court system, the bar, and non-attorney public members. Its general duties (refer to the N.C. General Statutes) encompass studying and monitoring the operations of the court system and identifying areas for improvement.

The Judicial Council's specific areas of responsibility include:

- Advising the Chief Justice on priorities for funding
- Conferring with the Chief Justice on the budget prepared by the NCAOC
- Recommending to the General Assembly the salaries of justices and judges and changes in expense allowances, benefits and other compensation for other judicial officials
- Recommending the creation of judgeships
- Recommending to the Chief Justice performance standards for all courts and all judicial officials
- Implementing guidelines for the assignment and management of cases, including monitoring the effectiveness of alternative dispute resolution programs
- Recommending changes to the boundaries of judicial districts or divisions
- Monitoring the administration of justice and assessing the effectiveness of the Judicial Department in serving the public and advising the Chief Justice and the General Assembly on changes needed to assist the General Court of Justice in better fulfilling its mission.

The State Judicial Council has five standing committees:

- Alternative Dispute Resolution
- Court Jurisdiction and Organization
- Performance Standards
- Salaries
- Public Trust

## Members of the State Judicial Council

### Judicial Department Officials

Honorable Sarah Parker  
Chief Justice  
Supreme Court of North Carolina  
Judicial Council Chair

Honorable John C. Martin  
Chief Judge  
N.C. Court of Appeals

Honorable Robert Hobgood  
Senior Resident  
Superior Court Judge  
District 9

Honorable Beth Keever  
Chief District Court Judge  
District 12

Honorable Peter Gilchrist  
District Attorney  
District 26

Honorable Archie Smith  
Clerk of Superior Court  
Durham County

Mr. Angus Thompson  
Public Defender  
District 16B

Mr. Lionel Gilbert  
Magistrate  
Polk County

### Other Members

Mr. Edwin M. Speas  
Attorney  
Raleigh

Mr. John Medlin  
Winston-Salem

Mr. Don Cowan  
Attorney  
Raleigh

Mr. Dumont Clarke  
Attorney  
Charlotte

Mr. Jack Olsen  
Jackson Spring

Mr. Lonnie Player  
Attorney  
Fayetteville

Ms. Jane Griffin  
Ocracoke

Professor Rhoda Billings  
Former Chief Justice, Retired  
Lewisville

Mr. Gary W. Thomas  
Attorney  
Statesville

▼ Wayne County Courthouse



# The District Courts

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.

Civil cases such as divorce, custody, child support and cases involving less than \$10,000 are heard in district court, along with criminal cases involving misdemeanors and infractions. Civil cases are heard by a jury if a party requests one, but certain cases are always decided by a judge without a jury, such as child custody disputes. The district court also hears juvenile cases (age 16 and under) involving delinquency issues, and it has the authority to hear juvenile undisciplined cases (ages 16 and 17). It also considers dependency, neglect and abuse cases involving children younger than 18.



▲ Ashe County Courthouse

## Magistrates

Magistrates are appointed by the senior resident superior court judge from nominations provided by the clerk of superior court. They accept guilty pleas for minor misdemeanors and infractions, such as hunting or fishing violations or for traffic violations, and may accept waivers of trial for certain worthless check cases if authorized by the chief district court judge. In civil cases, the magistrate is authorized to try small claims cases (\$5,000 or less), landlord eviction cases and suits for recovery of personal property and motor vehicle mechanics' liens.

## District Court Caseload

### Caseload Inventory and Median Ages of District Court Cases

July 1, 2007–June 30, 2008

	Begin Pending	Filed	Disposed	End Pending	Median Ages (in days)	
					Disposed	Pending
Civil Cases		506,388	489,907			
Civil Magistrate (Small Claims)		268,256	266,882			
Civil District	83,972	238,132	223,025	99,079	65.0	117.0
Criminal Cases	237,702	1,703,586	1,693,972			
Infractions		852,749	853,501			
Civil License Revocations		51,323				

## Manner of Disposition of District Court Cases

July 1, 2007–June 30, 2008

	Jury Trial	Judge Trial	Voluntary Dismissal	Final Order/ Judgment w/o Trial	Clerk	Other
<b>Civil Cases</b>	166	58,256	28,739	49,311	47,005	39,548

Criminal Cases	Waiver*	Guilty Plea	Trial	DA Dismissal		Other	Probable Cause Matters (Felonies)			
				With Leave	Without Leave**		Heard and Bound Over	Probable Cause Not Found	Probable Cause Waived	Superceding Indictment
Non-Motor Vehicle	14,477	168,582	22,257	38,846	266,598	37,397	1,163	1,986	18,386	79,194
Motor Vehicle	Waiver:	164,494			Non-Waiver:	880,592				
Infractions	Waiver:	411,013			Non-Waiver:	442,488				

\*Non-motor vehicle waiver includes guilty plea before a magistrate and worthless check waivers.

\*\*DA dismissal without leave includes dismissals after deferred prosecution.



