

# PART ONE

## NCCALJ OVERVIEW AND BACKGROUND

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In September 2015, Chief Justice Mark Martin convened the North Carolina Commission on the Administration of Law and Justice (NCCALJ), a sixty-five member, multidisciplinary commission, requesting a comprehensive and independent review of North Carolina's court system and recommendations for improving the administration of justice in North Carolina. The Commission's membership was divided into five Committees: (1) Civil Justice, (2) Criminal Investigation and Adjudication, (3) Legal Professionalism, (4) Public Trust and Confidence, and (5) Technology. Each Committee independently made recommendations within its area of study.

This is Part One: NCCALJ Overview and Background. To access the full report of the NCCALJ, including all five of the Committee reports, visit [www.nccalj.org](http://www.nccalj.org).

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North Carolina Commission on the Administration of Law and Justice (NCCALJ)  
P.O. Box 2448, Raleigh, NC 27602 // [www.nccalj.org](http://www.nccalj.org)

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# LETTER *from the* CO-CHAIRS

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THANK YOU FOR THE OPPORTUNITY TO CO-CHAIR  
THE NORTH CAROLINA COMMISSION ON THE  
ADMINISTRATION OF LAW AND JUSTICE.

TO: MARK MARTIN, CHIEF JUSTICE OF THE  
SUPREME COURT OF NORTH CAROLINA

The five co-chairs of the North Carolina Commission on the Administration of Law and Justice (NCCALJ) are pleased to present to you the Commission's Final Report and recommendations.

Part One of the NCCALJ Final Report provides background on our work and the overall themes that guided our recommendations. Part Two contains the individual reports of each of our five Committees.

This Final Report is the culmination of fifteen months of focused inquiry, informed dialogue, robust discussion, and extensive collaboration. We are confident that the recommendations of the Commission will significantly improve the administration of justice in the courts of North Carolina for the people of North Carolina.

Thank you for the honor of serving as the chairs of this important work.



During his speech at the North Carolina Bar Association in Cary, North Carolina, on May 27, 2015, Chief Justice Mark Martin announced the creation of the North Carolina Commission on the Administration of Law and Justice and appointed the five committee co-chairs. Pictured from left to right: David F. Levi, Justice Barbara A. Jackson, Chief Justice Mark Martin, Judge William A. Webb, Catharine Biggs Arrowood, and J. Bradley Wilson.

Catharine Biggs Arrowood  
Past President, North Carolina Bar Association  
**Chair, Legal Professionalism Committee**

Judge William A. Webb  
Retired Magistrate Judge, U.S. District Court  
for the Eastern District of North Carolina  
**Chair, Criminal Investigation and Adjudication Committee**

Justice Barbara A. Jackson  
Associate Justice, Supreme Court of North Carolina  
**Chair, Technology Committee**

J. Bradley Wilson  
President and CEO, Blue Cross and  
Blue Shield of North Carolina  
**Chair, Public Trust and Confidence Committee**

David F. Levi  
Dean, Duke Law School  
**Chair, Civil Justice Committee**

# COMMISSION MEMBERS

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DRAWN STATEWIDE FROM BUSINESS, ACADEMIA,  
THE JUDICIAL BRANCH, THE LEGISLATIVE BRANCH,  
THE EXECUTIVE BRANCH, THE LEGAL PROFESSION,  
AND THE NON-PROFIT SECTOR

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## COMMISSIONERS

The NCCALJ is an independent, multidisciplinary commission comprised of leaders from business, academia, the Judicial Branch, the Legislative Branch, the Executive Branch, the legal profession, and the non-profit sector. The Commission includes these five co-chairs and five Committees:

### **Civil Justice Committee**

*Dean David F. Levi, Co-Chair*  
Janet Ward Black / Alfred P. Carlton Jr. /  
Sheila V. Eley / E.D. Gaskins Jr. / Robert E.  
Harrington / George R. Hausen Jr. / Judge

J. Calvin Hill / Robert A. Ingram / Anne H.  
Lloyd / Judge Julian Mann III / Michael W.  
Mitchell / Judge W. Osmond Smith III

### **Criminal Investigation and Adjudication Committee**

*Judge William A. Webb (ret.), Co-Chair*  
Augustus A. Adams / Sheriff Asa Buck III /  
Randy Byrd / James E. Coleman Jr. / Kearns  
Davis / Judge Paul A. Holcombe III / Darrin  
D. Jordan / Robert C. Kemp III / Magistrate  
Sharon S. McLaurin / District Attorney R.

Andrew Murray Jr. / Diann Seigle / Judge Anna Mills Wagoner

### Legal Professionalism Committee

*Catharine Biggs Arrowood, Co-Chair*  
Dean Luke Bierman / Richard T. Boyette /  
Dean Jay Conison / Dean Phyliss Craig-Taylor /  
Representative N. Leo Daughtry / Andrew H.  
Erteschik / Judge A. Robinson Hassell /  
Mark W. Merritt / Richard G. Minor /  
Justice Robert F. Orr (ret.) / Raymond C.  
Pierce / Lisa M. Sheppard

### Public Trust and Confidence Committee

*J. Bradley Wilson, Co-Chair*  
Dean Martin H. Brinkley / Judge Wanda G.  
Bryant / Sheriff Earl R. Butler / Douglas  
Clark / Frank E. Emory Jr. / Juan A. Flores Jr. /  
Frank B. Holding Jr. / John Hood / A. Dale  
Jenkins / Senator Floyd B. McKissick  
Jr. / Dean Suzanne Reynolds / Robert C.  
Stephens / Representative Kenneth L.  
Goodman (09/2015 – 02/2016)

### Technology Committee

*Justice Barbara A. Jackson, Co-Chair*  
Carl S. Armato / Senator Harry  
Brown / Judge Susan R. Burch / Jason  
M. Hensley / Dean J. Rich Leonard / The  
Honorable James J. MacCallum / Chief Judge  
Linda M. McGee / Iristine McNair / Brooks  
Raiford / Carolyn V. Timmons / Rajesh  
Tripathi / Jeff Frazier (09/2015 – 06/2016)

- **Reporters** — Jon Williams, *Chief Reporter* / Andrew P. Atkins, *Public Trust and Confidence* / Paul Embley, *Technology* / Darrell A.H. Miller, *Civil Justice* / Matthew W. Sawchak, *Legal Professionalism* / Jessica Smith, *Criminal Investigation and Adjudication* / Mildred R. Spearman, *Public Trust and Confidence* / Kurt D. Stephenson, *Technology*

- **Ex Officio** — Mary C. McQueen, *President, National Center for State Courts* / Jonathan D. Mattiello, *Executive Director, State Justice Institute* / Maurice Green, *Executive Director, Z. Smith Reynolds* / L. David Huffman, *Executive Director, Governor’s Crime Commission* / Michael R. Smith, *Dean, UNC School of Government* / Thomas H. Thornburg, *Senior Associate Dean, UNC School of Government* / Dr. Peter M. Koelling, *Director and General Counsel, Judicial Division, American Bar Association* / Judge William M. Cameron, *Judicial Council* / The Honorable Susan S. Frye, *Chair, Conference of Clerks of Superior Court Technology Committee* / Representative Sarah Stevens, *Chair, North Carolina Courts Commission* / Chief Justice William Boyum, *Cherokee Supreme Court* / Jennifer Harjo, *Chief Public Defender, New Hanover County* / Seth Edwards, *District Attorney, Judicial District 2* / Leslie Winner, *Z. Smith Reynolds (09/2015 – 01/2016)*

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- *The following additional people served as part of the Criminal Investigation and Adjudication Committee’s **Subcommittee on Indigent Defense**: Judge Athena Brooks, Thomas Maher, LeAnn Melton, John Rubin, and Michael Waters.*

- *The following additional people served as part of the Criminal Investigation and Adjudication Committee’s **Subcommittee on Juvenile Age**: Michelle Hall, William Lassiter, LaToya Powell, James Woodall, and Eric Zogry.*

# EXECUTIVE SUMMARY

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**PUBLIC TRUST AND CONFIDENCE IN THE COURTS IS  
AT ITS HIGHEST WHEN THE COURTS ARE SEEN AS  
FAIR, ACCESSIBLE, AND EFFECTIVELY MANAGED.**

This report contains the final recommendations of the North Carolina Commission on the Administration of Law and Justice (NCCALJ).

Two decades have passed since the last time North Carolina comprehensively reviewed its court system. In September 2015, increasingly aware of mounting systemic challenges, Chief Justice Mark Martin convened the NCCALJ, a sixty-five member, multidisciplinary commission, requesting that the Commission undertake a comprehensive and independent

review of North Carolina's court system and make recommendations for improving the administration of justice in North Carolina.

The Commission's membership was divided into five Committees: (1) Civil Justice, (2) Criminal Investigation and Adjudication, (3) Legal Professionalism, (4) Public Trust and Confidence, and (5) Technology.

Each Committee independently made recommendations within its area of study.

