

North Carolina Courts FY 2001-02



**Statistical and Operational Summary
of the Judicial Branch of Government**

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PART I

THE PRESENT COURT SYSTEM

NORTH CAROLINA JUDICIAL BRANCH FACT SHEET
Fiscal Year July 1, 2001 – June 30, 2002

Population and Area Served: 8,336,829 Population (approximate)
100 Counties

Court Organization: 46 Superior Court Districts for Administrative Purposes
62 Superior Court Districts for Elective Purposes
39 District Court Districts for Administrative Purposes
40 District Court Districts for Elective Purposes
39 Prosecutorial Districts
11 Public Defender Districts

Numbers of Justices and Judges: 7 Supreme Court Justices
15 Court of Appeals Judges
106 Superior Court Judges
235 District Court Judges

Numbers of Other Authorized Personnel:

39 District Attorneys	121 Assistant Public Defenders
438 Assistant District Attorneys	12 Trial Court Administrators
100 Clerks of Superior Court	133 Guardian ad Litem Personnel
2,255 Clerk Personnel	323 Administrative Office of the Courts
721 Magistrates	1,066 Other Staff
11 Public Defenders	

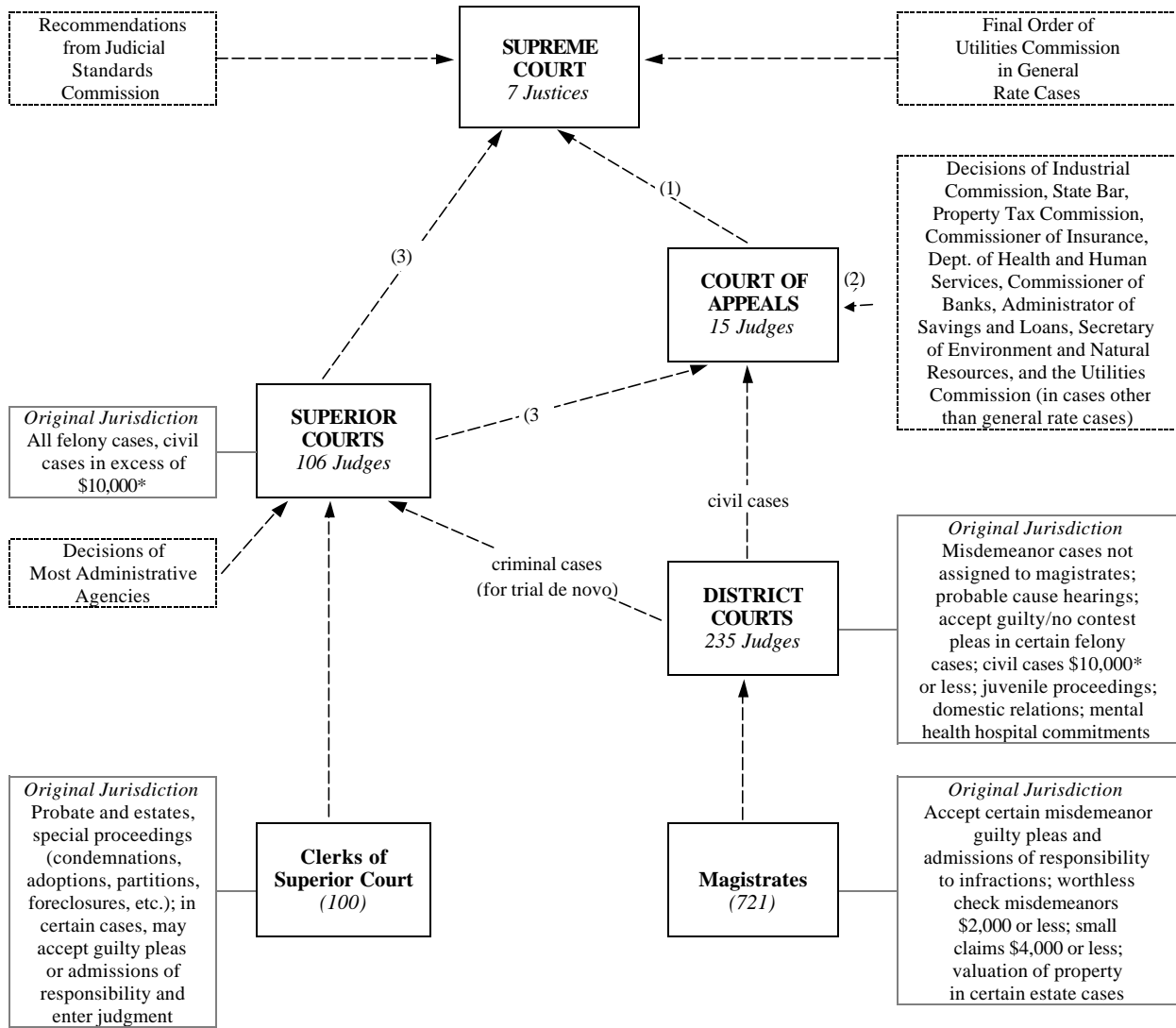
Total Judicial Branch Personnel: 5,582

BUDGET	
Total Judicial Branch Appropriations, 2001-02:	\$378,310,998
Percent Decrease from 2000-01:	-0.71%
Total Judicial Branch Appropriations as a Percent of Total State General Fund Appropriations:	2.76%

CASES FILED AND DISPOSED, FISCAL YEAR 2001-02				
Court	Filed	% Change From 2000-01	Disposed	% Change From 2000-01
Supreme Court:				
Appeals	144	10.8%	131	47.2%
Petitions	662	4.4%	601	-5.4%
Court of Appeals:				
Appeals	1,620	0.1%	1,726	17.8%
Petitions	768	0.8%	715	3.6%
Superior Court*:	316,507	4.7%	298,390	4.3%
District Court**:	2,795,758	2.3%	2,705,092	3.4%

*Includes Felonies, Misdemeanors, Civil, Estates, and Special Proceedings.
**Includes Criminal Non-Motor Vehicle, Criminal Motor Vehicle, Infractions, Small Claims, Domestic Relations, General Civil and Magistrate Appeals/Transfers, and Civil License Revocations (Civil License Revocations are counted only at filing).

ORIGINAL JURISDICTION AND ROUTES OF APPEAL
(As of June 30, 2002)



- (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 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).

THE PRESENT COURT SYSTEM

This section describes the present court system in North Carolina by providing a general summary of the organization and functions of the offices composing the Judicial Branch. Fiscal, personnel, caseload, and program data are set forth in other sections of this report.

Court Structure

Article IV of the North Carolina Constitution establishes the General Court of Justice, which “shall constitute a unified judicial system for purposes of jurisdiction, operation, and administration, and shall consist of an Appellate Division, a Superior Court Division, and a District Court Division.” The Constitution also states that the “General Assembly shall have no power to deprive the judicial department of any power or jurisdiction that rightfully pertains to it as a coordinate department of the government, nor shall it establish or authorize any courts other than as permitted by this Article.”

The Appellate Division consists of the Supreme Court and the Court of Appeals. The Superior Court Division is composed of the superior courts, which are the general jurisdiction trial courts for the state. The District Court Division comprises the district courts, which are the trial courts with original jurisdiction of the overwhelming majority of the cases handled by the state’s court system. The structure of the present court system is shown in the preceding “Original Jurisdiction and Routes of Appeal” chart.

The Supreme Court

At the apex of the North Carolina court system is the seven-member Supreme Court, which sits in Raleigh to consider and decide questions of law presented in civil and criminal cases on appeal. The Chief Justice and six associate justices are elected to eight-year terms by the voters of the state. The Court sits only *en banc*, that is, all members sitting on each case.

The Supreme Court has general power to supervise and control the proceedings of the other courts of the General Court of Justice. The Supreme Court has the authority to prescribe the rules of practice and procedure for the trial court divisions. The Supreme Court also promulgates the yearly schedule of superior court sessions in the 100 counties, and appoints the Clerk of the Supreme Court, the Librarian of the Supreme Court Library, and the Appellate Division Reporter.

The Chief Justice of the Supreme Court has certain other administrative responsibilities, which include

appointing the Director and the Assistant Director of the Administrative Office of the Courts, designating a Chief Judge from among the judges of the Court of Appeals and a Chief District Court Judge from among the district court judges in each of the state’s district court districts, assigning superior court judges to the scheduled sessions of superior court in the 100 counties, transferring district court judges to other districts for temporary or specialized duty, appointing certain members of the Judicial Council, Judicial Standards Commission and the Courts Commission, and appointing the Chief Administrative Law Judge of the Office of Administrative Hearings.

The only original case jurisdiction exercised by the Supreme Court is in the censure and removal of judges upon the non-binding recommendations of the Judicial Standards Commission. The Court’s appellate jurisdiction includes cases on appeal by right from the Court of Appeals (cases involving substantial constitutional questions or dissent in the Court of Appeals), cases on appeal by right from the Utilities Commission (cases involving final orders or decisions in general rate matters), criminal cases on appeal by right from the superior courts (first degree murder cases in which the defendant has been sentenced to death), and cases in which review has been granted in the Supreme Court’s discretion. Discretionary review directly from the trial courts may be granted when delay would likely cause substantial harm or when the workload of the courts of the Appellate Division is such that the expeditious administration of justice requires it. However, most appeals are heard only after review by the Court of Appeals.

The Court of Appeals

The fifteen-judge Court of Appeals is North Carolina’s intermediate appellate court. It hears a majority of the appeals originating from the state’s trial courts. The Court regularly sits in Raleigh, although it may sit in other locations in the state as authorized by the Supreme Court. Sessions outside of Raleigh have not been regular or frequent. Judges of the Court of Appeals are elected by popular statewide vote for eight-year terms. A Chief Judge for the Court is designated by the Chief Justice of the Supreme Court and serves in that capacity at the pleasure of the Chief Justice.