# The Superior Courts

All felony criminal cases, civil cases involving more than \$10,000, and misdemeanor and infraction appeals from district court are tried in superior court. A jury of 12 must decide the case for any criminal defendant who pleads not guilty. In civil cases, a judge generally will decide the case without a jury unless a party to the case requests one.

Superior court is divided into eight divisions and 46 districts across the state. Every six months, superior court judges rotate among the districts within their divisions. The rotation system helps minimize conflicts of interest that might result from having a permanent judge in one district.



▲ Warren County Courthouse

## The Superior Court caseload

### Caseload Inventory and Median Ages of Superior Court Cases

July 1, 2007–June 30, 2008

	Begin Pending	Filed	Disposed	End Pending	Median Ages (in days)*	
					Disposed Cases	Pending Cases
Civil Cases	19,035	27,226	26,799	19,462	188.0	166.0
Estates		63,660	61,680			
Special Proceedings		128,006	112,866			
Criminal Cases	92,641	149,919	146,437	96,123	203.0	250.0
Felonies	70,943	110,083	106,647	74,379	220.0	257.0
Misdemeanors	21,698	39,836	39,790	21,744	158.0	220.0

\*On this table, criminal cases in superior court are aged from their original filing date, which was the district court filing date if the case originated in district court. (Data in annual reports and supplements prior to FY 1996-1997 aged such cases from their filing date in superior court, and therefore excluded any time prior to transfer of such cases to superior court.)

## Manner of Disposition of Superior Court Cases

July 1, 2007–June 30, 2008

	Jury Trial	Judge Trial	Voluntary Dismissal	Judgment Without Trial	Clerk	Other
	Jury Trial	Guilty Plea		DA Dismissal		Other
		to Lesser Offense	to Charged Offense	With Leave	Without Leave*	
Criminal Cases	2,597	11,724	57,863	5,396	52,008	16,849
Felonies	1,913	11,262	48,427	3,901	37,774	3,370
Misdemeanors	684	462	9,436	1,495	14,234	13,479

\*"DA Dismissal Without Leave" includes dismissals after deferred prosecution.



▲ Court of Appeals

## The Court of Appeals

The court of appeals is the state's intermediate appellate court. The court has 15 judges who serve eight-year terms and hear cases in panels of three. The court of appeals decides only questions of the law in cases appealed from superior and district courts, and from some administrative agencies of the executive branch. Appeals can range from infractions to murder cases. If dissent arises in an opinion of the court of appeals, the parties to the case have the right to have the Supreme Court review the decision. If there is no dissent, the Supreme Court may still review the case upon a party's petition.

These tables summarize filing and disposition activity in the court of appeals.

In addition to trend data for the past 10 years, these tables provide filings and dispositions for cases on appeal, petitions and motions during state fiscal year 2007–2008. "Cases on appeal" include cases appealed from district courts, superior courts and administrative agencies. They are counted as appeals only after a record is filed with the clerk's office and a docket number is assigned. The "petition" category includes petitions involving only the four "extraordinary" writs set out in Article V of the Rules of Appellate Procedure: certiorari, mandamus, prohibition and supersedeas. "Motions" encompass any type of relief sought from the court of appeals, either in a case already filed with the court of appeals, or one on its way to the court of appeals but not yet filed.

Cases on appeal represent the largest portion of the court of appeals' workload, since most are disposed by written opinion. The other methods of disposition include the court's dismissal of the appeal and an appealing party's withdrawal of the appeal.

## Filings and Dispositions of Appeals and Petitions

1998–1999 to 2007–2008

Fiscal Year	Filings	Dispositions
1998–1999	2,352	2,194
1999–2000	2,268	2,057
2000–2001	2,380	2,155
2001–2002	2,388	2,441
2002–2003	2,572	2,496
2003–2004	2,674	2,562
2004–2005	2,719	2,731
2005–2006	2,707	2,973
2006–2007	2,484	2,634
2007–2008	1,575	1,713

Filings and dispositions shown here include appealed cases and petitions, but not motions.

### Filings and Dispositions

July 1, 2007–June 30, 2008

	Filings	Dispositions
<b>Cases on appeal</b>		
Civil cases appealed from district courts	351	
Civil cases appealed from superior courts	439	
Civil cases appealed from administrative agencies	129	
Criminal cases appealed from superior courts	656	
<b>Totals</b>	<b>1,575</b>	<b>1,713</b>

<b>Petitions</b>		
Allowed		135
Denied		719
Remanded		0
<b>Totals</b>	<b>849</b>	<b>854</b>

<b>Motions</b>		
Allowed		3,039
Denied		658
Remanded		0
<b>Totals</b>	<b>3,670</b>	<b>3,697</b>

<b>Total cases on appeals, petitions and motions</b>	<b>6,094</b>	<b>6,264</b>
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The number of dispositions is greater than the number of filings because cases can be carried over from previous state fiscal years.

# The Supreme Court

The Supreme Court of North Carolina is the state's highest court, and there is no further appeal in the state from its decisions. The court comprises the Chief Justice and six associate justices, each of whom serves an eight-year term. The Supreme Court makes no determination of fact; rather, it considers whether error occurred in trial or in judicial interpretation of the law. The Chief Justice also serves as the head of the Judicial Department.