Highlights of the recommendations in the five reports include:

- Implementing a strategic technology plan for paperless courthouses, including e-filing
- Raising the juvenile age from sixteen to eighteen years old for crimes other than violent felonies and traffic offenses
- Reducing case delays and improving efficiency based on data analytics
- Assisting the growing number of self-represented litigants in new ways
- Taking steps to change how judges and justices are selected and retained
- Developing new tools to improve pretrial detention decision-making
- Improving the state's indigent defense system
- Surveying the public to better gauge its perception of the courts
- Training court officials to improve procedural fairness and eliminate the possibility of bias
- Creating an entity to confront changes in the market for legal services
- Restoring legal aid funding and loan repayment assistance for public interest lawyers
- Improving civic education in schools and through an active speakers bureau

The NCCALJ, through this report, presents the recommendations of the five Committees to Chief Justice Martin.

# PART ONE

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**“A FREQUENT RECURRENCE TO FUNDAMENTAL PRINCIPLES IS ABSOLUTELY NECESSARY TO PRESERVE THE BLESSINGS OF LIBERTY.”**

North Carolina Constitution, Article I, Section 35

## PART ONE

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# PART ONE

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PRINCIPLES IS ABSOLUTELY NECESSARY  
TO PRESERVE THE BLESSINGS OF LIBERTY.”**

North Carolina Constitution, Article I, Section 35

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## INTRODUCTION

For over 200 years, North Carolina’s courts have preserved the rule of law by providing a fair and accessible forum for the resolution of disputes. That solemn duty has not changed.

What has changed is the environment in which North Carolina’s courts fulfill this duty. Driven by developments in technology, our economy, and our demographics, the North Carolina judicial system finds itself facing challenges like never before. Indeed, the pace of change is likely only to accelerate.

The North Carolina Constitution reminds us that “[a] frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.”<sup>1</sup> Several previous “recurrence[s] to fundamental principles” — in particular, the NCCALJ’s predecessor commissions — made great strides toward improving the quality of justice in North Carolina.

But there is still room to improve. Today, 53% of the public believes that outcomes in the courts

are fair only some of the time or not at all; 63% of the public believes that cases are not handled in a timely fashion; and only 42% of the public believes that the courts are sensitive to the needs of the average citizen.<sup>2</sup>

For any court system, this is a call to action. It is time, once again, for a recurrence to the fundamental principles that provide for the rule of law, fair and accessible courts, and the blessings of liberty.

In September 2015, Chief Justice Mark Martin convened the North Carolina Commission on the Administration of Law and Justice to undertake that vital task. At the time, he reminded the Commission that “the power to administer justice is a sacred public trust that must be guarded carefully by each generation.”

This report documents the work that this generation must do to maintain that trust, both today and in the future.

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## THE COMMISSION’S WORK

Earlier court reform efforts focused on basic structural issues requiring constitutional changes. The NCCALJ, by contrast, has focused its efforts primarily on improving operations within the existing administrative framework.

Many of the recommendations are within the Judicial Branch’s authority to implement on its own. Other recommendations require the support of the North Carolina General Assembly, through either legislation or appropriations.

The recommendations in this report are data-driven and based on extensive discussion. Each recommendation is important on its own, but the Commission’s body of work as a whole creates a framework for a dramatic, systemic improvement to the administration of justice in North Carolina.

The recommendations cover many aspects of the courts’ work and build on several core values:

- A court system should have the trust and confidence of the people whom it serves.
- The courts exist solely to uphold the rule of law for the people that it serves.
- Court proceedings should be fair, accessible, and effectively managed.

The Commission was structured as an independent, multidisciplinary study group comprised of sixty-five voting members, eight reporters, and over a dozen ex officio members.

Collectively, the Commission comprised a robust and diverse cross section of leaders from the business world, the nonprofit sector, state and local government, the legal profession, and academia, each of whom volunteered a significant amount of time (collectively, more than 4,000 hours) to serve on the Commission.

# COMMISSION TIMELINE

## 2015

**03.04.2015**

Chief Justice Mark Martin promises to convene a commission during his State of the Judiciary address in Raleigh.

**05.27.2015**

Chief Justice Martin formally announces the new North Carolina Commission on the Administration of Law and Justice.

- The co-chairs of the NCCALJ's five Committees are appointed.

**09.03.2015**

Chief Justice Martin announces full Commission membership.

**09.30.2015**

Chief Justice Martin convenes the inaugural NCCALJ meeting in Raleigh.

**09.30.2015**

Committees begin comprehensive work.

**11.19.2015**

NCCALJ partners with the polling centers of Elon University and High Point University to measure public trust and confidence in North Carolina courts.

## 2016

**01.29.2016**

Full Commission meeting is held in Chapel Hill at the UNC School of Government.

**06.02.2016**

Commission reaches midpoint of work and produces five interim reports for public comment.

- NCCALJ announces four locations across the state for public hearings.

**06.10.2016**

Full Commission meeting held in Cary at the North Carolina Bar Association.

**07.15.2016**

Public comment period begins.

**08.03.2016**

Public hearing is held at the Guilford Technical Community College in Jamestown.

**08.11.2016**

Public hearing is held at the New Hanover County Historic Courthouse in Wilmington.

**08.18.2016**

Public hearing is held at the Buncombe County Judicial Complex in Asheville.

**08.25.2016**

Public hearing is held at the Charlotte-Mecklenburg Government Center in Charlotte.

**09.06.2016**

Public comment period ends.

- Committees incorporate public comment and finalize recommendations.

**12.02.2016**

NCCALJ holds final full Commission meeting in Raleigh.

## 2017

**03.15.2017** Final Report is presented to Chief Justice Mark Martin.

The Commission was divided into five Committees, which correspond with five areas of inquiry: (1) Civil Justice, (2) Criminal Investigation and Adjudication, (3) Legal Professionalism, (4) Public Trust and Confidence, and (5) Technology. Committee membership can be found in the “Commission Members” section of this report.

The Commission met four times as a full body, and each Committee met many times on its own over a fifteen month period. Seeking as much public input as possible, the Commission conducted four public hearings in the summer of 2016 and also solicited comments online from Judicial Branch stakeholders and members of the general public.

Each Committee produced its own final report of recommendations, and these five reports can be found in Part Two. Additional material is provided in appendices attached to Part Two and will be available online at the Commission’s website, [www.nccalj.org](http://www.nccalj.org), through at least 2020. Also available on this website is a complete record of each Committee’s work — including minutes of meetings, presentation materials, public comments, and other materials.

## BY THE NUMBERS

**62** Meetings

**102** Presenters, Speakers, and Panelists

**4,200** Estimated Hours Volunteered by Commissioners

**4** Public Hearings

- **08/03/2016** Jamestown
- **08/11/2016** Wilmington
- **08/18/2016** Asheville
- **08/25/2016** Charlotte

**423** In attendance at Public Hearings

**238** Public Comments

- **211** Unique individual comments
- **27** Judicial Branch stakeholder organizations commenting

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## A LOOK BACK: HOW WE GOT HERE

***A Major Restructuring.*** North Carolina has conducted an in-depth review of its court system only a few times since becoming a state. The first was in the post-Civil War Reconstruction period. That examination led to the replacement of lifetime legislative appointment of judges with public election of judges and to the proliferation of local courts — recorders’ courts, city courts, county courts, mayors’ courts — organized around the needs of each local community. The society

served by this system was stable, rural, and agrarian.

The 20th century brought growth in population, mobility, and industry to the state, and with it, new challenges to North Carolina’s courts. The notion of equal justice became strained as the unique structure of each local court system meant that similar cases were not handled similarly in all parts of the state. This patchwork of courts,

with their accompanying differences in rules, procedures, and jurisdictional scope, defied understanding to all but insiders. It produced broad disparities in outcomes under what was, at least nominally, the same body of state law. Increasingly, these circumstances eroded and undercut the trust and confidence of the very people that the courts were intended to serve.

By the 1950s, the political, business, and legal leadership of the state decided that something needed to be done and initiated the second statewide court reform effort. The job of the North Carolina Bar Association’s Committee on Improving and Expediting the Administration of Justice in North Carolina was simple: create a system better suited to a modern, industrial state.<sup>3</sup> That committee, known popularly as the Bell Commission (so named after its chair, Judge Spencer Bell), provided the framework for the court structure that is still in place today.

## “ JUDICIAL REFORM IS NO SPORT FOR THE SHORT-WINDED.”

Arthur T. Vanderbilt,  
former Chief Justice of the  
New Jersey Supreme Court

The Bell Commission envisioned a court system that was unified, uniform, and state funded, and the system that emerged by 1970 accomplished those goals. All local courts were replaced by a uniform system of district court judges and magistrates who joined with the Supreme Court, the superior courts, and the newly created Court of Appeals in a new General Court of Justice. Court

costs, jurisdiction of judges, and salaries of all court officials became uniform throughout the state. In addition, the Bell Commission’s work led to the creation of both the Court of Appeals and the Administrative Office of the Courts. It took fifteen years from the creation of the study until full implementation, but the results were profound.

The Bell Commission understood that a unified body of state law required a unified court system to administer justice under the law. The court system in the 1950s had revealed the shortcomings that resulted when local control trumped uniformity. Thus, under the Bell Commission’s leadership, the tension between uniformity and local management was resolved in favor of uniformity to the greatest extent possible.