Panels of three judges hear cases, with the Chief Judge responsible for assigning members of the Court to the five panels. Insofar as practicable, each judge is to be assigned to sit a substantially equal number of

times with each other judge. The Chief Judge presides over the panel of which he or she is a member and designates a presiding judge for the other panels.

One member of the Court of Appeals, designated by the Chief Justice of the Supreme Court, serves as the chair of the Judicial Standards Commission. In the event of a recommendation from the Commission to censure or remove from office a justice of the Supreme Court, a seven-member panel of Court of Appeals judges would have sole jurisdiction to consider and act upon the recommendation.

The bulk of the caseload of the Court of Appeals consists of cases appealed from the trial courts. The Court also hears appeals directly from the Industrial Commission, along with appeals from final orders or decisions of certain administrative agencies, as shown on the preceding jurisdiction chart. Appeals from the decisions of other administrative agencies lie first within the jurisdiction of the superior courts.

The Superior Courts

The superior courts are the state's general jurisdiction trial courts, with jurisdiction over the most serious crimes (felonies) and civil cases with substantial amounts in controversy.

The superior courts hold sessions in the county seats of North Carolina's 100 counties. For electoral purposes, the counties are grouped into 62 superior court districts, which are collapsed into 46 districts for administrative purposes. One or more superior court judges are elected by district for eight-year terms in each of the superior court electoral districts.

In FY 2001-02, there were 93 resident superior court judges. In addition, thirteen special superior court judges have been authorized by the legislature and appointed by the Governor. Each administrative district has one senior resident superior court judge who has certain administrative responsibilities (such as providing for civil case calendaring procedures) for his or her home district. In districts with more than one resident judge, the judge senior in service on the superior court bench exercises these supervisory powers.

The superior court districts are grouped into eight divisions for the rotation of superior court judges, as shown on the following superior court district map. Within the division, resident superior court judges rotate among the districts and normally hold court for at least six months in each, then move on to their next assignment. The special superior court judges may be assigned to hold court in any county. Assignments of all superior court judges are made by the Chief Justice of the Supreme Court. Under the North Carolina Constitution, at least two sessions of superior court are held annually in each county. The vast majority of counties have more than the constitutional minimum. Many

larger counties have superior court sessions about every week in the year.

The superior court has original jurisdiction in all felony cases and in those misdemeanor cases specified in G.S. 7A-271. Most misdemeanors are tried first in the district court, from which conviction may be appealed to the superior court for trial *de novo* by a jury. The superior court is the "proper" court for the trial of civil cases where the amount in controversy exceeds \$10,000, and it has jurisdiction over appeals from most administrative agencies, as indicated on the preceding jurisdiction chart. Regardless of the amount in controversy, the original civil jurisdiction of the superior court does not include domestic relations cases, which are heard in the district court, or probate and estates matters and certain special proceedings heard first by the clerk of superior court. Rulings of the clerk are within the appellate jurisdiction of the superior court.

The District Courts

The district courts, the state's limited jurisdiction trial court level, dispose of the vast majority of the cases filed in the courts.

Under the North Carolina Constitution, the General Assembly is required to divide the state into a "convenient" number of local court districts and prescribe where the district courts shall sit, but district court must sit in at least one place in each county. As shown on the following map, there were 39 district court districts for administrative purposes during FY 2001-02, with each district composed of one or more counties. (There are 40 district court districts for electoral purposes, with District 9 being split into electoral Districts 9 and 9B.) One or more district court judges are elected to four-year terms by the voters of each of the district court districts. During FY 2001-02, there were 235 district court judges.

The Chief Justice of the Supreme Court appoints a chief district court judge from among the elected judges in each district court district. Subject to the Chief Justice's general supervision, each chief judge exercises administrative supervision and authority over the operation of the district courts and magistrates in the district. Each chief judge is responsible for scheduling sessions of district court and assigning judges, supervising the calendaring of non-criminal cases, assigning matters to magistrates, making arrangements for jury trials in civil cases, and supervising the discharge of clerical functions in the district courts. The chief district court judges meet in

conference at least once a year upon the call of the Chief Justice of the Supreme Court. Among other matters, this annual conference adopts a uniform schedule of waivable offenses and fines for their violation, for use by magistrates and clerks of court.

The jurisdiction of the district court is extensive. It includes preliminary “probable cause” hearings in felony cases, and virtually all misdemeanor and infraction cases. (Infractions are non-criminal violations of law that are not punishable by imprisonment, a category of case created effective September 1, 1986, when the General Assembly decriminalized many minor traffic offenses.) The district court also has jurisdiction to accept guilty pleas in certain felony cases, and the court’s jurisdiction extends to all juvenile proceedings, mental health hospital commitments, and domestic relations cases. In addition, the district courts share concurrent jurisdiction with the superior courts in general civil cases, but are the “proper” courts for general civil cases where the amount in controversy is \$10,000 or less.

Most trials in criminal and infraction cases in district court are by district court judges; no trial by jury is available for such cases. Appeals are to the superior court for trial *de novo* before a jury. District court judges also hold felony probable cause hearings. Civil cases in district court may be tried before a jury; appeals are to the North Carolina Court of Appeals.

Magistrates

The North Carolina Constitution provides that one or more magistrates “who shall be officers of the District Court” shall be appointed in each county. Magistrates are appointed by the senior resident superior court judge and are supervised by the chief district court judge of their district. A total of 721 magistrates (24 part-time) were authorized as of June 30, 2002.

Magistrates have substantial authorities in certain misdemeanor and infraction cases, including the power to hear and enter judgments in certain worthless check cases and to accept written appearances, waivers of trial or hearing, and pleas of guilty or admissions of responsibility, and enter judgments in certain misdemeanor and infraction cases, in accordance with a uniform schedule adopted by the Conference of Chief District Court Judges. They also may conduct initial appearances, grant bail before trial in noncapital cases, and issue arrest and search warrants. Decisions of magistrates in criminal cases may be appealed to the district court judge.

In the civil area, if the amount in controversy is \$4,000 or less and the plaintiff in the case so requests, a civil case may be designated a “small claims” case

and assigned to a magistrate for hearing. Magistrates’ decisions may be appealed to the district court.

The State Judicial Council

The eighteen-member State Judicial Council consists of court officials from every court function, private attorneys, and the public. Conceived as an oversight body to promote overall improvement in Judicial Branch operations, the Council may study and make recommendations to the Chief Justice about all aspects of our court system. The State Judicial Council studies the operations of the judicial system and makes recommendations including, but not limited to, budget preparation and funding priorities, judicial officials’ benefits and compensation, and the creation of judgeships. In addition, the Council studies and makes recommendations on the development of court performance standards and assesses the effectiveness of the Judicial Branch, as well as its service to the public. The Council also monitors the administration of justice and makes recommendations for case management, alternative dispute resolution, and issues related to changing boundaries of the judicial districts or divisions. The present five committees of the State Judicial Council are Salaries and Benefits, Alternative Dispute Resolution, Public Trust, Court Performance Standards, and Court Jurisdiction and Organization.

The District Attorneys

The district attorney represents the state in all criminal actions brought in the superior and district courts in the district, as well as in juvenile cases in which the juvenile is represented by an attorney, and is responsible for ensuring that infraction cases are prosecuted efficiently. In addition to prosecutorial functions, the district attorney is responsible for calendaring criminal cases for trial.

During FY 2001-02, the state was divided into 39 prosecutorial districts, as shown on the following prosecutorial district map. The boundaries of the prosecutorial districts correspond to those of the 39 district court administrative districts. A district attorney is elected by the voters in each district for a four-year term.

G.S. 7A-60 specifies the number of assistant district attorneys that each district attorney may employ on a full-time basis (totaling 434 as of June 30, 2002; four additional assistants were employed in time-limited or grant-funded positions). Each district attorney is authorized to employ an administrative assistant to aid in preparing cases for trial and to expedite the criminal court docket. The General Assembly has also authorized

the district attorney in certain districts to employ an investigatorial assistant who aids in the investigation of cases prior to trial. All district attorneys employ at least one assistant for administrative and victim and witness services.

Representation of Indigent Persons

The state provides legal counsel for indigent persons in a variety of actions and proceedings, as specified in G.S. 7A-450 *et seq.* These include, among others, any case in which imprisonment or a fine of \$500 or more is likely to be adjudged; juvenile proceedings that may result in confinement, transfer to superior court for trial on a felony charge, or termination of parental rights; proceedings alleging mental illness or incapacity that may result in hospitalization or sterilization; extradition proceedings; certain probation or parole revocation hearings; and certain requests for post-conviction relief from a criminal judgment.

Juveniles alleged to be within the jurisdiction of the court for allegations of delinquency or for other matters have the right to be represented by counsel in all proceedings, and are conclusively presumed to be indigent and thus entitled to state-appointed counsel. In delinquency matters, juveniles are represented by public defenders, where present, or by private counsel. Where a juvenile petition alleges that a juvenile is abused, neglected, or dependent, an indigent parent has a right to appointed counsel (G.S. 7B-602).

Commission on Indigent Defense Services

This thirteen-member Commission was created by the Indigent Defense Services Act of 2000. The Commission and its staff, the Office of Indigent Defense Services, are located within the Judicial Branch but exercise their prescribed powers independently from the AOC. The Commission and the director of the Office of Indigent Defense Services are responsible for establishing, supervising, and maintaining a system for providing legal representation and related services in all cases where indigent persons are entitled to representation at state expense.

Public Defenders

During FY 2001-02, 13 counties were served by 11 public defender offices, in Defender Districts 3A, 3B (Carteret County only), 12, 14, 15B, 16A, 16B, 18, 26, 27A, and 28. Public defenders are appointed by the senior resident superior court judge, and their terms are four years. By statute, public defenders are entitled to the numbers of assistants and investigators as may be authorized by the Commission on Indigent Defense Services.