▼ Supreme Court of North Carolina



## Supreme Court of North Carolina Caseload Inventory

July 1, 2007–June 30, 2008

	Pending 7/1/07	Filed	Disposed	Pending 6/30/08
<b>Petitions for Review*</b>				
Civil domestic	0	0	0	0
Juvenile	6	22	16	12
Other civil	82	221	242	61
Criminal	91	325	331	85
Administrative agency decision	0	1	1	0
<b>Total Petitions for Review</b>	<b>179</b>	<b>569</b>	<b>590</b>	<b>158</b>

\*Data represents cases with petitions requiring a ruling by the Court.

### Appeals

Civil domestic	0	0	0	0
Petitions granted that became civil domestic	0	0	0	0
Juvenile	8	6	12	2
Petitions granted that became juvenile appeals	0	0	0	0
Other civil	36	81	68	49
Petitions granted that became other civil appeals	9	17	15	11
Criminal, defendant sentenced to death**	8	9	8	9
Other criminal	39	83	88	34
Petitions granted that became other criminal appeals	6	8	12	2
Administrative agency decision	1	0	1	0
Petitions for review granted that became appeals of administrative agency decision	0	0	0	0
<b>Total Appeals</b>	<b>107</b>	<b>204</b>	<b>204</b>	<b>107</b>

### Other Proceedings

Rule 16(b) additional issues re dissent		17	18	
Motions		610	644	
<b>Total Other Proceeding</b>		<b>627</b>	<b>662</b>	

\*Disposed appeals include cases receiving opinions, dismissed, withdrawn.

\*\*Death cases filed include cases in which the record has not yet been received. The number of dispositions is greater than the number of filings because cases can be carried over from previous state fiscal years.

# Court Programs, Conferences and Commissions

## Child Custody Mediation and Permanency Mediation Programs

Pursuant to NC General Statutes § 7A-494 and § 7B-202, the NCAOC is required to provide statewide, uniform child custody mediation services to assist parents to resolve custody and / or visitation disputes” and to provide permanency mediation services in “cases in which a juvenile is alleged or has been adjudicated to be abused, neglected, or dependent, or in which a petition or motion to terminate a parent’s rights has been filed.” These two mandates authorize the operation of both the Child Custody and Visitation Mediation Program and the Permanency Mediation Program.

The Child Custody Mediation Program, first established in 1983, is comprised of 41 district mediation program across the state. The Custody Mediation Program provides a professional and neutral third party to help the parties develop a consensual parenting agreement, which when signed by a judge, becomes an order of the court. During State Fiscal Year (SFY) 2007-2008, custody mediators conducted 8,417 mediation sessions and drafted 5,206 parenting agreements, resolving custody issues in 62 percent of the cases sent to mediation.

The Permanency Mediation program, initially authorized and funded in 2006, was operational in 3 districts during SFY 2007-2008. A trained contract mediator is selected by district officials to conduct the mediation, addressing crucial issues of adjudication, permanency and provision of services in cases alleging abuse or neglect of children.

## Drug Treatment Courts

Drug Treatment Court (DTC) is an intensive, judicially supervised court sanction that targets high-risk, high-need offenders residing in the community. In state fiscal year (SFY) 2007-2008, three new drug treatment courts became operational: Chatham County Family DTC, Robeson County Family DTC (16B) and Rutherford / McDowell Counties Adult DTC. DTC 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 is an intermediate punishment in the community that targets repeat offenders. Family DTC works with parents and guardians who are in danger of termination of parental rights due to the abuse or neglect of their children. Juvenile DTC works with community-based, high-risk, high-need juvenile offenders whose drug and / or alcohol use is negatively impacting their lives at home, in school, and in their community.

The program typically lasts a minimum of one year and includes intensive outpatient treatment, frequent and random drug/alcohol testing, intensive case management, and for adult and juvenile offenders, probation supervision. The DTC participant works with the DTC team of community professionals to develop a single, comprehensive, treatment case plan addressing the individual’s specific needs in regards to substance abuse, mental health, occupational/vocational, educational, housing, parenting and other areas of concern. Participants appear on a bi-weekly basis before a specially trained judge who monitors the individual’s progress on his / her treatment plan. The judge may order sanctions and / or rewards as appropriate to promote success. There are 42 adult, family and youth drug treatment courts in 22 districts. In SFY 2007-2008, 1,147 participants were admitted to DTCs in North Carolina.

## Family Courts

Directed by Session Law 1998-202 §25, the NCAOC established pilot family court programs in 1999 in three judicial districts to bring consistency, efficiency and fairness to the resolution of family matters and to positively impact caseloads in the district court division. In 2007, family courts were implemented in District 3A (Pitt) and District 19B (Randolph, Moore and Montgomery). As of the state fiscal year 2007–2008, the General Assembly has funded thirteen unified family court districts that serve twenty-two counties and 44.5% of North Carolina’s population.