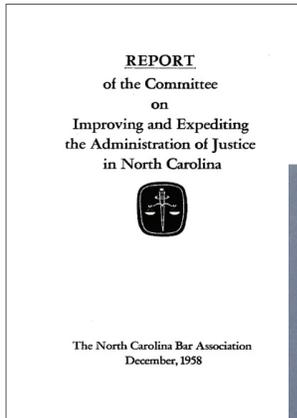
As a result, for the first time in decades, a reasonably informed citizen could understand the system. Access became easier for someone unfamiliar with the judicial system, and cases were no longer dismissed for failure to honor some local rule. In a unified system, a citizen is always in the “right court,” even if his or her case is transferred to a different level within that court system. But uniformity, like justice itself, is always a work in progress.

***A New Millennium Approaches.*** By the 1990s, a court system created in the 1960s was serving a state that had continued to change dramatically, mostly through growth in population and caseload. As the year 2000 approached, the court system engaged in a third comprehensive review, driven by a sense that the public was frustrated by delay, partiality, and lenience on crime. This study, the Commission on the Future of Justice and the Courts in North Carolina, commonly known as the Futures Commission, examined the court system for over two years.<sup>4</sup>

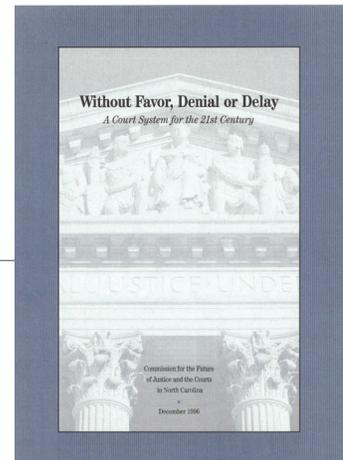
The Futures Commission, which had no then-current judicial employees among its membership, concluded that the system was structurally incapable of responding to ongoing societal change and delivering the quality of justice that the public sought. Its recommendations focused on a number of important tenets:

- Resources should be used effectively.
- Responsibility should be allocated in a way that promotes accountability.
- Courts should be self-governed with citizen input.
- Courts should embrace modern technology.
- Courts should improve services to families.

The resulting recommendations were bold. They included significant structural changes to eliminate jurisdictional distinctions between the trial courts; appointment rather than election of judges and clerks of court; creation of statewide family courts; merger of existing districts into much larger administrative units; and the transfer of much of the governance authority from the legislature to the Judicial Branch.



*Bell Commission Report, 1958*



*Futures Commission Report, 1996*

Ultimately, however, advocates of the Futures Commission’s recommendations were disappointed. The main recommendations were either not adopted or significantly weakened. An advisory Judicial Council that included citizens was created but lacked formal authority. Family Courts were established only as pilot programs.

The Futures Commission’s 1996 report remains an important document, however. The Commission’s work in identifying structural and operational pressures on the courts and in articulating principles important to the improvement of the judicial system greatly informed the work of the NCCALJ.

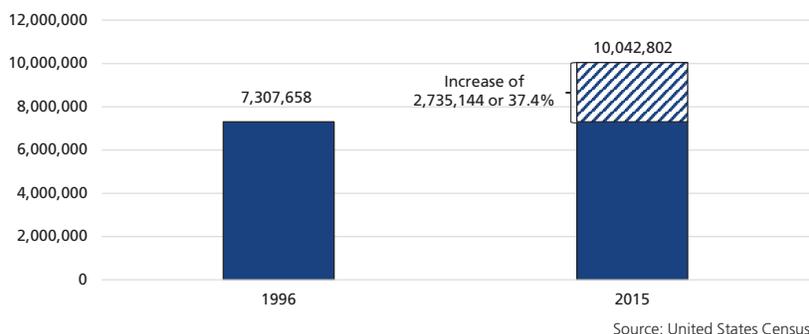
## ADAPTING TO A NEW ENVIRONMENT

Today, the basic structure of the North Carolina court system remains largely as it was in the 1960s. But North Carolina itself has continued to change dramatically since the Futures Commission’s report was issued over twenty

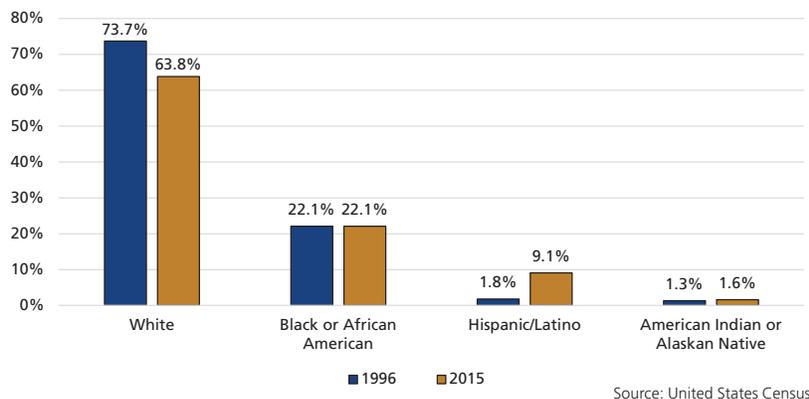
years ago. Many factors have shaped the NCCALJ’s recommendations.

**Population.** In the two decades since the Futures Commission’s study, North Carolina’s population

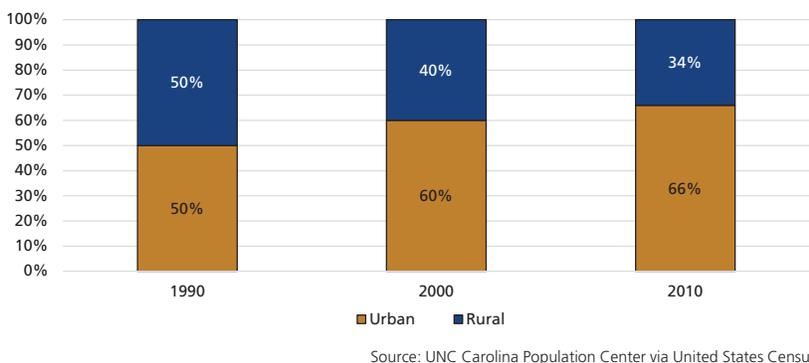
North Carolina Total Population  
1996 - 2015



Select Population Demographic Changes  
1996 - 2015



North Carolina Urbanization Trend  
1990 - 2010



has grown by more than two million. North Carolina is now the nation’s ninth largest state, and it is more culturally, ethnically, and linguistically diverse than ever before.<sup>5</sup> Urbanization has created a growing wealth divide across counties and regions. Cities and surrounding areas are growing rapidly while rural areas are not, with some even losing population. Providing uniform court services and a uniform experience for citizens is challenging when the population of the largest county in the state (Mecklenburg) is 258 times greater than that of the smallest (Tyrrell).<sup>6</sup> In 1970, the population ratio between the largest judicial district and the smallest was four to one; now, it is seventeen to one. The work of the courts in each district is the same, but the population that each district serves is not.

**Mobility.** North Carolina’s society is also increasingly mobile. Many people live in one county and work one, two, or even three counties away. So when they need to go to the courthouse — and most court appearances must be made in person — it is a major investment of time. Efficient use of that time is more important than ever.

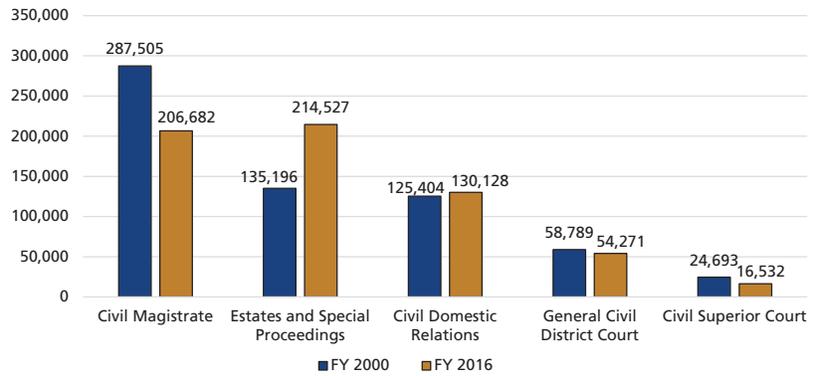
**Court workload.** A court’s work is the resolution of public and private disputes. One measure of that work is case filings, which range from major felonies, to private disputes

involving tens of millions of dollars, to stop sign violations, to small claims actions.

Since 2000, the courts have experienced increases in total filings followed by decreases during the recession years. The peak year for filings was 2007-08, followed by declines in every successive year. In the last two years the courts' caseload has remained relatively stable, mirroring the experiences of other state courts across the country.