In public defender districts, most representation of indigents is handled by the public defender's office. However, in certain circumstances, such as a potential conflict of interest or when the proper administration of justice requires it, the court or the public defender may assign private counsel to represent an indigent person.

Private Counsel

In areas of the state that are not served by a public defender office, representation of indigent persons is provided almost entirely by assignment of private counsel. Private counsel is assigned by the court, the Office of Indigent Defense Services, and in certain circumstances, the public defender. Compensation of private counsel is fixed in accordance with rules adopted by the Office of Indigent Defense Services. The Commission on Indigent Defense Services has promulgated rules relating to the qualifications and appointment of counsel in capital and non-capital cases.

Appellate Defender

Pursuant to rules adopted by the Indigent Defense Services Commission, the Appellate Defender assigns counsel to represent indigent criminal defendants, juveniles, and parent-respondents who have a right to appeal adverse judgments entered in the Trial Division to the Supreme Court of North Carolina and to the North Carolina Court of Appeals. The Appellate Defender is appointed by the Commission. Assistant Appellate Defenders represent as many of these clients as possible, and generally are appointed in potentially complex cases. Clients not represented by the Office of the Appellate Defender are assigned to qualified private counsel. The Office provides consulting services to appointed appellate counsel and, in conjunction with the Institute of Government, conducts continuing legal education in appellate practice. During FY 2001-02, the Office of the Appellate Defender accepted appointment to represent clients in 73 appeals or petitions for writ of certiorari, and filed 62 briefs in the Appellate Division.

Special Counsel

The state provides attorneys and supporting staff at each of the state's four mental health hospitals, for the representation of indigent patients in commitment or recommitment hearings before a district court judge. Each patient admitted to a mental health hospital pursuant to the civil commitment procedures of Chapter 122C of the General Statutes is entitled to a judicial hearing soon after the initial admission, as well as periodic hearings to review the patient's commitment status. The Commission on Indigent Defense Services

appoints attorneys to serve as special counsel.

Guardian ad Litem Program

When a petition alleges juvenile abuse or neglect, the judge is required to appoint a guardian ad litem for the child, and when a petition alleges dependency, the judge may appoint a guardian ad litem. If the guardian ad litem is not an attorney, the judge also is to appoint an attorney to represent the juvenile's interests (G.S. 7B-601). Guardians ad litem and attorney advocates are provided through the Guardian ad Litem Services Program of the Administrative Office of the Courts, which is summarized in a later section.

The Clerks of Superior Court

A clerk of superior court is elected for a four-year term by the voters in each of North Carolina's 100 counties. Clerks of superior court are *ex officio* judges of probate. Their original jurisdiction includes the probate of wills and administration of decedents' estates. It also includes such "special proceedings" as adoptions, condemnations of private property under the public's right of eminent domain, proceedings to establish boundaries, foreclosures, and certain proceedings to administer the estates of minors and incompetent adults. The right of appeal from the clerks' judgments in such cases lies to the superior court.

In proceedings before them, the clerks have authority to issue subpoenas and other process, including orders to show cause, and otherwise exercise control of such proceedings, including through certain contempt powers. Clerks administer oaths, take acknowledgments and proofs of execution of instruments or writings, issue arrest warrants and search warrants, and may conduct initial appearances and fix conditions of release in non-capital cases.

Clerks of superior court are also empowered to issue subpoenas and other process necessary to execute the judgments entered in the superior and district courts of the county. For certain misdemeanor offenses and infractions, clerks are authorized to accept defendants' waivers of appearance and pleas of guilty or admissions of responsibility and to impose penalties or fines in accordance with a uniform schedule adopted by the Conference of Chief District Court Judges.

Clerks perform administrative duties for both the superior and district courts of the county. Among these duties are the maintenance of court records and indexes, including the records of all case filings and dispositions, as well as the control and accounting of funds, and the furnishing of information to the Administrative Office of the Courts. For counties other than those in districts served by trial court administrators,

the clerk is responsible for day-to-day civil calendar preparation. In many counties, the clerk's staff assists the district attorney in preparing criminal case calendars as well.

Trial Court Administrators

In 1979, following favorable results in a grant-funded pilot project, the General Assembly established state-funded trial court administrator positions to help court officials manage their trial court procedures. During FY 2001-02, twelve trial court administrators served the following superior court districts: 3B, 4A & 4B, 5, 7A & 7B, 10, 12, 14, 21, 26, 27A, 28, and 29.

Trial court administrators are responsible for carrying out the policies of the senior resident superior court judge and the chief district court judge. They also provide general management for the operations of the courts in their districts.

The general duties of trial court administrators, set forth in G.S. 7A-356, include assisting in managing civil dockets, improving jury utilization, supervising coordination of alternative dispute resolution programs, and serving as technical resources to other court officials, such as the clerk of superior court, district attorney, and public defender. The trial court administrators may also be responsible for coordinating the court's involvement in issues relating to court facilities, pretrial release programs and jails, and may serve as the court's liaison with other governmental and private organizations, the press and the public. The specific duties and responsibilities vary from district to district, reflecting the priorities of local court officials and the demands of the local environment.

Following screening by the Administrative Office of the Courts, a trial court administrator is appointed by and serves under the general supervision of the senior resident superior court judge and the chief district court judge in each district.

Court-Ordered Arbitration

In 1989, following successful experience in a pilot program, the General Assembly authorized court-ordered, non-binding arbitration statewide. As of June 30, 2002, arbitration programs were operating in 72 counties in 33 superior court districts.

In these counties, all civil cases involving claims for money damages of \$15,000 or less are subject to court-ordered, nonbinding arbitration in accordance with the Supreme Court's "Rules for Court-Ordered Arbitration in North Carolina," pursuant to G.S. 7A-37.1. The Rules specifically exclude from arbitration certain property disputes, family law matters, estates, special

proceedings, and class actions. Parties may, however, voluntarily submit any civil dispute to arbitration, with court approval.

By rule, the arbitration hearing is conducted within 60 days of the filing of the last responsive pleading. Parties may stipulate to an arbitrator; otherwise, the court appoints an arbitrator from its list of trained attorneys who have been approved to serve as arbitrators. An arbitrator is paid a fee by the court for each arbitration hearing.

As a rule, arbitration hearings are limited to one hour, and take place in the courthouse. The hearings are conducted in a serious but relaxed atmosphere, with the rules of evidence serving only as a guide. Once the hearing is concluded, the arbitrator renders an award, which is filed with the court. A party dissatisfied with the award may proceed to a trial *de novo* by filing a written request with the court; otherwise, the court enters judgment on the award.

Family Court

Legislation in 1998 authorized the AOC to experiment with unified family courts. In 1999, Districts 14, 20, and 26 established the first Family Court pilot programs. In 2000, the Family Court program was expanded to three districts; in the two subsequent years, funding was provided for Family Courts in Districts 5, 6A, 8, 12, and 25. Family Courts coordinate all case management and service agency efforts for a single family in distress to better serve that family and provide more consistent, efficient use of trial court time. One judge hears all matters affecting a family, either with the breakup of a marriage or the filing of a juvenile action. In an effort to improve outcomes for a family, non-trial means of resolving the case, such as mediation, are used to settle these disputes before resorting to an adversarial trial.

Child Custody and Visitation Mediation

In 1983, the North Carolina General Assembly established and funded a child custody and visitation mediation pilot program in Judicial District 26 (Mecklenburg County). That action allowed North Carolina to join a national trend toward providing alternatives to the traditional adversarial system of dispute resolution. Alternatives were considered particularly desirable in custody litigation, where traditional litigation tends to increase stress in children and their parents, slows a post-separation reorganization of the family, and often leads to relitigation. Expansion is planned for the remainder of the state.

When parents separate, tremendous changes occur within the family. Many issues such as custody, visitation, child support, alimony, and division of property must be resolved. At times, the parents who are

in conflict over these matters seek to have the court resolve their disputes.

Mediation is an alternate method of resolving the dispute. As part of the mediation process, a professionally trained neutral third party assists parents in developing an agreement that provides for the care of their children during and after separation. The goal of the process is to provide the litigant a forum to discuss parenting issues that involve both parents in the continuing care of their children. The agreement focuses on the children's needs as well as on the rights and responsibilities of both parents. The mediator will provide a process by which parents may have discussion about how the children will be cared for by each parent in the future.

In counties in which a mediation program operates, in most cases where there is a pending motion or action for child custody or visitation, the petitioners are required to participate in mediation before participating in a traditional hearing or trial. Under G.S. 50-13.1 and G.S. 7A-494, this program provides a forum where parents can step back from their own conflict, focus on the best interests of their children, and structure the parameters for their newly defined family by developing mediated Parenting Agreements.

Family Financial Settlement Program

In 1997, the General Assembly adopted G.S. 7A-38.4 establishing a pilot program for pretrial mediation of equitable distribution and other family financial cases. In 1998, G.S. 7A-38.4 was revised to expand the program beyond mediation to create a dispute resolution menu in pilot districts. The N.C. Supreme Court adopted rules implementing the new pilot on December 30, 1998.

In July 2001, G.S. 7A-38.4A was adopted, authorizing continuation and statewide expansion of the program effective October 1, 2001. The N.C. Supreme Court adopted rules implementing statewide expansion on October 16, 2001. Pursuant to G.S. 7A-38.4A and the Supreme Court rules, the Court may order parties and their counsel to attend a mediated settlement conference or, if the parties agree, another settlement procedure conducted pursuant to the Supreme Court rules. Equitable distribution and all other financial issues existing between the parties may be discussed, negotiated, and decided at the settlement conference or other settlement procedure, including child support, alimony, post-separation support actions and claims arising out of contracts between the parties under G.S. 50-20(d), 52-10, 52-10.1, or 52B.