The concept at the heart of a family court is the consolidation of a single family’s legal issues before their assigned judge or team of judges. In a family court one judge or one team of judges is assigned to one family, and through active case management by family court staff, statutory time standards for key events in the life of the case are monitored. The median pending age of cases is an indicator of how quickly domestic lawsuits move through

the court system from the filing of the initial legal claim(s) in a complaint and answer to the disposition of these initial legal claim(s). For SFY 2007-08, the median age of pending domestic relation cases (excluding child support) was 102 days in family court districts as compared to 308 days in non-family court districts.

## Guardian ad Litem Program

In 1983, the General Assembly established the Office of Guardian ad Litem Services (GAL) in the Administrative Office of the Courts, mandating the appointment of an attorney guardian ad litem for juveniles in abuse and neglect court proceedings. The 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. The GAL conducts an independent investigation to determine the facts, needs and preferences of the child. The GAL also determines the resources appropriate to meet the child's needs. Since 1994, GAL has had staff and volunteers in all judicial court districts.

In SFY 2007–2008, the team representation of GAL attorneys and volunteers provided legal advocacy for 17,189 children in 38,043 scheduled hearings. A record high number of 4,767 GAL volunteers gave the state 915,264 hours of service, valued at more than \$17.8 million. This highly cost effective and zealous representation helps to move children out of the court system in a timely manner and into a safe and permanent home.

In advocating for children, GAL volunteers learned about the court system and the needs of vulnerable children in their communities, which helped them make a difference in the lives of the children they represented.

## Interpreting Services

The purpose of Interpreting Services is to facilitate access to justice in N.C. courts for non-English-speaking persons, with a particular emphasis on the state's sizeable Hispanic/Latino population. The program strives to meet the needs of the court and non-English speakers statewide by providing an easily accessible online Spanish Foreign Language Registry of NCAOC-registered court interpreters for Spanish language interpreting needs, maintaining a registry of foreign language interpreters for languages other than Spanish and providing a link to the regional lists of certified interpreters maintained by the Division of Services for the Deaf and the Hard of Hearing in the N.C. Department of Health and Human Services.

The program is involved in the development of policy and guidelines for interpreters, advising the courts on the proper use of interpreters, training court officials on cultural and interpreting issues, and translating court forms. During the SFY 2007-2008, the program trained more than 170 prospective court interpreters on the code

of ethics and professionalism required of the court interpreter and provided skills-building workshops. Fifty-seven court certified Spanish interpreters work throughout the state.

North Carolina is one of 40 member states of the National Consortium for State Court Interpreter Certification. Interpreting Services administers the CSCIC's oral examination as the N.C. Court Interpreter Certification Examination in Spanish (NCCICE) in all languages for which CSCIC offers an examination.

## Juvenile Court Improvement Projects

The Administrative Office of the Courts began using federal funds in 1995 to improve the performance of North Carolina's juvenile courts in abuse and neglect cases to achieve safety, permanence and well being for children in a fair and timely manner. Funds are used for local court improvement projects, conducting assessments, coordinating training, improving technology and providing technical assistance.

In SFY 2007-2008 six District Courts (1, 15A, 17B, 19A, 21, 22) received federal funds for staff to provide case management activities and training. These districts focus on implementing best practices in juvenile court including one judge-one family case assignment, child planning conferences, and shared decision-making. During this period, more than 300 judges, juvenile court clerks, child welfare professionals, child advocates and attorneys for all parties in juvenile abuse/neglect/dependency proceedings participated in state, regional and district level trainings to improve their knowledge of juvenile law, best practices and court procedures.

## Alternative Dispute Resolution Committee

The Alternative Dispute Resolution Committee, now a committee of the State Judicial Council, was created by order of the Supreme Court of North Carolina 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, to provide a forum for consideration of future development of such programs, to monitor the effectiveness of such programs and to serve as a clearinghouse for rules affecting these programs.

## Alternative Dispute Resolution

- Court of Appeals Mediation attempts to resolve cases on appeal by agreement of the parties.
- Mediated Settlement Conference facilitates pre-trial court-ordered mediated settlement conferences for civil cases filed in Superior Court.
- Family Financial Settlement assists separating couples in resolving



financial disputes.

- Arbitration offers an opportunity to resolve certain civil issues outside of court using an arbitrator.
- Custody Mediation assists families to develop a parenting plan regarding visitation and child custody.

### Conference of Clerks of Superior Court

The Conference of Clerks of Superior Court (CCSC) was created by the General Assembly in 2006 in Article 63 of Chapter 7A of the N.C. General Statutes. Pursuant to its enabling legislation, the CCSC seeks to improve the administrative operations of the offices of the clerks of superior court while increasing public accessibility to the courts. The CCSC serves as a resource for the clerks, the N.C. Administrative Office of the Courts (NCAOC) and other stakeholders in key areas of court administration. The CCSC acts as the primary point of contact between the 100 elected clerks of superior court, the General Assembly, the NCAOC, and other state, local and public entities to ensure the effective and efficient exchange of information.