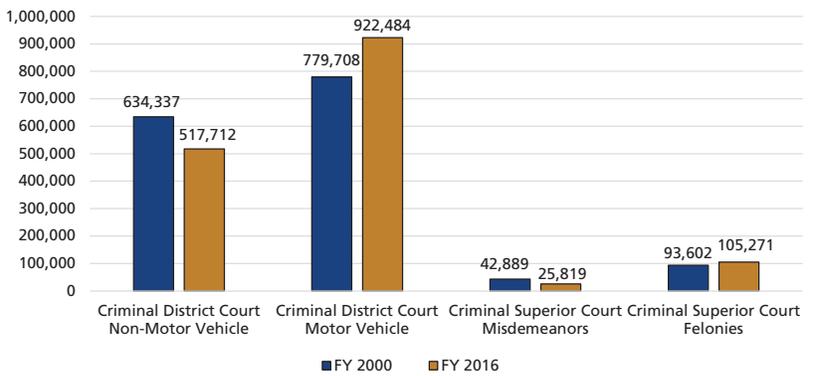
But these declines are not evenly distributed and can paint an inaccurate picture of the courts' workload. The largest declines are in the cases that take the least amount of time — namely, small claims and misdemeanor cases. The types of cases that have become more complex and resource intensive, on the other hand, have not seen significant declines. The factors driving these trends include the increasing complexity of legal and regulatory standards, changes in demographics (e.g., language interpreters are needed more often), and economic pressures on all parties involved. For example, in our traffic courts, which have the highest volume of cases in the system, people are increasingly appearing in court to contest the charges or plead to a lesser offense rather than admitting guilt and paying the penalty remotely.<sup>7</sup>

Civil Case Filings  
FY 2000 - FY 2016



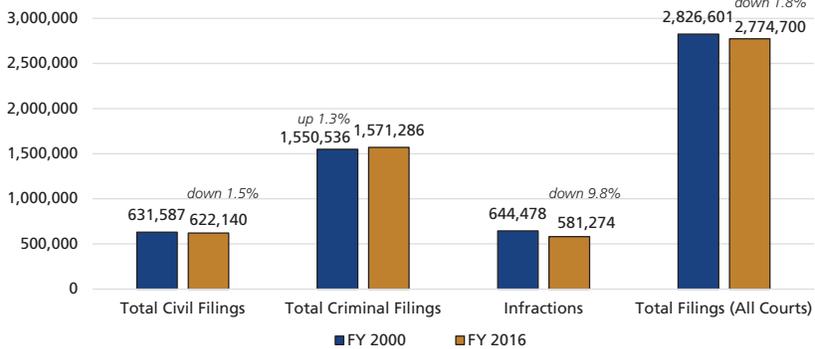
Source: North Carolina Administrative Office of the Courts

Criminal Case Filings  
FY 2000 - FY 2016



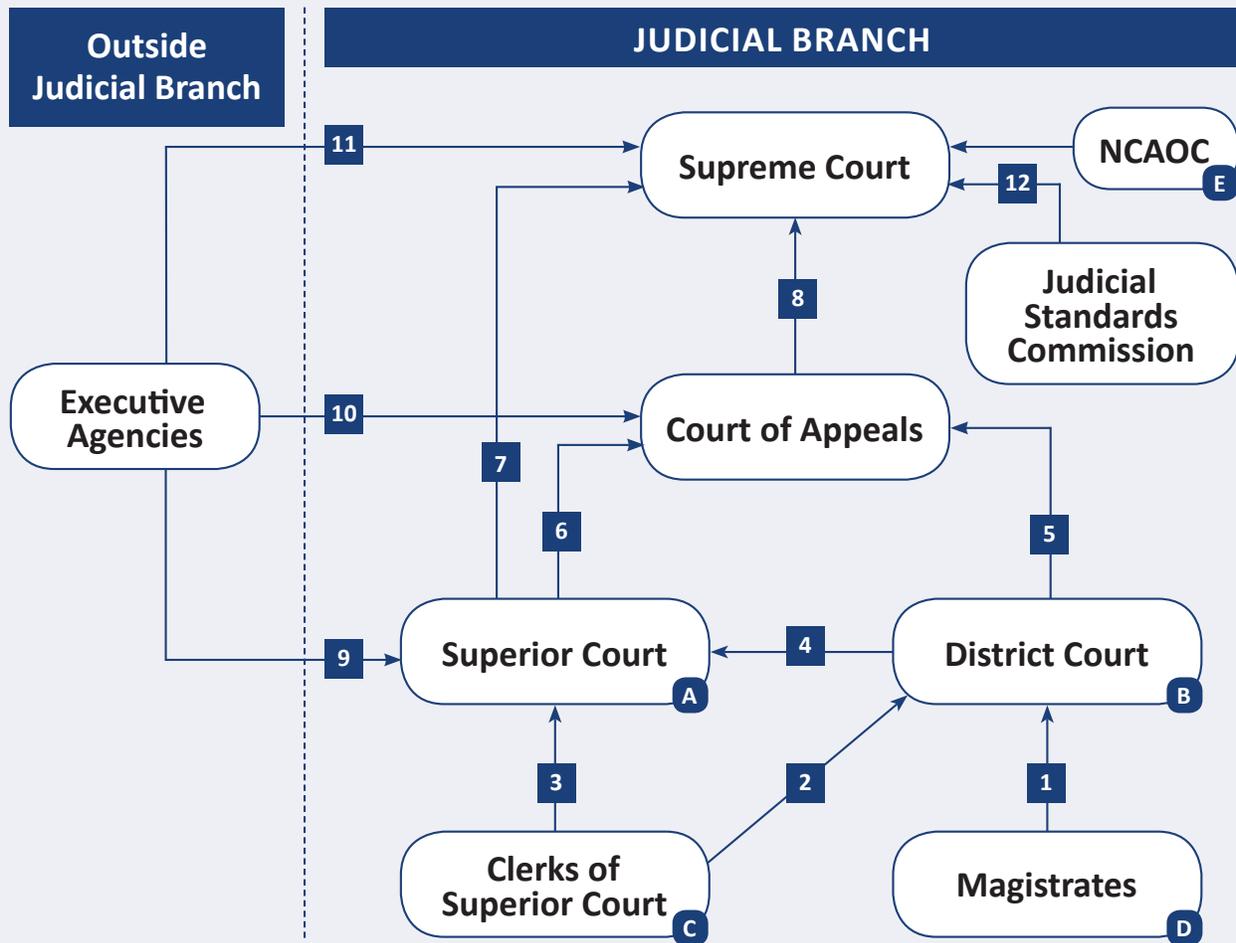
Source: North Carolina Administrative Office of the Courts

All Case Filings  
FY 2000 - FY 2016



Source: North Carolina Administrative Office of the Courts

# JUDICIAL BRANCH ORGANIZATIONAL STRUCTURE AND ROUTES OF APPEAL



- A. Superior courts have original jurisdiction over all felony cases and civil cases in which the amount in controversy exceeds \$25,000.\*
- B. District courts have original jurisdiction over misdemeanor cases not assigned to magistrates; probable cause hearings; accept guilty / no contest pleas in certain felony cases; civil cases in which the amount in controversy is \$25,000 or less;\* juvenile proceedings; domestic relations; mental health hospital commitments.
- C. Clerks of Superior Court have original jurisdiction over probate and estates, certain special proceedings (condemnations, adoptions, partitions, foreclosures, etc.); in certain cases, may accept guilty pleas or admissions of responsibility and enter judgment.

- D. Magistrates have original jurisdiction to accept certain misdemeanor guilty pleas and admission of responsibility to infractions; worthless check misdemeanors valued at \$2,000 or less; small claims in which the amount in controversy is \$10,000 or less; valuation of property in certain estate cases.
- E. The Chief Justice appoints the Director of the North Carolina Administrative Office of the Courts. The NCAOC serves the Judicial Branch through Budget Management, Communications, Court Programs, Court Services, Financial Services, General Counsel, General Services, Guardian ad Litem, Human Resources, Organizational Development, Research and Planning, and Technology.

1. Most appeals from magistrates go to the district court for de novo proceedings.
2. Appeals involving adoptions; appeals of foreclosures of a certain jurisdictional amount may go to the district court.
3. All appeals not handled by the district court.
4. Appeals in all criminal cases for de novo trial.
5. Appeals in all civil and juvenile cases.
6. All appeals which do not proceed directly to the Supreme Court.
7. Appeals in cases in which a first-degree murder defendant has been sentenced to death. Appeals from the business court. Appeals in redistricting cases. The Supreme Court conducts discretionary review of appeals directly from the trial courts in cases of significant public interest, in cases involving legal principles of major significance, in cases where delay would cause substantial harm, or in cases where the Court of Appeals docket is unusually full.

8. Appeal of right exists in cases involving certain constitutional questions and in cases in which there has been a dissent in the Court of Appeals. The Supreme Court also conducts discretionary review of appeals from the Court of Appeals in cases of significant public interest, in cases involving legal principles of major significance, in cases where delay would cause substantial harm, or in cases where the Court of Appeals docket is unusually full.
9. Appeals from administrative decisions that do not proceed directly to the Supreme Court or the Court of Appeals.
10. Appeals of the Industrial Commission, the North Carolina State Bar, the Property Tax Commission, the Commissioner of Insurance, the Department of Health and Human Services, the Secretary of Environmental Quality, and the Utilities Commission (in decisions other than general rate cases).
11. Appeals of final orders of the Utilities Commission in general rate cases.
12. Recommendations from the Commission for removal, suspension, censure, or public reprimand.

\*The district and superior courts have concurrent original jurisdiction in civil actions (G.S. 7A-240). The small claims court is the proper division for the trial of civil actions in which the amount in controversy is \$10,000 or less, and the district court division is the proper division for matters of \$25,000 or less (G.S. 7A-243); the superior court division is the proper division for matters exceeding \$25,000 in controversy.

**Funding.** Just as caseloads have fluctuated, so has court funding. Courts need resources of all types — people, training, hardware and software, postage, filing cabinets, subscription-based references, and books, to name a few. All of these come with a price tag.