The Family Financial Settlement Program provides for parties to select their mediator or other neutral. When parties are referred to mediation, they may choose a mediator certified by the N.C. Dispute Resolution Commission or they may nominate a non-certified mediator to conduct their mediation. Currently, the Commission has certified over 150 family financial mediators. If the parties cannot agree on who shall conduct their conference or take no action to select a mediator, a district court judge or his or her designee will appoint a certified mediator to conduct the conference. The mediator is the case manager for purposes of mediation and is responsible for scheduling the mediation conference within the deadline established by the court, finding a location where the conference can take place, and notifying the parties. Conferences are normally held in the courthouse, the office of the mediator or the offices of one of the attorneys.

Mediated Settlement Conferences

In October of 1995, following favorable experience with a pilot program, the General Assembly authorized a statewide program of mediated settlement conferences for superior court civil cases, pursuant to G.S. 7A-38.1. The program has been operating statewide since 1995. In some districts, the senior resident superior court judge refers all eligible cases to mediated settlement, while in other districts, certain case types are exempted. The Supreme Court's "Rules Implementing Mediated Settlement Conferences in Superior Court for Civil Actions" provide for cases to be ordered to mediation as soon as practicable after the time for the filing of answers has expired.

Mediators facilitate settlement discussions between litigating parties in an effort to help them arrive at mutually agreeable solutions to their disputes. They do not make decisions for the parties, but encourage constructive dialogue, suggest options for settlement, and encourage parties to see the dispute from their adversary's perspective. In an effort to foster confidence in the process, the system allows parties to select their mediator; if the parties do not do so, the court appoints the mediator. As of June 2002, nearly 1,000 mediators were certified in North Carolina to conduct mediated settlement conferences. Mediators are certified and regulated by the North Carolina Dispute Resolution Commission.

Conferences may be held in a courthouse, but are usually conducted in the office of one of the attorneys

or in the mediator's office. Conferences are generally scheduled for a date well in advance of trial, but after a sufficient discovery period. When mediation is successful and the parties reach an agreement, the agreement is reduced to writing at the session and signed by the parties and their counsel. Subsequently, a voluntary dismissal or consent judgment is filed to conclude the litigation.

Prelitigation Farm Nuisance Mediation Program

The statewide Prelitigation Farm Nuisance Mediation Program was established by G.S. 7A-38.3 on October 1, 1995. The statute is designed to encourage and promote early resolution of disputes alleging the existence of an agricultural nuisance. Pursuant to G.S. 7A-38.3(a), an agricultural nuisance is defined as farming or livestock raising activity that is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property. Most cases mediated pursuant to this statute have involved hog farm operations. The Program operates pursuant to rules adopted by the N.C. Supreme Court.

This program differs from other statewide dispute resolution programs in North Carolina in that it is designed to operate "prelitigation," that is, before a lawsuit has been filed. In fact, mediation of such disputes is mandatory before a civil action can be brought alleging the existence of a farm nuisance in either superior or district court. In addition, G.S. 7A-38.3(c) provides that any case filed prior to a prelitigation mediation, can be dismissed upon motion of either party.

Drug Treatment Court

Drug Treatment Court (DTC) uses a team of court and community professionals to help ensure that North Carolina's substance abuse offenders receive the intensive treatment they need to become healthy, law-abiding and productive family and community members. Adult DTC works with non-violent, repeat offenders who are facing jail or prison time. Family DTC works with parents and guardians who are in danger of losing custody of their children due to abuse or neglect charges. Juvenile DTC works with non-violent, 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. Participants appear before a specially trained judge on a bi-weekly basis. The judge closely monitors the participant's progress and may order sanctions and/or rewards as appropriate to promote success. There are

fifteen adult drug courts in twelve districts (Districts 3B, 5, 9, 9A, 10, 14, 18, 19B, 21, 25, 26, and 28), three juvenile drug courts (Districts 10, 14, and 19C), and two family drug courts (Districts 14 and 21).

The Administrative Office of the Courts

As part of the unified judicial system, the North Carolina Constitution (Article IV, Section 15) provides for “an administrative office of the courts to carry out the provisions of this Article.” The General Assembly has established the Administrative Office of the Courts (AOC) as the business and administrative arm of the Judicial Branch.

The Director of the AOC is appointed by and serves at the pleasure of the Chief Justice of the North Carolina Supreme Court. The Director has the duty to carry out the many functions and responsibilities assigned by statute to the Director or to the AOC.

The Assistant Director of the AOC is also appointed by the Chief Justice, and serves as the administrative assistant to the Chief Justice. The duties of the Assistant Director include assisting the Chief Justice with assignment of superior court judges, assisting the Supreme Court in preparing calendars of superior court sessions, and performing other duties as assigned by the Chief Justice or the Director of the AOC.

The basic responsibility of the AOC is to maintain an efficient and effective court system by providing administrative support statewide for the courts and for court-related offices. Among the AOC’s specific duties are to establish fiscal policies for and prepare and administer the budget of the Judicial Branch; prescribe uniform administrative and business methods, forms, and records to be used by the clerks of superior court statewide; procure and distribute equipment, books, forms, and supplies for the court system; collect, compile, and publish statistical data and other information on the judicial and financial operations of the courts and related offices; determine the state of the dockets, evaluate the practices and procedures of the courts, and make recommendations for improvement of the operations of the court system; investigate, make recommendations concerning, and provide assistance to county authorities regarding the securing of adequate physical facilities for the courts; administer the payroll and other personnel-related needs of all Judicial Branch employees; administer various court-based programs; arrange for the printing and distribution of the published opinions of the Supreme Court and Court of Appeals; and perform numerous other duties and responsibilities, including production of the Annual Report.

As of June 30, 2002, the AOC was organized into six divisions. The Human Resources Division administers the personnel-related needs of the Judicial Branch. The Legal & Legislative Services Division includes legal staff, and the Judges’ Legal Research Program. The Court Services Division includes Case Management Services, Custody and Visitation Mediation, Drug Treatment Court, as well as Court Support Services and Technology Support Services. The Technology Services Division includes Applications Development and Support, Operations Support, and Planning and Decision Support. The Financial Services Division includes Fiscal Operations, Budget Management, and Field Accounting and Support. The Purchasing Services Division includes Printing Services, Purchasing Services, and Warehouse and Mail Services. The Office of the Director includes the Office of the Senior Deputy Director, General Counsel, and Communications Office. Additionally, Guardian ad Litem, Sentencing Services, and Research, Planning, and Grants all fall under the Office of the Senior Deputy Director.

Office of Guardian ad Litem Services

The Office of Guardian ad Litem Services was established by the General Assembly in 1983 to administer the Guardian ad Litem Services Program throughout the state. When a petition alleging abuse or neglect of a juvenile is filed in district court, the judge appoints a trained volunteer guardian ad litem and an attorney advocate to work together to represent the child’s best interests. When a juvenile is alleged to be dependent, guardian ad litem services may be extended at the discretion of the trial judge. Upon appointment, the trained volunteer investigates the child’s situation and works with the attorney to represent the child’s needs in court and to make recommendations for case disposition and any necessary continuing supervision until court intervention is no longer required. In addition, the attorney protects the child’s legal rights throughout the proceedings.

The Guardian ad Litem Services Administrator is responsible for planning and directing the program statewide. The AOC Director appoints the Administrator as well as an advisory committee that works with the Administrator. An assistant administrator manages the operation of the program and supervises special projects and initiatives. Three regional administrators direct the development and implementation of services for a group of districts, provide assistance in training programs for volunteers, and resolve operational problems in the districts. At the local level, district administrators recruit, screen, train, and supervise volunteers

within their district court districts. They also contact community groups, local agencies, the courts, and the media in order to develop volunteer participation, solicit support from key officials, provide public education about the program, and cultivate services for children. The district administrators plan an initial minimum twenty-five hour training course for new volunteers; match children before the court with volunteers; implement continued training for experienced guardians; and provide supervision, consultation, and support to volunteers. They also ensure that attorney advocates receive information from the volunteers assigned to the cases and that the court receives timely oral or written reports each time a child's case is heard.

During FY 2001-02, a total of 3,610 volunteers were active in the guardian ad litem program and represented a total of 15,234 abused and neglected children. These volunteers participated in 31,294 court hearings and donated approximately 491,090 hours to casework and training. Total expenditures amounted to \$7,211,049, comprising \$1,485,345 for program attorney fees and \$5,725,704 for program administration.

Sentencing Services

The Community Penalties Act of 1983 created the Community Penalties Program to reduce prison overcrowding by providing judges with community sentencing options to be used in lieu of and at less cost than imprisonment. Effective July 1, 1991, the General Assembly transferred the Community Penalties program from the Department of Crime Control and Public Safety to the AOC. In 1999 and 2000, the General Assembly made revisions in the Program's purpose and changed its operational name to the Sentencing Services Program.

The Program contracts with local non-profit agencies in 34 of the State's 46 Superior Court districts and with a county government in two districts; the Program provides state-operated services in ten districts. The programs have grown in recognition of the need for sentences that are appropriate and effective for individual offenders. The extensive use of substance abuse treatment programs or other therapies, payment of restitution, performance of community service work, and maintenance of employment as conditions of intermediate probation have been proved to be effective sanctions for certain offenders who otherwise would have been incarcerated.

In FY 2001-02, the General Fund appropriation to the AOC for Sentencing Services program grants was \$4,083,842. The programs added more than \$300,000 in local matching funds. In addition to management of grant funds, the AOC provides technical assistance and

training for local program staffs, and monitors program administration and performance.

Judicial Branch Commissions

The Judicial Standards Commission

The Judicial Standards Commission was established by the General Assembly pursuant to a constitutional amendment approved by the voters at the general election in November 1972. It exists as the appropriate agency for the investigation of complaints "concerning the qualifications or conduct of any justice or judge of the General Court of Justice" [G.S. 7A-377(a)].