Clerks of Superior Court are solely responsible for the retention, management and integrity of every case filed in the trial division of the general court of justice in North Carolina. During fiscal year 2007–2008, nearly 3.5 million cases were filed in the courts of North Carolina, which is almost a 4.5 percent increase from the previous year. The total filings over the past five years is 16.5 million. Each of these cases originated within the court system through one of the 100 clerks' offices. During this same time period, clerks of superior court collected approximately \$700 million in court costs, fines, restitution and other monies as ordered by the courts. Under state law, clerks of superior court have judicial authority in a variety of cases including foreclosures, guardianships, adoptions and cases involving wills and estates. Clerks also are mandated by state law to assist domestic violence victims in seeking protective orders. The clerks of superior court and their employees number more than 2,600. Thousands of North Carolina citizens access the courts through the clerks' offices each day.

### Conference of District Attorneys

The Conference of District Attorneys was established as a state agency in 1983 under General Statute 7A-411:

“There is created the Conference of District Attorneys of North Carolina, of which every district attorney in North Carolina is a member.

The purpose of the Conference is to assist in improving the administration of justice in North Carolina by coordinating the prosecution efforts of the various district attorneys, by assisting them in the administration of their offices, and by exercising the powers and performing the duties provided for in this article.”

The Conference is governed by the elected district attorneys and assisted by a staff located in Raleigh. Primary responsibilities of the staff include, but are not limited to, training, research, monitoring victims' rights, and producing various publications to assist district attorney personnel and / or the public served by district attorneys.

### N.C. Innocence Inquiry Commission

The N.C. Innocence Inquiry Commission was established in 2006 by Article 92, Chapter 15A of the North Carolina General Statutes. The Commission is charged with evaluating post-conviction claims of actual innocence. The Commission and its staff carefully review evidence and investigate cases in a neutral manner. Only evidence that was not previously considered by a judge or jury may be reviewed by the Commission.

In 2007, the Commission drafted and passed a set of rules and procedures, hired an experienced staff, created a website, and began evaluation of numerous innocence claims. After the initial phase of establishing its office and operations in early 2007, the Commission was able to dedicate the lion's share of its efforts to its primary mission – case investigations.

In December 2007, the Commission conducted their first evidentiary hearing. That case was referred to a three-judge panel to be conducted in August of 2008. The Commission staff spent 733 hours investigating and presenting that case.

By May 2008, the Commission had reviewed more than 288 innocence claims. The Commission keeps statistics on all cases that are received. Statistics reflect the types of innocence claims submitted, the types of convictions contested, and the reasons for rejection. The most current statistics are available on the Commission's website at: [www.innocencecommission-nc.gov](http://www.innocencecommission-nc.gov)

The Commission comprises eight members selected by the Chief Justice of the Supreme Court of North Carolina and the Chief Judge of the N.C. Court of Appeals. Members

include a superior court judge, a prosecuting attorney, a defense attorney, a victim advocate, a member of the public, a sheriff and two discretionary members.

## Technological Advancements

The N.C. Administrative Office of the Courts' (NCAOC) Technology Services Division (TSD) provides and supports the information technology services and resources of the N.C. Judicial Department. While each county is responsible for providing office space and furniture to each local court office, the NCAOC provides all information technology services, including information systems, computer equipment, and telephone systems to the approximately 240 court office sites. These services include maintaining and supporting a central data center in Raleigh that supports the portfolio of court information systems, as well as the statewide network for data and telephone communications. The following highlight achievement during the SFY 2007–2008.

### Information Systems

With new funding authorized by the N.C. Legislature, TSD continued development work on several major eCourt initiatives, which will provide new and expanded services to the court system and the public via the Web. These initiatives include a new statewide warrant repository, eFiling for civil cases, electronic payment of court fees, and a discovery automation system for electronic evidence disclosure to the defense in criminal cases. TSD is also working to modernize several existing information systems, including the criminal information system for the clerks of superior court and the district attorneys.

### National Recognition

The National Association of State Chief Information Officers (NASCIO) recognized NCAOC's eCitation system with its prestigious, national "Government-to-Government" award for the innovative functionality of this system, which automates the issuance of citations in the patrol car and allows data to be transmitted almost instantaneously from the patrol car to the courts.

### New Data Center

As part of NCAOC's consolidation of its offices within the Raleigh area, TSD relocated its existing data center to a new state-of-the-art data center at the new N.C. Judicial Center (NCJC). This major move, required months of advance planning and engineering to design and build an entirely new data center, including its ancillary systems, such as backup power, etc. In addition, the move included the relocation of the NCAOC's statewide data and telephone networks.

This project was a once-in-a-lifetime event, because the existing data center had been located in the same location since its inception nearly 30 years ago. The move was very successful and happened seamlessly, bringing all systems back online within a 24-hour period.

### Replacement of Obsolete Equipment

TSD continued to maintain its adopted schedule of replacing all court office computer equipment greater than five years old.