The recession that began in 2008 dramatically affected the court system’s state funding. Over four years, the courts sustained overall budget reductions of more than \$100 million and the loss of 590 full-time employees statewide.<sup>8</sup> During that period, pay was frozen.

## NORTH CAROLINA COURT PERSONNEL

Source: North Carolina Administrative Office of the Courts Statistical and Operational Report of Human Resources, 2016. All data as of December 31, 2016.

### Total Judicial Branch Personnel – 6,000

#### SUPREME COURT JUSTICES

**Number of Positions** – 1 Chief Justice  
6 Associate Justices

**Method of Selection** – Partisan Election  
**Unit of Selection** – State  
**Length of Term** – 8 years

#### SUPERIOR COURT JUDGES

**Number of Positions** – 109  
**Method of Selection** – Nonpartisan Election  
**Unit of Selection** – Superior Court District  
**Assignment to Cases** – Rotating basis among Superior Court Districts within one of eight Judicial Divisions  
**Length of Term** – 8 years

#### DISTRICT ATTORNEYS

**Number of Positions** – 44  
**Method of Selection** – Partisan Election  
**Unit of Selection** – Prosecutorial District  
**Length of Term** – 4 years

#### CLERKS OF SUPERIOR COURT

**Number of Positions** – 100  
**Method of Selection** – Partisan Election  
**Unit of Selection** – County  
**Length of Term** – 4 years

#### COURT OF APPEALS JUDGES

**Number of Positions** – 1 Chief Judge  
14 Associate Judges

**Method of Selection** – Partisan Election  
**Unit of Selection** – State  
**Length of Term** – 8 years

#### DISTRICT COURT JUDGES

**Number of Positions** – 270  
**Method of Selection** – Nonpartisan Election  
**Unit of Selection** – District Court District  
**Length of Term** – 4 years

#### CHIEF PUBLIC DEFENDERS

**Number of Positions** – 16  
**Method of Selection** – Appointment by the Senior Resident Superior Court Judge after nomination by the local bar  
**Unit of Selection** – Public Defender District  
**Length of Term** – 4 years

#### MAGISTRATES

**Number of Positions** – 675  
**Method of Selection** – Appointment by the Senior Resident Superior Court Judge after nomination by the Clerk of Superior Court  
**Unit of Selection** – County  
**Length of Term** – 2-year initial term, 4-year subsequent terms

Technology programs were stalled or eliminated. Travel was restricted. Equipment needs were deferred. Voluntary reductions in force were implemented. Emergency judges volunteered their time to keep cases moving. And some court programs were eliminated.

North Carolina avoided the draconian measures enacted in some states, such as curtailing sessions of civil court or closing courthouses for parts of the week due to furloughs or reduced staffing. Our court leaders were resolute in their efforts to keep the courts functioning while conserving resources. Every expenditure was scrutinized and weighed against the other needs that funding could meet.

Addressing this challenge often meant that court officials and employees assumed the duties of positions that were eliminated and changed their practices to increase efficiency. Leaders throughout the Judicial Branch — judges, clerks of court, magistrates, public defenders, assigned counsel, prosecutors, North Carolina Administrative Office of the Courts (NCAOC) staff, and courthouse staff — proved their commitment to the mission of providing fair, accessible, and efficient dispute resolution.

With a strengthening economy, the General Assembly increased court funding in 2013. For the 2015-17 biennium, the General Assembly provided Judicial Branch personnel with their first significant pay increase in many years and restored operational funding to levels that allowed the courts to resume normal operations. Basic services, like travel and equipment replacement, returned to pre-recession levels. As a result, our court system is poised to move past a time of challenges and toward a time of systemic improvement.

**Technology.** We live in a digital world where computers and mobile devices are ubiquitous and paper is an afterthought. The courts, meanwhile, have lagged behind. For centuries, paper has been essential for court work. In 2016, clerks' offices in North Carolina processed over 31 million pieces of paper, requiring over 4.3 miles of shelving.<sup>9</sup> That paper gets moved from files to courtrooms, and back again — over and over and over, every day. Each month, hundreds of thousands of these files are pulled from shelves and carried to and from more than 500 courtrooms. The court system is awash in this daily tide of paper.

A major task of every clerk's office is to transmit information from paper onto computers. The data fields captured — who, what, where, when — grow continuously as the courts, government agencies, and the public seek more and more information about what happens in court. The Department of Public Safety, the Division of Motor Vehicles, the Department of Revenue, and the Federal Bureau of Investigation are just a few of those who seek improved access to court information.

Another technological challenge for the courts is managing one of the largest cash operations in the state. Clerks' offices processed over \$737 million in fiscal year 2015-16.<sup>10</sup> This operation is run with technology that is generations behind industry standards and is siloed independently from other case records and financial management systems.

Pockets of innovation exist where the courts have used technology to improve their management of paperwork and accounting. But the vast majority of court processes are still paper driven. Today's court technology is a hodgepodge of old and new, including workhorses built in COBOL computer programming language from the 1980s, industry-current Java, and WebSphere applications that would be at home in any modern corporate

environment. Multi-generational technology complicates innovation and requires a workforce that is skilled both in systems that are state-of-the-art and in systems that are no longer even taught in school. Put simply, the pattern of more paper plus more unintegrated technology plus more data entry must end.

But technology also holds tremendous opportunities for addressing many of the challenges that our judicial system faces. The federal court system migrated to a paperless court system in the 1990s. There, court documents are filed and stored solely within that electronic system. Litigants file them electronically, without having to visit the courthouse, and the public can conveniently access documents for individual

cases online. Judges enter orders and judgments online, which are then filed instantly and delivered electronically to all parties. Other states have followed suit as budgets have allowed. Today, most large court systems have completed major parts of this change or are planning to do so.

North Carolina's court system needs to put paper in its place. Our Judicial Branch has been a national leader in electronic appellate filing, in maintaining an electronic warrant repository, and in e-filing traffic tickets from computers in law enforcement officers' vehicles. It is time to commit to using technology to make all kinds of court information readily available online, and to expanding the ways that citizens can interact with the courts remotely.

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## A FRAMEWORK FOR RECOMMENDATIONS

When Chief Justice Martin convened the Commission, he directed it to evaluate the data and identify areas for systemic improvement. Each Committee produced an independent report that can be found in Part Two of this Final Report. Taken together, the Committee reports constitute a comprehensive action plan for improving the administration of justice in North Carolina.

Each Committee's report stands alone so that the work of implementing the most important

recommendations can begin. The final section of Part One suggests initial steps to take toward implementation.

Before discussing implementation, however, we pause to consider the themes that unify this body of recommendations aimed at promoting justice for all. The Committees' reports are grounded in three fundamental principles of sound judicial administration — fairness, accessibility, and efficiency.

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## THE ULTIMATE GOAL — JUSTICE

Courts exist to administer justice. They ensure that criminals are appropriately punished. They resolve civil disputes ranging from commercial

conflicts to the breakdown of the most intimate of personal relationships. They enforce and protect the rights and liberties enshrined in our founding

documents. And they do so with diligence, fairness, and impartiality in every case that comes before them.

This is the essence of the rule of law — an independent judiciary that ensures just outcomes under the law, to the greatest extent possible.

A key measure of a court system’s performance of this solemn duty is the trust and confidence that the public has in its courts. To be sure, public trust and confidence is not and cannot be the sole measure for a court system. Courts, after all, are charged with protecting individual rights and liberties — a task that will inevitably require decisions that are unpopular with powerful private interests or popular majorities. But, by and large, the long-term effectiveness of any court system is tied to the credibility of its process in the eyes of the public that it serves.

The charge of this Commission was to look for improvements within the existing administrative framework. An inquiry into the “administration of law and justice” is primarily an inquiry into the processes that a court system uses to achieve justice in the cases that it handles. The Commission’s work identified three central measures by which to evaluate a court’s commitment to process: fairness, access, and efficiency.

How are individuals treated by the courts? How easy is it to get legal help and to interact with

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**JUSTICE IS THE  
END OF GOVERNMENT.  
IT IS THE END OF  
CIVIL SOCIETY.  
IT EVER HAS BEEN  
AND EVER WILL BE  
PURSUED UNTIL  
IT BE OBTAINED,  
OR UNTIL LIBERTY  
BE LOST ...**  
Federalist No. 51

the courts? And how effective are the courts in reaching a just resolution in a timely and cost-effective manner?

Our courts make great efforts each and every day to administer justice on behalf of the citizens of North Carolina. But we can do more to strengthen and improve the processes by which they do so, and, as a result, to increase the public’s trust and confidence in our courts. These recommendations put forth a road map to do those very things.

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## FAIRNESS

Ask citizens what they want from a court system and an immediate answer is likely to be “fairness.”

A system is fair when cases are decided based on the law as applied to the relevant facts. Bias arising from characteristics such as wealth, social

class, ethnicity, race, religion, gender, and political affiliation have no place in a fair decision. Citizens should never have to doubt the fairness of their courts' decisions.

Yet, a 2015 national survey conducted by the National Center for State Courts revealed that only 54% of the respondents agreed or strongly agreed that state courts are “unbiased in case decisions.”<sup>11</sup> This same survey showed that only 35% of African-American respondents agreed with this statement. State courts should not be satisfied with these numbers.