The seven-member Commission consists of three judges (one each from the Court of Appeals, the Superior Court Division, and the District Court Division appointed by the Chief Justice), two attorneys (elected by the State Bar Council), and two private citizens (appointed by the Governor). The Commission receives and investigates complaints of judicial misconduct or incapacity, institutes formal proceedings, conducts hearings, and recommends appropriate disciplinary action to the Supreme Court (or the Court of Appeals, when the complaint involves a Supreme Court Justice). Upon recommendation of the Commission, the Supreme Court may censure or remove any judge for willful misconduct in office, willful and persistent failure to perform duties, habitual intemperance, conviction of a crime involving moral turpitude, or other conduct that brings the judicial office into disrepute. In addition, upon the Commission's recommendation, the Supreme Court may remove any judge for mental or physical incapacity interfering with the performance of duties, when the incapacity is, or is likely to become, permanent. In circumstances involving judicial conduct that justifies some action but that does not warrant a recommendation of censure or removal, the Commission issues a private admonition.

The Commission prepares an annual report that provides further information on the organization, purpose, and rules of the Commission, as well as its activities during the calendar year. Of the 269 inquiries reviewed in 2002, the Commission ordered 13 preliminary investigations covering 20 complaints and issued 4 private admonitions. Of the 25 preliminary investigations (includes 12 pending from the previous year), 6 were warranted no further action based on the results of the investigation, 3 resulted in a private admonition, 5 resulted in formal proceedings, and 11 were pending completion at the end of the year. The Commission also filed one recommendation of censure and one recommendation of removal during the year.

The Sentencing and Policy Advisory Commission

The North Carolina Sentencing and Policy Advisory Commission consists of 30 members drawn from all three branches of government, from all areas of the criminal justice system, and from the public. The Commission was created by the General Assembly in 1990 to "... make recommendations to the General Assembly for the modification of sentencing laws and policies, and for the addition, deletion, or expansion of sentencing options as necessary to achieve policy goals" (G.S. 164-36). The Commission's responsibilities include (1) classifying criminal offenses into felony and misdemeanor categories on the basis of their severity, (2) recommending structures for use by a sentencing court in determining the most appropriate sentence to be imposed in a criminal case, (3) developing a correctional population simulation model, (4) recommending a comprehensive community corrections strategy and organizational structure for the state, and (5) studying and making additional policy recommendations. The Commission's work led to the passage and implementation of the Structured Sentencing Act, which was enacted during 1993 and modified during the extra ("crime") session of 1994. The Act applies to crimes committed on or after October 1, 1994. This sentencing system prescribes sentencing options for the court based on the severity of the offense and the prior record of the offender.

The Commission has the continuing duty to monitor and review the criminal justice and correctional systems and the newly reformed juvenile justice system, and to make recommendations as necessary. During the 2000 Session of the General Assembly, the Commission presented its expanded Correctional Program Evaluation for Offenders Placed on Probation or Released from Prison in Fiscal Year 1996-97. The Evaluation included monographs of the Drug Alcohol Recovery Treatment (DART) Program, the Sex Offender Accountability Responsibility (SOAR) Program, and work release. The Commission also studied post-release supervision and recommended a series of changes to the 2001 Session of the General Assembly.

The Commission prepares projections for future adult prison and probation populations and juvenile training school populations, and assists the General Assembly in preparing fiscal notes for proposed legislation. During the fiscal year, implemented improvements to its "Structured Sentencing Monitoring System," which analyzes data on convictions and sentences, the Commission continued to monitor its statewide community corrections strategy, provide

training on Structured Sentencing to various groups, and compile and distribute semiannual county jail population summaries.

The N.C. Dispute Resolution Commission

The Chief Justice of the N.C. Supreme Court, the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives and the President of the N.C. State Bar appoint the 14-member Commission. The appointees are five judges (at least two superior court judges and two district court judges), two practicing attorneys not certified as mediators, two certified superior court mediators, two family financial mediators and three citizens knowledgeable about mediation. Appointments are for a three-year term.

The Dispute Resolution Commission was established by G.S. 7A-38.2 in October of 1995 and charged principally with certifying and regulating the conduct of mediators serving the statewide Mediated Settlement Conference Program. To date, the Commission has certified nearly 1,000 superior court mediators and distributes lists of certified mediators to court personnel and upon request, to law firms and litigants.

Adopted in October of 1999, G.S. 7A-38.4 provided for the establishment of a new pilot program for the mediation of equitable distribution, alimony, child support, and post-separation support actions. Under that legislation, the Commission was charged with certifying and regulating the conduct of mediators who would serve the new pilot. In October of 2001, that program was approved for statewide expansion and the Commission has now certified some 150 family financial mediators. In addition to certifying mediators, the Commission certifies mediation-training programs.

The N.C. Supreme Court has adopted Standards of Professional Conduct for Mediators upon the recommendation of the Commission. The Commission has, in turn, adopted complaint and hearing procedures to implement those standards. The Commission focuses its efforts on being a pro-active regulator and working to educate mediators and encourage them to conform their conduct to the Standards. The Commission advises mediators of rule revisions through direct mailings and apprises them of other developments through its newsletter, *The Intermediary*, and web sites. The Commission has also adopted an Advisory Opinions Policy to provide a framework within which mediators may ask for guidance from the Commission when confronted with ethical or other dilemmas.

Historically, the Commission made recommendations on dispute resolution policy, program rules and rule revisions directly to the Supreme Court. In 2000, the State Judicial Council established an Alternative Dispute Resolution (ADR) Committee and specifically charged the Committee with recommending policy on dispute resolution to the Judicial Council. The Commission now submits proposed rules and rule revisions through the ADR Committee.

Upon request, the Commission also provides advice and support to state agencies in the process of establishing dispute resolution programs or offering dispute resolution services. The Industrial Commission, the Office of Administrative Hearings, and the federal middle and western districts use the list of certified superior court mediators maintained by the Commission.

G.S. 7A-38.2(d) provides for the Commission to levy a fee of up to \$200.00 for certification and annual renewal of superior court certifications. G.S. 7A-38.4A(1) provides for an identical fee to be levied in connection with family financial certifications and renewal of such certification.

The Courts Commission

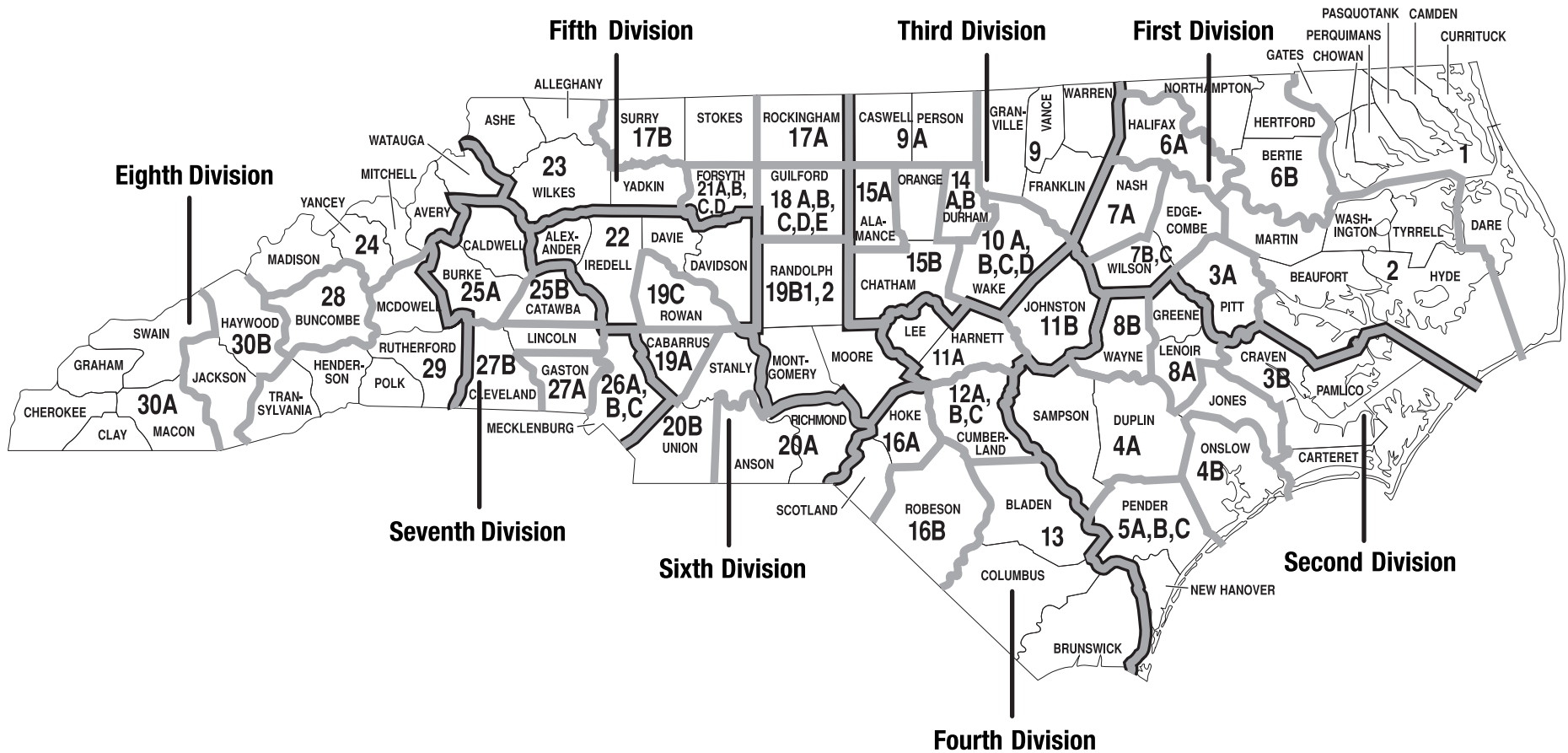
The 28-member Courts Commission consists of court officials, attorneys, legislators, and the public. It exists to study the structure, organization, jurisdiction, procedures, and personnel within the North Carolina court system and to recommend to the General Assembly any changes that will facilitate the administration of justice.