### Network Security and Protection: Planning for New Network Operations Center

During 2007–2008, TSD staff, using state of the art software and hardware, continuously monitored the NCAOC networks to protect them against virus and security attacks. Concurrent with the construction of a new data center at the NCJC, TSD began planning for a new network operations center to enhance the monitoring of its network systems.

### Data and Telephone Network

During 2007–2008, TSD continued to modernize NCAOC's statewide data and telephone networks to support new eCourts applications under development and to satisfy the increased network demands resulting from continuing caseload growth.

In addition, TSD implemented new software and hardware to centrally manage, from the data center, the over 10,000 pieces of computer equipment located in court offices statewide, including servers and desktops.

### Help Desk

The Help Desk is a 24-7 operation that serves as the first point of contact for the entire court system regarding computer and phone issues, as well as courthouse closings. During 2007–2008, the NCAOC's Help Desk received approximately 80,000 calls and resolved approximately 70 percent during the initial call, with another 23,000 problems tickets assigned to TSD's field support staff for follow-up assistance.

# Judicial Department Budget Appropriations and Expenditures

Under the State Constitution, Article IV, Section 21, the operating expenses of the judicial branch, “other than compensation to process servers and other locally paid non-judicial officers,” are required to be paid from State funds. It is customary legislative practice for the General Assembly to include appropriations for the operating expenses of all three branches of State government in a single budget bill, for a two-year period ending on June 30 of the odd-numbered years. The budget for the second year of the biennium is generally modified during the even-year legislative sessions.

Facilities for the appellate courts are provided by State funds but, by statute, the county governments are required to use county funds to provide adequate facilities for the trial courts within each of the 100 counties.

The first table shows expenditures for operating expenses of the Judicial Department during the same period. The table below shows appropriations from the State’s General Fund for operating expenses of the judicial branch as well as all State agencies combined over the past four fiscal years.

## Judicial Department Expenditures

State Fiscal Year	Expenditures	% Change over previous year
2004–2005	\$ 344,560,130	7.38%
2005–2006	\$ 364,343,480	7.38%
2006–2007	\$ 410,661,508	12.71%
2007–2008	\$ 467,355,152	13.81%

*Expenditures include special funds and General Fund appropriations. Judicial Department appropriations and expenditures on these tables do not include Indigent Defense Services or State Bar / Civil Justice Act funds. Indigent defense expenditures for the current year, however, are shown on page 22 and 26 of this report.*

## Appropriations from General Fund for Operating Expenses

State Fiscal Year	Judicial Department		All State Agencies		Judicial Branch % Share*
	Appropriation	% Change over previous year	Appropriation	% Change over previous year	
2004–2005	\$ 333,885,323	7.99%	\$ 15,873,167,528	6.99%	2.10%
2005–2006	\$ 353,046,078	5.74%	\$ 17,141,460,791	7.99%	2.06%
2006–2007	\$ 400,159,117	13.34%	\$ 18,865,960,284	10.06%	2.12%
2007–2008	\$ 450,063,307	12.47%	\$ 20,658,337,712	9.50%	2.11%
<b>Average Annual Increase, 2005–2008</b>		<b>9.89%</b>		<b>8.64%</b>	

# Receipts Collected and Distributed by the Judicial Department

The Judicial Department collects and distributes a variety of amounts of revenue on a daily basis. As noted in the table on the following pages, these amounts are distributed to, among others, the State Treasurer, all 100 counties, crime victims and other citizens, and other State agencies.

- Examples of amounts collected and distributed to the State Treasurer include the General Court of Justice fees collected as part of court costs (see G.S. 7A-304 et seq.), the supervision fees paid by criminal defendants who are placed on supervised probation (see G.S. 15A-1343(c1)) and the fees assessed against persons who fail to appear to answer a criminal charge (see G.S. 7A-304(a)(6)).
- Examples of amounts collected and distributed to the counties include fines and forfeitures (see N.C. Const. Art. IX, § 7), facilities fees collected as part of court costs (see G.S. 7A-304 et seq.), jail fees (see G.S. 7A-313) and a portion of the impaired driving civil revocation fee (see G.S. 20-16.5(j)).
- Examples of amounts collected and distributed to citizens include victim restitution paid by a defendant in a criminal case (see G.S. 15A-1340.34 et seq.), amounts paid by persons against whom a civil judgment has been entered and child support.
- Examples of amounts collected and distributed to other State agencies include a portion of the impaired driving civil revocation fee, which is distributed to the Department of Health and Human Services (see G.S. 20-16.5(j)), the fee paid by a criminal defendant for services performed by the SBI Lab, which is distributed to the Department of Justice (see G.S. 7A-304(a)(7)), the Displaced Homemakers Fee, which is collected in divorce actions and ultimately distributed to the Department of Administration (see G.S. 7A-305(a2)), and a portion of court costs, which is ultimately distributed to the State Bar for the support of various civil legal services programs (see G.S. 7A-304 et seq.).