The Committees' work contains many recommendations that, if implemented, will strengthen fairness in our court system. Three of these are highlighted here, and others appear in Part Two.

***Juvenile responsibility for criminal offenses.***

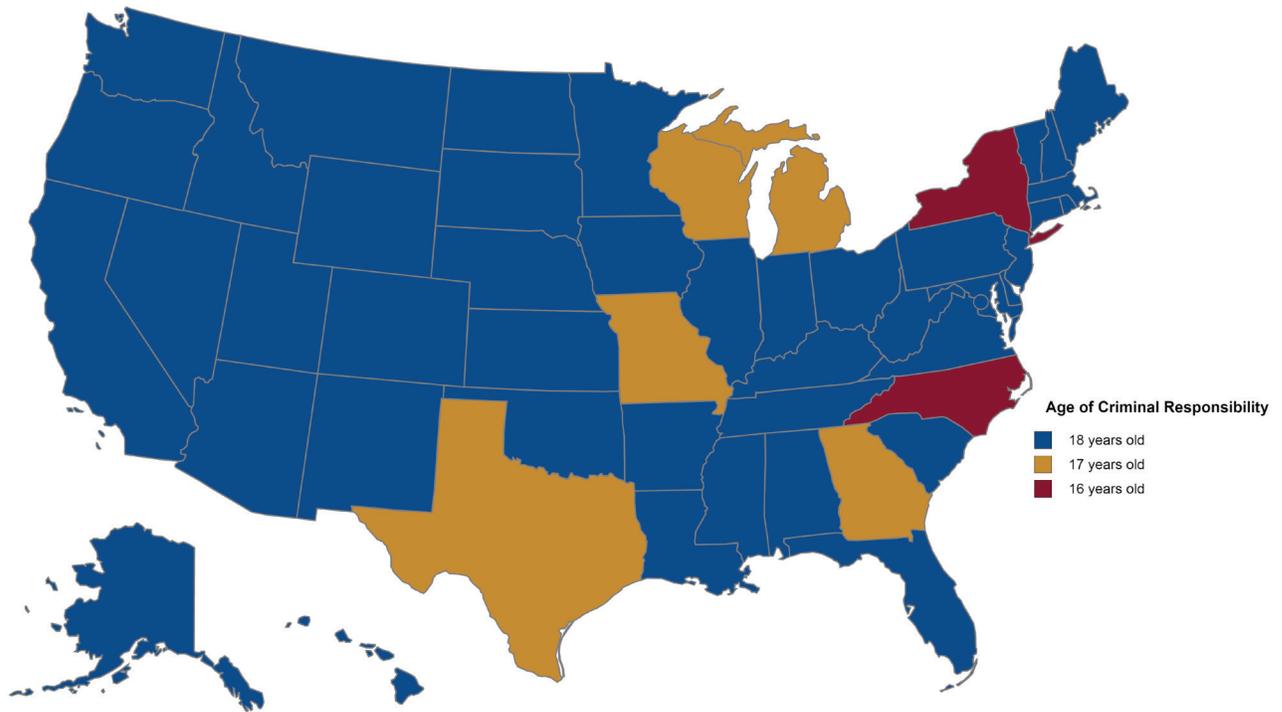
Most discussions about fairness involve questions of how one is treated, and emphasize following the law. But as the Criminal Investigation and Adjudication Committee found, there is one important situation in which following the law itself may lead to outcomes that are unfair and unwise, even if they are lawful.

North Carolina is one of only two states that treat sixteen- and seventeen-year-olds as adults under our criminal laws.<sup>12</sup> Sixteen- and seventeen-year-olds cannot legally drink alcohol, vote, or enter into a contract, but they can receive adult criminal convictions and a lifelong criminal record. The resulting stigma can have profound consequences for the rest of their lives.

Research on this issue has proliferated — research on crime statistics, brain development, and economic effects — and strongly weighs against

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**I'M POSITIVE THE AVERAGE CITIZEN OF THIS STATE IS NOT AWARE OF THIS INJUSTICE. I WAS NOT AWARE OF THIS LAW UNTIL MY SIXTEEN-YEAR-OLD SON WAS ARRESTED, AND TO MY SURPRISE, WAS CHARGED AS AN ADULT. BECAUSE OF HIS IMPULSIVE BEHAVIOR, HE HAS SERVED TIME WITH ADULTS, BUT MORE IMPORTANTLY, HE NOW HAS TO FIND A JOB WITH A CRIMINAL RECORD THAT HE WILL TAKE TO HIS GRAVE. HE IS NOT EVEN TWENTY YET, AND HIS FATE IS SEALED ...**



... ALL BECAUSE OF A SILLY, STUPID, NON-VIOLENT ACT HE DID AS A SIXTEEN-YEAR-OLD. NO ONE IN OUR STATE SHOULD BE PENALIZED FOR LIFE ... FOR A SENSELESS IMMATURE ACT THAT WAS COMMITTED BEFORE THEY WERE 18.

Citizen Comment Submitted at August Public Hearing on Raising the Juvenile Age



applying adult criminal sanctions to youthful offenders. That data prompted the Committee's recommendation that the age for adult criminal responsibility for all but traffic offenses and the most serious felonies be set at eighteen.

This is a complex proposal, with many implications for both the juvenile and the adult criminal justice systems. Public safety and fiscal impact are vitally important, but the Committee believes that raising the age is consistent both with those factors and with empirical, scientific consensus. The Committee's proposal, found in Appendix A, seeks to address all of those issues in detail.

This is not a new issue. But stakeholder support for raising the age at this time, in this way is unprecedented. Put simply, it is the right thing to do, and this is the right time to do it.

*Promoting procedural fairness and eliminating the possibility of bias.* Research suggests that what leaves people satisfied with their court

experience more than anything else is not whether they win or lose, but how they are treated during the process.<sup>13</sup> When people feel that they have been heard and respected, when they receive answers to their questions, and when they perceive that court officials don't play favorites, they are more likely to leave with confidence in the courts — even if they lose their case.

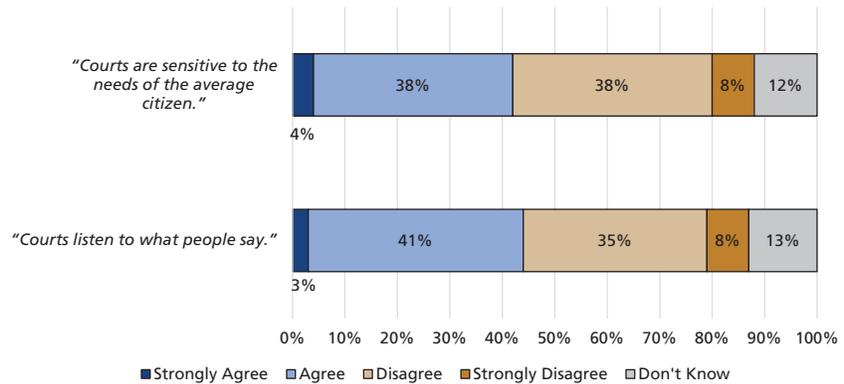
Procedural fairness is neither a new issue in, nor a unique issue to North Carolina. In 2013, the Conference of Chief Justices and the Conference of State Court Administrators urged every state to adopt a program to promote procedural fairness in its courts.

One aspect of procedural fairness that is of particular concern today is that of bias. Concerns about bias exist in many aspects of public life — in the news media, in law enforcement, and in the allocation of government resources.

Courts are not immune to this phenomenon.

In recent opinion polls sponsored by this Commission, 40% of respondents thought that whites were treated the same as everyone else in North Carolina's courts. Those numbers dropped to 33% when asked about the treatment of African-Americans and to 28% when asked about Hispanics.<sup>14</sup> In the same poll, whites were widely viewed as being treated better, while other racial groups were viewed as receiving less favorable treatment.<sup>15</sup>

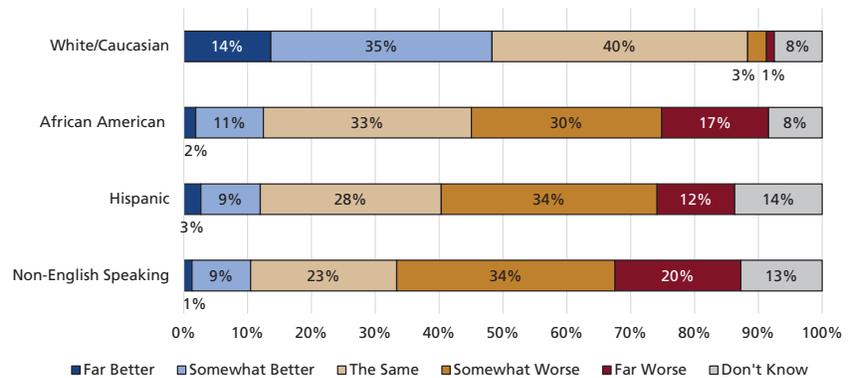
### Public Perceptions of State Court Responsiveness



Source: High Point University Survey Research Center, November 2015

### Public Perceptions of State Court Fairness

*"Do the following groups of people receive better or worse treatment in the North Carolina State Courts?"*



Source: Elon University Poll, October-November 2015

Eliminating the possibility of bias in the decisions that courts make is an essential component of promoting fairness in any court system. Thus, to foster an ongoing system-wide commitment to promoting fairness as a fundamental value, the Public Trust and Confidence Committee recommends renewed system-wide attention to programs that seek to eliminate the possibility of bias and encourage procedural fairness in our courts.