JUDICIAL BRANCH PERSONNEL
(Positions Authorized as of June 30, 2002)

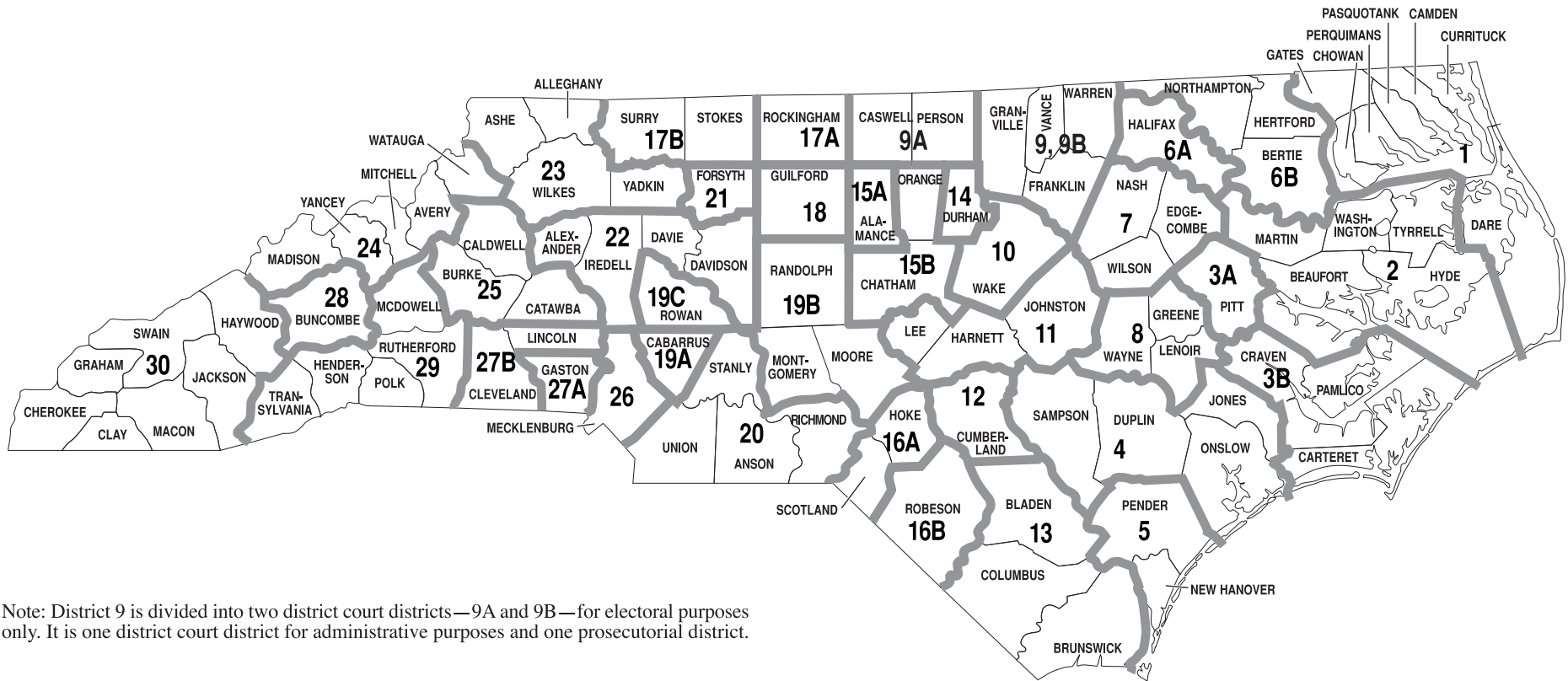
Positions Authorized	
	<u>SUPREME COURT</u>
7	Justices
37	Staff Personnel (Clerk's & Reporter's Offices, Law Clerks, Library)
7	Secretarial Personnel
	<u>COURT OF APPEALS</u>
15	Judges
51	Staff Personnel (Clerk's Office, Prehearing, Judicial Standards Commission, Law Clerks)
16	Secretarial Personnel
	<u>SUPERIOR COURT</u>
106	Judges
132	Staff Personnel
85	Secretarial Personnel
	<u>DISTRICT COURT</u>
235	Judges
721	Magistrates
60	Staff Personnel
88	Secretarial Personnel
	<u>DISTRICT ATTORNEYS</u>
39	District Attorneys
438	Assistant District Attorneys*
38	Staff Personnel (Investigators, DA Conference)
449	Secretarial Personnel (Victim-Witness/Legal Assistants, other secretarial positions)
	<u>CLERKS OF SUPERIOR COURT</u>
100	Clerks of Superior Court
2,255	Staff Personnel
	<u>INDIGENT REPRESENTATION</u>
6	Indigent Defense Services
1	Appellate Defender
10	Assistant Appellate Defenders
3	Secretarial Personnel
1	Capital Defender
3	Assistant Capital Defenders
1	Capital Case Investigator
11	Public Defenders
121	Assistant Public Defenders
28	Staff Personnel
47	Secretarial Personnel
7	Special Counsel at mental health hospitals
4	Assistants to Special Counsel
4	Secretarial Personnel
2	Guardian ad Litem. Program Administrator and Assistant Administrator
40	Regional Administrators (4) and District Administrators (36)
91	Staff Personnel
	<u>ADMINISTRATIVE OFFICE OF THE COURTS</u>
1	Administrative Officer of the Courts
8	Assistant Director (1) and Deputy Directors (7)
314	Staff Personnel
5,582	TOTAL

*Of the 438 assistant district attorney positions, 434 were authorized under G.S. 7A-60(a1) and 4 were time-limited or grant-funded positions.

North Carolina Superior Court Districts and Divisions as of June 30, 2002



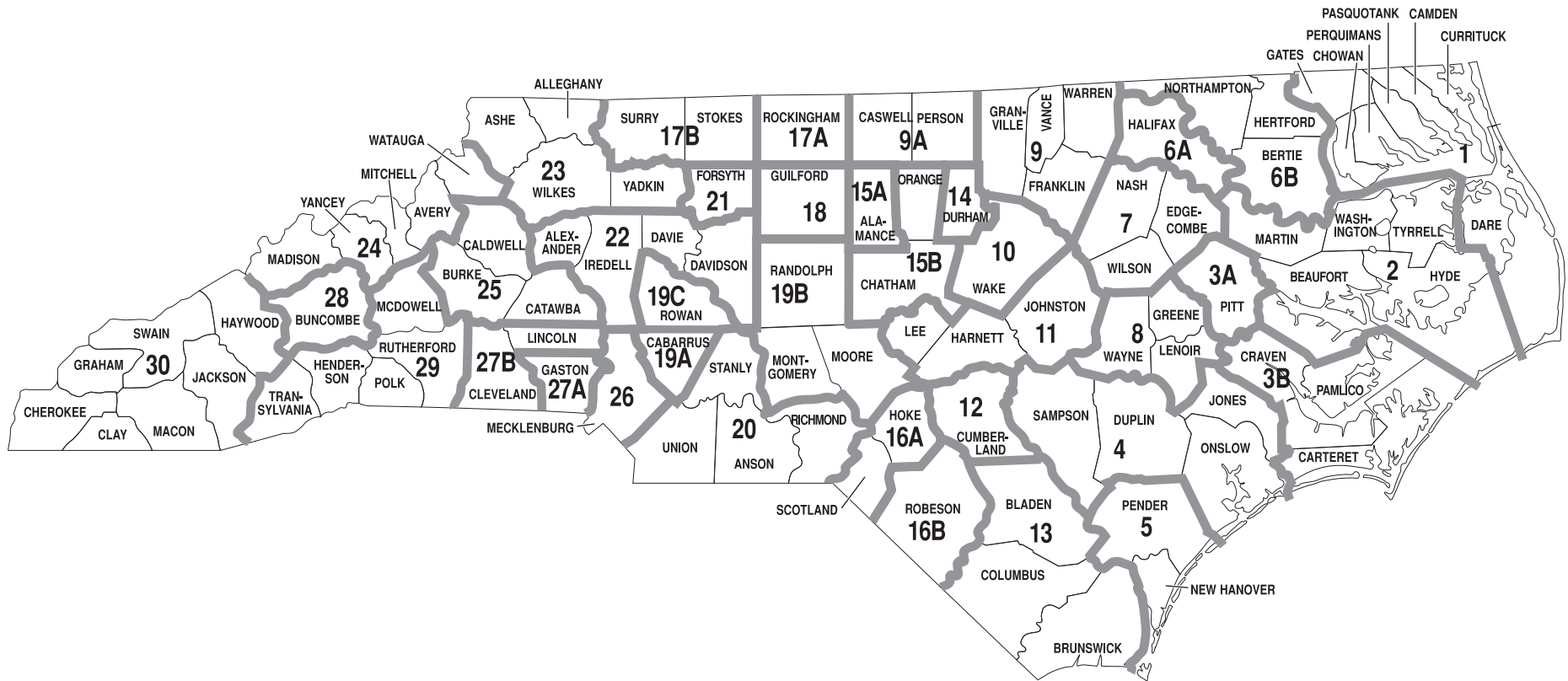
North Carolina District Court Districts as of June 30, 2002



Note: District 9 is divided into two district court districts—9A and 9B—for electoral purposes only. It is one district court district for administrative purposes and one prosecutorial district.

North Carolina Prosecutorial Districts

June 30, 2002



PART II

COURT RESOURCES

JUDICIAL BRANCH APPROPRIATIONS AND EXPENDITURES

Under the State Constitution, 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 table immediately 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 ten fiscal years. The second table shows expenditures for operating expenses of the Judicial Branch during the same period.