The Judicial Department also retains certain of the amounts it collects for use to support Judicial Department services



▲ Pender County Courthouse

and programs. Examples include funds collected for remote (i.e., Internet) access to court records (see G.S. 7A-343.2) and funds collected through the Worthless Check Program (see G.S. 7A-308(c)).

## Highlighted Judicial Department Receipts

2007 – 2008

State Fiscal Year	Receipts
2007 – 2008	\$ 694,257,729

## Highlighted Judicial Department Receipts

July 1, 2007–June 30, 2008

### Remitted to State Treasurer

Supreme Court Fees	\$ 8,804	0.001%
Court of Appeals Fees	20,335	0.003%
Sales of Appellate Division Reports	99,904	0.020%
Arbitration Appeal Filing Fees	39,103	0.024%
Law Enforcement Officers' Benefit Fees	8,592,021	1.385%
Pro Hac Vice Fee	113,635	1.372%
Pretrial Civil Revocation Fees	1,745,234	0.010%
General Court of Justice and Twenty- Day Failure Fees	198,118,693	0.165%
Probation / Parole Supervision Fees	16,894,009	26.609%
DWI Community Service Fees	8,593,365	2.782%
Escheats, Unclaimed Property Division	7,457,210	1.322%
<b>Total to State Treasurer</b>	<b>\$ 241,682,313</b>	<b>35.18%</b>

### Receipts Collected and Disbursed to Other Entities

Certification Fees for Mediators	151,885	10.366%
Interpreter Fee Judgments	111,337	3.445%
Dept of Health and Human Services Pretrial Civil Revocation Fees	912,512	1.175%
State Bureau of Investigation Lab Fees	915,617	0.401%
Department of Administration for Displaced Homemakers	1,974,287	0.165%
North Carolina State Bar Fees	4,614,058	0.165%
<b>Total to Other Entities</b>	<b>\$ 8,679,696</b>	<b>5.55%</b>

### Receipts Collected and Disbursed for Special Operations

Grants and Contract Special Revenue	9,688,667	0.078%
Miscellaneous Operating Receipts	505,822	0.437%
Worthless Check Fees	1,330,378	0.000%
Court Information Technology Fees and Interest	3,843,708	0.000%
Appellate Court Printing and Computer Operations	469,275	0.000%
<b>Total Operating Receipts</b>	<b>\$ 15,837,850</b>	<b>0.51%</b>

### Distributed to Counties

Fines and Forfeitures	60,622,909	7.707%
Judicial Facilities Fees	22,114,788	0.164%
Officer Fees	7,305,228	3.837%
Jail Fees	2,432,503	0.165%
Pretrial Civil Revocation Fees	912,512	0.165%
<b>Total to Counties</b>	<b>\$ 93,387,940</b>	<b>15.55%</b>