**Pretrial Release Pilot.** When a person is arrested for a crime, the first big decision in the case

is whether and how to grant pretrial release. For most crimes, a defendant is entitled to be released from jail to await the disposition of the case. The decision to release a defendant while his or her case is pending usually comes with strings attached — secured or unsecured bonds, electronic monitoring, ongoing monitoring by pretrial services programs, or a combination thereof, sometimes coupled with specific restrictions on whom the person must avoid and where the person may (or may not) go.

In a society that values the presumption of innocence, these conditions must strike a balance. They are not intended to punish, but to ensure that the accused will appear in court and to prevent the defendant from engaging in harmful behavior

before trial. The pretrial release decision is important; it can affect the ability of a defendant to stay employed and participate in the defense of his or her case.

These decisions, along with the balancing required to make them, are largely matters of discretion. That discretion should be exercised with a commitment to fairness. The Criminal Investigation and Adjudication Committee recommends that a pilot project be implemented to test the use of empirically valid, standardized risk measurement tools and decision matrices to assist judges in making pretrial release decisions that are informed and fair. The Committee's detailed proposal for structuring the pilot project can be found in Appendix C.

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## ACCESS

The right to an attorney is a core value enshrined in the Sixth Amendment to the United States Constitution, but that right rarely extends beyond criminal defendants. Getting a fair outcome is impossible if a person is not able to take a case to court, or if, upon getting there, the person does not have a lawyer or other legal assistance to help make his or her case. That is why meaningful access to the courts is a second theme that permeates the Commission's recommendations.

***Self-represented litigants and pro bono programs.*** In the American judicial system, a person has the right to represent himself or herself, even if doing so may not be in the person's best interests. Self-representation is a practice that is growing in popularity in recent years. For some, it is because lawyers are too expensive.

Others choose to represent themselves even when they can afford an attorney. In a recent national survey of non-family law civil cases heard without a jury, 76% of the cases involved a self-represented party.<sup>16</sup> In certain categories like family law, debt collection, and landlord-tenant cases, having at least one self-represented party is common.

The Legal Professionalism Committee strongly believes that competent legal representation is the best way to achieve justice when disputes end up in court. Statistics about low-income individuals' access to lawyers are quite discouraging, however — partly because legal aid programs have lost significant funding in recent years. Pro bono (donated legal services) programs have helped some litigants but simply do not have the capacity to come close to being a complete solution.

The Civil Justice, Legal Professionalism, and Public Trust and Confidence Committees have each recommended steps that the court system can take to better accommodate and serve self-represented litigants. Many of these recommendations involve enhanced use of technology, expanded customer assistance, and improved education programs. Some are as basic as recommending that every courthouse have simple, clear signage. Other recommendations touch on increasing language access services. Courts must keep up with the needs of our citizens. The Public Trust and Confidence Committee’s report further addresses these issues.

Other recommendations focus on promoting and enhancing efforts to encourage pro bono service. In 2014, the North Carolina Equal Access to Justice Commission estimated that private attorneys supplied approximately 18,000 hours of legal services worth more than \$3.6 million.<sup>17</sup> The Legal Professionalism Committee recommends expanding those programs where feasible.

**The Legal Profession.** The legal profession is changing rapidly and faces a striking paradox.

More lawyers are practicing now than ever before, but the legal needs of our citizens are increasingly going unmet. Many reasons account for that, not the least of which is cost. In a recent North Carolina survey, 73% of respondents did not believe that average citizens can afford to hire a lawyer for their legal needs.<sup>18</sup> The forces of supply and demand and other market forces will play a role in addressing this problem, but increasing access to legal services requires other measures as well.

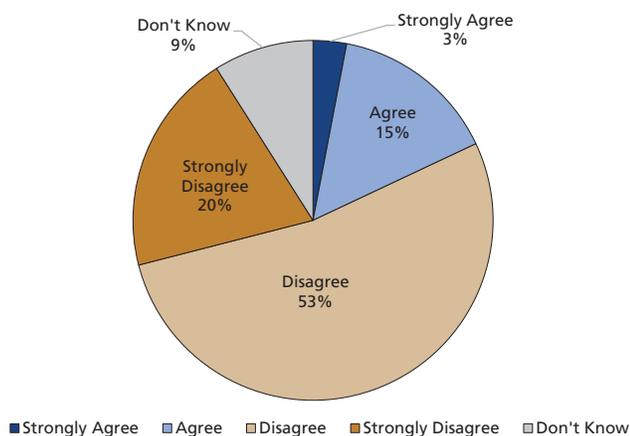
One aspect of increasing access involves the regulation of the legal profession itself.

Lawyers have a noble history. The profession arose to help safeguard the rule of law and to offer specialized skills to help people navigate legal problems. The demands of modern society have altered how the profession can accomplish those goals. Modern lawyers face economic pressures to produce revenue and limit expenses. The cost of legal education, in particular, is an increasingly significant factor. These factors frustrate the selfless, heroic “Atticus Finch” model of a lawyer that is such a part of our culture.

In addition to the challenges facing the economics of legal practice, access problems arise from the increasing variety and complexity of legal issues and from misinformation about the law that is spread through television and the Internet.

Despite significant advances in technology, the law governing the practice of law in our state has not been reviewed or changed in many years; neither have the laws and practices regulating the licensing of lawyers. In this regard, the legal profession has not

**Public Perceptions of State Court Accessibility**  
*“Most people can afford to bring a case to court.”*



Source: High Point University Survey Research Center, November 2015

kept pace with other professions. The medical profession, for example, responded to access-to-healthcare issues by thinking critically about what it means to practice medicine and who should be able to do it. It is time to reconsider what it means to practice law and whether the procedures for being admitted to the profession are fair and working effectively.

The Legal Professionalism Committee believes that North Carolina can dramatically enhance access to legal services through modernizing our state’s statutory structure. And we can do so while upholding the fundamental value of protecting the public from incompetent legal practice. Among other things, the Committee recommends creating a Legal Innovation Center to begin the work of confronting the rapid changes in the market for legal services.

***Indigent Defense Reforms.*** The adversarial model of the American justice system relies on the notion that justice occurs in a criminal case when a zealous prosecutor meets a zealous defense lawyer. When a criminal defendant cannot afford his or her own lawyer, the United States Constitution requires the government to provide that person with an attorney. Our society is unwilling to take a person’s liberty without

the assurance of fairness that comes from having lawyers on both sides of a case.

Since 2000, the North Carolina Commission on Indigent Defense Services has managed this important function. The system that it manages, however, is a patchwork. In some places, state-salaried public defenders do this work, while in others, private attorneys do the work on contract or on assignment by a judge. Standards of performance vary widely.

The Criminal Investigation and Adjudication Committee undertook a comprehensive review of the indigent defense system. As presented in Appendix D, the Committee offers specific recommendations for addressing issues that have arisen since the Office of Indigent Defense Services was established. Recommendations include expansion of public defender functions, uniform standards for determining indigency, quality control mechanisms, and budgetary changes.

The report is a road map for improving the quality of these legal services and maximizing the use of the funds provided. The result will be fewer unnecessary delays, fewer reversals, and reduced stress on victims and defendants as cases are handled more efficiently and competently.

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## EFFICIENCY

Undoubtedly, fairness and accessibility are fundamental values to any court system. But a system that fails to use its resources effectively or manage its work efficiently will not serve justice and will forfeit public trust and confidence.

“Case management” is not glamorous or dramatic like amending the constitution or passing new laws. But when done right, effective case management saves time, promotes good stewardship of taxpayer dollars, and increases the

efficiency of the judicial process for all involved. Case management is essential to the success of any 21st century court system.

The good news is that it is largely within the control of the court system itself. Many dedicated court officials work very hard to manage the cases in their courts, and their work provided a solid base for the Commission’s review. The Commission’s Public Trust and Confidence Committee emphasized the need for more timely case dispositions, and both the Civil Justice Committee and Criminal Investigation and Adjudication Committee spent considerable time developing recommendations for improving case management practices in North Carolina. Part Two contains their specific recommendations.

The basic principles of effective case management are hugely important.

**First, the system must measure itself.** Typically, time standards help fill that need. North Carolina does have some time standards, but they are not consistent with national best practices and are not as effective as they should be.

**Second, the system must have clear lines of accountability.** For civil cases, the clear line of accountability is the judge with administrative responsibility for the district. For criminal cases, it is less clear. The district attorney has statutory authority to schedule cases, but the presiding judge assumes responsibility once the calendar is published. That hybrid system presents some challenges, which the Criminal Investigation and Adjudication Committee’s report addresses.

**Third, the system must have the data that it needs to make good decisions.** North Carolina’s mix of old and new technology, designed primarily

to maintain statistics of what happened in the past, does not work well in an age that seeks to use information in real time to plan for the future. A modern, paperless, integrated court information system designed to meet the needs of case managers is at the forefront of the Technology Committee’s Strategic Plan. Until that is achieved, our courts will lack the ability to use data to improve decision-making and case management in real time.

**Fourth, the system must make court appearances meaningful.** Public trust and confidence suffers a significant blow every time an individual must appear in court only to learn that his or her case is continued to another appearance.