APPROPRIATIONS FROM GENERAL FUND FOR OPERATING EXPENSES

Fiscal Year	Judicial Branch		All State Agencies		Judicial Branch % Share
	Appropriation	% Change over previous year	Appropriation	% Change over previous year	
1992-93	\$227,078,694	5.56%	\$7,786,752,535	7.13%	2.92%
1993-94*	\$265,509,570	16.92%	\$8,770,691,580	12.64%	3.03%
1994-95	\$281,795,444	6.13%	\$9,543,224,292	8.81%	2.95%
1995-96	\$284,970,016	1.13%	\$9,649,888,683	1.12%	2.95%
1996-97	\$301,483,920	5.79%	\$10,304,313,382	6.78%	2.93%
1997-98	\$333,692,036	10.68%	\$11,125,476,849	7.97%	3.00%
1998-99	\$328,814,509	-1.46%	\$12,562,764,003	12.92%	2.62%
1999-00	\$348,540,925	6.00%	\$13,248,585,656	5.46%	2.63%
2000-01	\$381,022,977	9.32%	\$13,545,142,760	2.24%	2.81%
2001-02	\$378,310,998	-0.71%	\$13,688,999,020	1.06%	2.76%
AVERAGE ANNUAL INCREASE, 1993-2002		5.94%		6.61%	

JUDICIAL BRANCH EXPENDITURES

Fiscal Year	Expenditures	% Increase over previous year
1992-93	\$232,931,371	5.35%
1993-94*	\$267,994,039	15.05%
1994-95	\$285,655,811	6.59%
1995-96	\$291,999,600	2.22%
1996-97	\$309,534,868	6.01%
1997-98	\$345,547,018	11.63%
1998-99	\$346,597,796	0.30%
1999-00	\$367,389,082	6.00%
2000-01	\$397,425,866	8.18%
2001-02	\$385,299,942	-3.05%

*Expenditure data for 1989-90 (not shown) included only 11 months of payroll (salary & benefits) for state employees because the June 1990 payroll was disbursed in July 1990, which is fiscal year 1990-91. In 1993-94, the legislature restored the June pay date; thus, appropriation and expenditure figures for 1993-94 include 13 months of payroll for state employees. As a result, the appropriation and expenditure data for 1993-94 are not comparable to such data for other years.

JUDICIAL BRANCH EXPENDITURES
July 1, 2001 – June 30, 2002

Budget Classifications	Subtotals	Total	Percent of Grand Total
Supreme Court		\$ 3,932,971	1.02%
Court of Appeals		6,104,752	1.58%
Superior Courts		30,334,080	7.87%
District Courts		65,521,716	17.01%
Clerks of Superior Court		99,123,383	25.73%
District Attorney Offices		55,652,197	14.44%
Office -- District Attorney	\$54,413,828		
District Attorneys' Conference	182,325		
Criminal Case Management Program	378,472		
Worthless Check Program	677,572		
Administrative Office of the Courts		27,499,702	7.14%
Court Information Technology Fund		1,399,548	0.36%
Equipment/Supply Fund		1,322,861	0.34%
Dispute Resolution Programs		4,202,869	1.09%
Custody and Visitation Mediation Program	1,459,673		
Mediated Settlement Conferences	116,329		
Dispute Settlement Centers	1,603,124		
Court-Ordered Arbitration Program	1,023,743		
Family Court Pilot Program		1,464,023	0.38%
North Carolina Drug Treatment Court		1,029,956	0.27%
Mecklenburg Drug Court		301,552	0.08%
Case Calendaring District Court		140,407	0.04%
Sentencing Services Program		5,868,045	1.52%
Grant-Supported Projects		5,480,906	1.42%
Judicial Standards Commission		122,218	0.03%
Sentencing and Policy Advisory Commission		595,067	0.15%
Guardian ad Litem Services Program		7,211,049	1.87%
	SUBTOTAL	\$317,307,302	82.35%
Indigent Defense Services		66,648,306	17.30%
Assigned Private Counsel (includes \$278,687 for guardians ad litem for juveniles)	46,382,542		
Public Defenders	13,024,013		
Support Services (expert witness fees, professional examinations, transcripts, investigators)	3,932,832		
Appellate Defender Services	972,713		
Special Counsel at Mental Health Hospitals	773,292		
Office of Indigent Defense Services	472,471		
Capital Case Program	392,940		
Deferred Obligations	631,985		
Set-Off Debt Collection	65,518		
NC State Bar -- Civil Justice Act		1,344,334	0.35%
	GRAND TOTAL	\$385,299,942	100%

JUDICIAL BRANCH RECEIPTS: 1992-93 – 2001-02

The State Constitution requires that all fines, penalties, and forfeitures collected by the courts in criminal cases be distributed to the respective counties in which the cases are tried, to be used for the support of the public schools.

G.S. 7A-304 *et seq.* establish a uniform schedule of civil and criminal court costs, comprising a variety of fees, and prescribe the distribution of these fees. Except for certain fees that are devoted to specific uses, all superior and district court costs collected by the Judicial Branch are paid into the State's General Fund, as are appellate court fees and proceeds from the sales of appellate division reports. When costs are assessed, a facilities fee, which must be used to provide and maintain courtrooms and related judicial facilities, is included and is paid over to the respective county or municipality whose facilities were used. An officer fee for arrest or service of process is included, where applicable, in the cost of each case filed in the trial courts, and is paid over to either the municipality whose officer performed these services or to the county in which the case was filed. A jail fee, assessed where applicable, is distributed to the county or municipality that provided the facility. Most jail facilities in the State are provided by the counties. The county also receives fees paid by convicted defendants when they are released to the supervision of an agency providing pretrial release services in the county. Half of the proceeds from the pretrial civil revocation fee, which driving-while-impaired offenders must pay to recover their drivers licenses, is distributed to the counties and the remaining half is credited to the General Fund to be used for a statewide chemical alcohol testing program. Criminal court costs include a fee for the Law Enforcement Officers' Benefit and Retirement Fund; these fees are remitted to the State Treasurer for deposit into this Fund.

When private counsel or a public defender is assigned to represent an indigent defendant in a criminal case, the Office of Indigent Defense Services or the judge sets the money value for the services rendered. If the defendant is convicted, a judgment lien may be entered against him/her for such amount. The department retains collections on these judgments to defray the costs of legal representation of indigents.

The first table below shows Judicial Branch receipts for the last ten years, and the second table gives the sources and distribution of such receipts for the current fiscal year. Note that municipalities as well as counties are shown as receiving judicial facilities fees, officer fees, and jail fees, as discussed above, and that proceeds of the pretrial civil revocation fee are split between the State Treasurer and the counties.

Fiscal Year	Receipts	Fiscal Year	Receipts
1992-93	\$144,804,138	1997-98	\$218,978,365
1993-94	\$146,131,144	1998-99	\$242,693,163
1994-95	\$171,426,049	1999-00	\$226,239,216
1995-96	\$177,100,905	2000-01	\$238,381,276
1996-97	\$199,164,234	2001-02	\$244,345,855

JUDICIAL BRANCH RECEIPTS: July 1, 2001 – June 30, 2002

Remitted to State Treasurer		
Supreme Court Fees	\$ 6,837	0.003%
Court of Appeals Fees	28,240	0.012%
Sales of Appellate Division Reports	146,981	0.060%
Arbitration Appeal Filing Fees	140,048	0.057%
LEOB Fees	9,037,935	3.699%
Twenty-Day Failure Fees	5,877,073	2.405%
Pretrial Civil Revocation Fees	1,104,366	0.452%
General Court of Justice Fees	104,182,025	42.637%
Total to State Treasurer	120,523,505	49.325%
Distributed to Counties		
Fines and Forfeitures	74,359,292	30.432%
Judicial Facilities Fees	20,686,721	8.466%
Officer Fees	5,138,388	2.103%
Jail Fees	3,732,193	1.527%
Pretrial Civil Revocation Fees	1,104,366	0.452%
Total to Counties	105,020,960	42.980%
Distributed to Municipalities		
Judicial Facilities Fees 723,970		0.296%
Officer Fees	2,674,394	1.095%
Jail Fees	7,586	0.003%
Total to Municipalities	3,405,950	1.394%
Operating Receipts		
Collection on Indigent Representation Judgments	6,425,388	2.630%
2000-01 Obligation Carryover	813,150	0.333%
Department of Crime Control & Public Safety Grants	2,929,754	1.199%
Other Grants	2,463,807	1.008%
Miscellaneous Operating Receipts	137,065	0.056%
Worthless Check Fees & Interest	670,304	0.274%
Court Information Technology Fees & Interest	1,955,972	0.800%
Total Operating Receipts	15,395,440	6.301%
GRAND TOTAL	\$244,345,855	100%