# Receipts Collected and Distributed by the Judicial Department

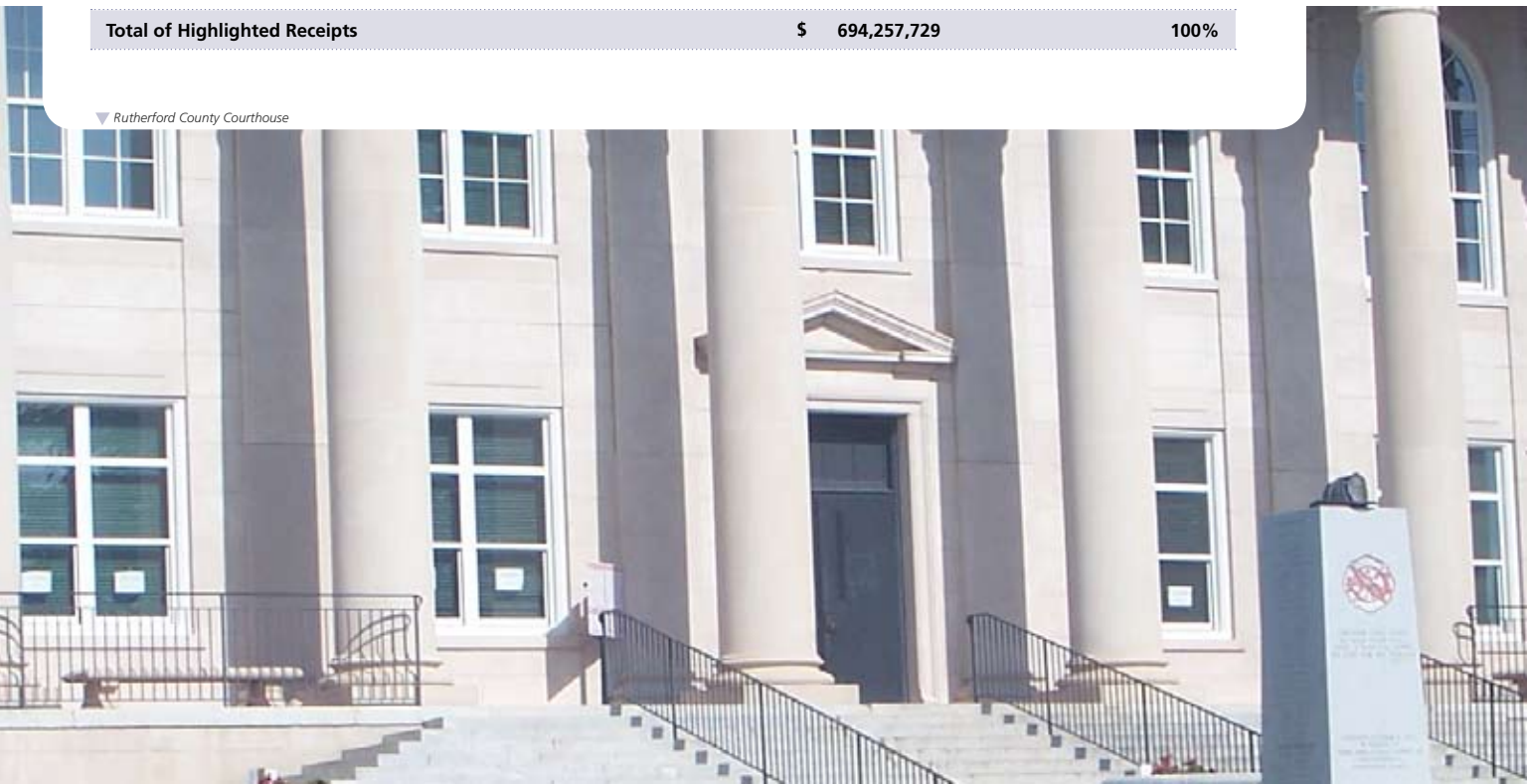
Continued

## Judicial Department Receipts, continued

July 1, 2007 – June 30, 2008

<b>Distributed to Municipalities</b>		
Judicial Facilities Fees	\$ 501,402	0.025%
Officer Fees	2,624,396	0.098%
Jail Fees	45	1.396%
<b>Total to Municipalities</b>	<b>\$ 3,125,843</b>	<b>5.51%</b>
<b>Distributed to Citizens</b>		
Cash Bonds	44,574,981	3.381%
Rent Bonds	1,435,075	8.538%
Trusts	64,456,170	10.486%
Restitution for Victims; Regular and Other Judgments	45,152,972	1.175%
Civil Judgments	44,208,485	0.493%
Condemnation Awards	53,689,874	2.918%
Child Support and Alimony	32,165,229	2.918%
Restitution for Worthless Check Victims	3,555,761	2.918%
Other Disbursement of Funds	42,305,541	2.918%
<b>Total Distributed to Citizens</b>	<b>\$ 331,544,088</b>	<b>26.99%</b>
<b>Total of Highlighted Receipts</b>	<b>\$ 694,257,729</b>	<b>100%</b>

▼ Rutherford County Courthouse



# Significant Highlights

July 1, 2007–June 30, 2008

- Established Internal Audit Section in NCAOC Financial Services Division
- Implemented the State’s Building Enterprise Access for North Carolina’s Core Operations Needs (BEACON), an online payroll and human resources system
- Established motor fleet with projected savings of \$750,000 over five years
- Increased Guardian ad Litem regions from three to five
- The Guardian ad Litem program celebrated its 25<sup>th</sup> anniversary with a federally funded statewide training conference
- The Guardian ad Litem program initiated a statewide campaign to recruit more volunteers
- Piloted new statewide warrant repository (NCAWARE)
- Processed 881,856 eCitations, an average of 73,488 per month
- Improved the Automated Criminal Information System (ACIS), the court’s primary criminal information system, to provide faster access and updates.
- Completed move of all NCAOC divisions to the N.C. Judicial Center including the Data Center, Print Shop, and Warehouse
- Installed voice over Internet protocol (VOiP) telephone systems in approximately 30 county courthouses
- Initiated project to install statewide fiber optic Wide Area Network for increased reliability and access to court websites, computer applications and files

## New Court Programs

### Family Drug Treatment Court

- Chatham County, Judicial District 15B
- Robeson County, Judicial District 16B

### Family Court

- Pitt County, Judicial District 3A
- Randolph, Moore and Montgomery counties, Judicial District 19B



▲ Hyde County Courthouse

## New Courthouse

- Hyde County Courthouse

## New Staff Positions

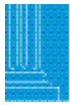
New positions effective during 2007–2008

Position Type	Number of Positions
Assistant district attorneys	30.00
Court of Appeals positions	2.00
District attorney victim witness legal assistants	40.00
Deputy clerks	150.00
District attorney investigators	7.00
District court judges	6.00
District court judicial assistants	9.00
Drug Treatment Court program staff	10.75
Family Court program staff	8.00
Financial Services positions	2.00
Guardian ad Litem staff	15.00
Judicial Standards Commission positions	2.00
Magistrates	21.00
Research and planning positions	2.00
Special Superior Court judge positions	2.00
Superior Court judicial assistants	2.00
Technology initiative positions	78.00

**386.75**

## Cost Statement

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