**Fifth, the system must use techniques like “differentiated case management” — treating simple cases simply, and treating complex cases with greater involvement.**

**Sixth, the system must continually educate its officials about the need for effective case management and the tools necessary to manage well.**

**Finally, the system must create a local legal culture that values effective case management.**

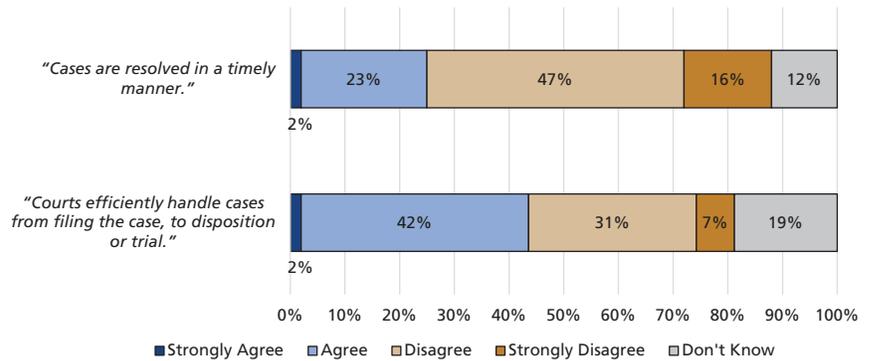
Research demonstrates that what most distinguishes truly effective court management is not systems, technology, or resources, but local legal culture. Court proceedings require a team, and any member of that team can slow the process. When the actors in the local culture expect delays, delays happen. Cultures change slowly, and only with great effort and committed leadership. Expectations must be established, and they must be honored.

Effective case management faces many hurdles in our state. The data needed to make important systemic decisions does not exist today in a user-friendly format. As just one example, the definition of a criminal “case” is not uniform across local jurisdictions. Comparing workloads cannot be meaningful without common units of measurement. The goal of “uniformity” was intended to resolve that very problem.

One particular problem plaguing civil case management is the proliferation of local rules. Unlike the management of the criminal docket, the senior resident superior court judge and the chief district court judge have the responsibility of managing the civil docket. With that responsibility comes the discretion to supplement statewide rules with local rules that apply only in that district. To say that the rules lack uniformity across district lines is a gross understatement. Variation and unpredictability is a primary roadblock to efficient and just outcomes in a mobile society that participates in a global economy.

As identified by the Technology and Civil Justice Committees, better use of modern technology in legal practice and court processes will allow parties and attorneys to communicate by remote

### Public Perceptions of State Court Efficiency



Source: High Point University Survey Research Center, November 2015

appearances instead of having to travel several hours to be physically present in a courtroom or conference room. Rigorous measurement of outcomes will help as well. The tools exist, but they are simply going unused.

The reports of the Technology, Civil Justice, and Criminal Investigation and Adjudication Committees contain detailed and specific steps that can lead to more effective case management through improved use of technology and methods to provide uniformity.

If implemented, emphasized, and monitored, these recommendations can substantially improve our justice system. They will fail, however, without commitment from state-level leaders and from court officials in every courthouse. Like justice itself, effective management will always be a work in progress, but it is possible and must be a priority.

## NEXT STEPS

Commitment to the principles of fairness, access, and effective case management will help our courts ensure that justice is being done, to the greatest extent possible, in each and every case that comes through the system. Though only a handful of recommendations have been highlighted above, all of the Commission’s recommendations will help build the 21st century court system that North Carolina needs. Some of the recommendations will require legislative action. Others will need the leadership and initiative of the North Carolina Administrative Office of the Courts (NCAOC) or other bodies, such as the Commission on Indigent Defense Services. Many of the proposals can be implemented by local court officials. The Commission recognizes that all of these groups share a common desire to improve the courts. With this report’s framework in place, great progress is the expectation.

The sheer number of recommendations suggests, however, that giving one office or entity the overall task of implementation would be very helpful in coordinating these initiatives. NCAOC is the logical place for this responsibility, and it has the staffing resources and the system-wide perspective necessary for the task.

The numerous recommendations calling for internal change within the Judicial Branch will require involvement by many of NCAOC’s various offices and divisions, including Technology Services, Research and Planning, Court Services, and Court Programs. NCAOC’s Governmental Affairs Office can be assigned aspects of the Commission’s work that require legislative changes.

NCAOC has already begun work on a number of recommendations, including Juvenile

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**THIS MULTI-DISCIPLINARY COMMISSION WILL CONTINUE TO ENSURE THAT THE JUDICIAL BRANCH CONSERVES ... ITS VALUABLE RESOURCES AND WILL MAKE RECOMMENDATIONS FOR HOW WE CAN STRENGTHEN OUR COURTS.**

Chief Justice Mark Martin  
2015 State of the Judiciary Address

”

Reinvestment and the Technology Committee’s Strategic Plan. Accordingly, the NCCALJ co-chairs recommend that the Chief Justice have the NCAOC Director take primary responsibility for carrying out the Commission’s work. The Director can then assemble advisory groups and working groups or delegate to other entities as needed to implement recommendations.

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## IT'S TIME TO BEGIN . . . AGAIN

The recommendations in the five Committee reports that follow, once implemented, will position the North Carolina court system to make historic advances in delivering justice to the people of North Carolina.

The Public Trust and Confidence Committee, however, has identified two additional recommendations that are vital to the future of our courts.

First, it is imperative that the public become better informed about the mission and work of the courts. Educating the public about our courts is simply too important to be left to court television shows. The story of our judicial system needs to be told through improved public awareness, civic education in the schools, judicial outreach programs, and online resources. Many notable efforts are already underway in this regard; they need to be supported and expanded as resources allow. This work is the responsibility of all in the judicial system and should be coordinated by NCAOC to ensure cohesive and consistent messaging.

Finally, this Commission began its work by asking the public, through opinion polls, what it thought about the courts. The answers were sobering but important. They helped guide the work of the Commission. The Public Trust and Confidence Committee recommends asking for the public's advice again. And again. And again. Asking for feedback should not be a one-time exercise. It should be an ongoing effort.

Ensuring that law and justice are effectively administered is not a new task. And it is never finished. As Alexander Hamilton noted in the Federalist Papers: "Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit."<sup>19</sup>

Having recurred to fundamental principles, it's time to strengthen our courts to ensure justice for all.

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1. North Carolina Constitution, Art. 1, Sec. 35.
  2. Surveys were conducted by the High Point University Survey Research Center and the Elon University Poll in October and November 2015. A summary of the results of these surveys is available at <http://bit.ly/2hWGgLW>. Published December 15, 2015. Accessed December 20, 2016.
  3. Report of the Committee on Improving and Expediting the Administration of Justice in North Carolina. 1958. Available at <http://bit.ly/2gYOTE7>. Accessed December 20, 2016.
  4. *Without Favor, Denial or Delay: A Court System for the 21st Century*. 1996. Available at <http://bit.ly/2i6LeJp>. Accessed December 20, 2016.
  5. North Carolina population rank as of July 1, 2016. United States Census Bureau, Annual Estimates of the Resident Population for the United States, Regions, States, and Puerto Rico: April 1, 2010, to July 2016. Available at <http://bit.ly/2jAgflx>. Accessed December 20, 2016.
  6. United States Census Bureau, 2015 Population Estimates for NC State and Counties.

7. Based on a comparison of the 1972 Annual Report of the North Carolina Administrative Office of the Courts (NCAOC) to current statistics provided by the NCAOC Research and Planning Division.
8. Annual Report of the North Carolina Judicial Branch: July 1, 2012 – June 30, 2013. Available at <http://bit.ly/2h2jEbb>. Accessed December 21, 2016.
9. Based on an estimate from the NCAOC Research and Planning Division.
10. Annual Report of the North Carolina Judicial Branch: July 1, 2015 – June 30, 2016. Available at <http://bit.ly/2iLw5tv>. Accessed January 12, 2017.
11. National Center for State Courts, The State of State Courts: A 2015 NCSC Public Opinion Survey. Available at <http://bit.ly/2h14hsf>. Accessed December 20, 2016.
12. As of the release of this report (March 2017), North Carolina and New York are the only jurisdictions that prosecute both sixteen- and seventeen-year-olds in adult criminal court.
13. Comments of David B. Rottman, Ph.D, in his presentation, “Public Trust and Confidence in the State Courts: Levels, Causes, and Responses,” NCCALJ Public Trust and Confidence Committee Meeting (Raleigh, NC), November 17, 2015. Presentation materials available at <http://bit.ly/2h9B4Yg>. Accessed December 20, 2016.
14. *Id.*
15. *Id.*
16. National Center for State Courts, *The Landscape of Civil Litigation in State Courts*, 2015. Available at <http://bit.ly/2i7rEFS>. Accessed December 20, 2016.
17. North Carolina Equal Access to Justice Commission, 2014 Impact Report. Available at <http://bit.ly/2h9LLtV>. Accessed December 20, 2016.
18. *Id.* at 2.
19. The Federalist Papers, No. 51.

*This report contains recommendations for the future direction of the North Carolina court system as developed independently by citizen volunteers. No part of this report constitutes the official policy of the Supreme Court of North Carolina, of the North Carolina Judicial Branch, or of any other constituent official or entity of North Carolina state government.*