**Amounts of Fees, Fines, and Forfeitures Collected by the Courts and
Distributed to Counties and Municipalities ***

July 1, 2001 – June 30, 2002

County	Distributed to Counties				Distributed to Municipalities			TOTAL
	Facility Fees	Officer Fees	Jail Fees	Fines and Forfeitures	Facility Fees	Officer Fees	Jail Fees	
Alamance	\$353,969	\$85,482	\$155,916	\$1,629,199	\$0	\$53,383	\$23	\$2,277,972
Alexander	64,711	22,239	28,179	214,554	0	2,463	1,342	333,488
Alleghany	19,068	7,461	9,803	72,486	0	1,134	0	109,952
Anson	70,490	20,441	3,484	428,326	0	2,824	128	525,693
Ashe	41,851	16,293	11,144	141,759	0	1,950	113	213,110
Avery	31,008	9,269	2,850	106,722	12	1,256	0	151,117
Beaufort	142,658	51,678	48,504	602,248	0	15,298	0	860,386
Bertie	51,189	19,184	18,585	159,266	5	1,492	0	249,721
Bladen	111,505	46,229	21,909	294,338	0	2,815	0	476,796
Brunswick	171,449	69,579	44,797	575,366	0	3,521	144	864,856
Buncombe	415,216	113,355	91,988	1,405,759	39	48,303	0	2,074,660
Burke	209,376	45,161	53,894	744,322	0	21,569	0	1,074,322
Cabarrus	433,602	97,427	138,689	2,250,905	0	100,851	0	3,021,474
Caldwell	170,278	42,456	58,761	598,886	0	18,977	0	889,358
Camden	30,412	14,281	4,000	99,938	0	0	0	148,631
Carteret	206,272	55,889	39,358	658,876	12	21,800	359	982,566
Caswell	49,116	20,497	15,415	149,310	0	1,378	0	235,716
Catawba	256,251	67,208	68,228	1,300,725	135,727	60,481	221	1,888,841
Chatham	89,318	50,075	26,561	363,522	62,269	9,270	0	601,015
Cherokee	54,520	19,065	15,908	234,559	54	2,000	153	326,259
Chowan	40,110	15,287	11,259	162,899	0	5,537	0	235,092
Clay	15,718	7,000	15,537	82,411	0	0	0	120,666
Cleveland	222,469	68,979	78,446	693,390	0	19,349	0	1,082,633
Columbus	140,511	54,977	52,758	293,574	3,099	9,443	38	554,400
Craven	266,564	48,939	73,497	615,288	16,060	45,601	512	1,066,461
Cumberland	562,360	57,061	86,744	1,409,675	30	66,654	1,007	2,183,531
Currituck	74,417	34,534	17,952	328,199	0	0	0	455,102
Dare	193,244	33,915	9,587	984,979	420	30,997	55	1,253,197
Davidson	365,616	110,114	68,605	1,094,550	717	31,787	0	1,671,389
Davie	89,802	33,696	19,106	279,634	0	3,996	0	426,234
Duplin	167,213	47,148	41,884	654,559	0	9,876	0	920,680
Durham	596,653	132,840	6,158	2,017,504	0	92,114	241	2,845,510
Edgecombe	135,913	63,383	52,515	806,009	72,954	25,096	10	1,155,880
Forsyth	792,545	98,084	78,367	1,987,618	23,619	120,612	0	3,100,845
Franklin	129,168	40,376	30,856	455,995	97	1,446	0	657,938
Gaston	472,644	148,787	52,350	1,404,303	48	47,937	0	2,126,069
Gates	26,909	10,967	12,850	108,500	0	0	100	159,326
Graham	21,989	4,818	6,471	65,425	40	0	0	98,743
Granville	140,608	36,188	27,805	585,338	0	11,207	0	801,146
Greene	47,700	19,310	13,227	305,527	0	0	0	385,764
Guilford	1,098,516	110,644	99,692	3,218,274	0	154,749	0	4,681,875
Halifax	179,531	65,691	26,289	801,073	0	18,720	0	1,091,304
Harnett	134,887	48,657	32,425	608,407	31,164	11,508	20	867,068
Haywood	147,590	53,366	828	560,840	363	4,549	0	767,536
Henderson	181,007	39,332	36,410	815,269	0	17,125	162	1,089,305
Hertford	65,285	21,688	22,196	245,826	24	5,149	5	360,173
Hoke	76,278	29,825	23,520	373,728	0	4,305	0	507,656
Hyde	25,442	11,122	12,368	82,043	0	0	0	130,975
Iredell	276,773	91,588	63,769	1,102,734	67,798	63,315	235	1,666,212
Jackson	72,160	30,165	18,810	293,402	0	4,831	0	419,368
Johnston	227,536	71,175	56,282	1,106,104	28,612	24,660	126	1,514,495
Jones	37,288	14,009	13,889	110,760	0	1,175	0	177,121
Lee	124,437	29,265	51,954	622,428	0	23,639	0	851,723
Lenoir	186,143	43,476	49,545	706,922	12	21,464	0	1,007,562
Lincoln	116,987	39,378	45,754	553,200	5	5,292	0	760,616

**Amounts of Fees, Fines, and Forfeitures Collected by the Courts and
Distributed to Counties and Municipalities ***

July 1, 2001 – June 30, 2002

County	Distributed to Counties				Distributed to Municipalities			TOTAL
	Facility Fees	Officer Fees	Jail Fees	Fines and Forfeitures	Facility Fees	Officer Fees	Jail Fees	
Macon	\$54,382	\$18,908	\$18,270	\$215,481	\$0	\$2,259	\$0	\$309,300
Madison	46,470	21,071	5,543	168,305	0	2,158	0	243,547
Martin	93,931	32,430	8,772	277,948	0	2,446	0	415,527
McDowell	146,696	54,530	28,859	547,978	6	7,878	0	785,947
Mecklenburg	1,904,285	373,993	16,666	4,313,226	50	302,219	0	6,910,439
Mitchell	28,004	9,228	4,319	79,602	0	2,241	0	123,394
Montgomery	76,099	35,137	30,320	375,328	0	4,796	0	521,680
Moore	181,672	47,445	48,724	1,180,686	1,176	27,798	0	1,487,501
Nash	201,128	113,250	76,354	849,319	134,374	36,761	80	1,411,266
New Hanover	469,281	64,670	114,368	1,514,860	5	77,863	0	2,241,047
Northampton	50,692	24,999	8,120	182,913	0	2,377	0	269,101
Onslow	405,394	128,427	123,269	952,331	949	47,070	0	1,657,440
Orange	149,041	41,610	3,304	589,810	39,319	26,743	0	849,827
Pamlico	27,648	8,543	5,929	85,415	0	130	0	127,665
Pasquotank	103,415	28,517	32,276	385,450	0	16,707	5	566,370
Pender	112,113	40,025	25,873	456,252	300	4,103	18	638,684
Perquimans	43,631	17,953	5,591	137,466	200	2,645	0	207,486
Person	120,579	41,325	6,489	429,288	0	13,216	0	610,897
Pitt	393,505	51,443	86,352	1,497,015	31,484	83,696	424	2,143,919
Polk	54,626	18,446	5,794	269,036	0	2,581	0	350,483
Randolph	262,135	68,213	113,210	1,036,759	0	28,237	10	1,508,564
Richmond	121,784	22,343	28,605	479,641	0	5,011	176	657,560
Robeson	308,211	112,455	33,490	1,594,937	64,010	49,806	126	2,163,035
Rockingham	239,955	60,576	77,477	934,493	290	23,375	0	1,336,166
Rowan	338,460	99,434	91,853	1,680,773	5	65,540	0	2,276,065
Rutherford	170,226	52,701	71,901	711,850	0	19,881	5	1,026,564
Sampson	235,460	60,417	37,445	737,718	0	22,079	1,233	1,094,352
Scotland	116,762	34,901	32,866	617,291	0	13,470	0	815,290
Stanly	152,088	25,707	34,386	705,374	0	22,144	0	939,699
Stokes	96,354	29,330	22,086	377,575	5	5,709	36	531,095
Surry	169,763	64,154	51,651	816,390	0	18,628	10	1,120,596
Swain	33,428	11,082	13,030	189,346	0	2,315	0	249,201
Transylvania	65,800	27,138	18,685	215,148	0	5,890	229	332,890
Tyrrell	24,451	11,302	6,275	84,077	0	0	0	126,105
Union	279,340	84,099	17,834	1,351,502	0	37,870	0	1,770,645
Vance	200,733	48,635	26,888	947,290	0	19,718	20	1,243,284
Wake	1,705,524	169,021	9,156	5,584,530	2,730	292,623	5	7,763,589
Warren	79,369	31,549	10,027	260,584	0	655	0	382,184
Washington	48,796	17,418	6,795	180,201	192	3,750	3	257,155
Watauga	112,419	29,825	36,061	453,694	0	19,208	10	651,217
Wayne	299,914	97,743	66,257	1,156,480	5,688	39,527	10	1,665,619
Wilkes	168,769	48,756	26,771	974,520	0	9,776	173	1,228,765
Wilson	248,165	77,367	40,035	718,542	8	41,543	20	1,125,680
Yadkin	85,656	33,129	36,544	324,146	0	5,553	0	485,028
Yancey	36,292	10,087	0	151,269	0	3,499	0	201,147
State Totals**	\$20,686,721	\$5,138,388	\$3,732,193	\$74,359,292	\$723,970	\$2,674,394	\$7,586	\$107,322,543

*Facility and jail fees are distributed to the respective counties and municipalities that furnished the facilities. If the officer who made the arrest or served the process was employed by a municipality, the officer fee is distributed to the municipality; otherwise all officer fees are distributed to the respective counties. By provision of the State Constitution, fines and forfeitures collected by the courts within a county are distributed to that county for support of the public schools.

**State totals may not equal the sum of county data due to rounding.

COST AND CASE DATA ON REPRESENTATION OF INDIGENTS

July 1, 2001 – June 30, 2002

	Number of Cases*	Total Cost	Average Per Case
Assigned Private Counsel			
Capital offense cases	1,191	\$10,900,245	\$9,152
Adult cases (other than capital)	108,016	32,197,535	298
Juvenile cases	13,992	3,006,075	215
Guardian ad Litem for juveniles	959	278,687	291
Totals	124,158	46,382,542	374
Guardian ad Litem Services Program		7,211,049	
Public Defender Offices			
District 3A	1,992	777,238	390
District 3B (Carteret County)	540	279,181	517
District 12	2,911	1,354,642	465
District 14	8,617	1,422,868	165
District 15B	2,235	748,473	335
District 16A	1,718	557,944	325
District 16B	3,348	940,763	281
District 18	7,768	1,999,354	257
District 26	11,934	2,843,449	238
District 27A	6,307	1,112,867	176
District 28	3,948	987,234	250
Totals	51,318	13,024,013	254
Appellate Defender Office		972,713	
Special Counsel at State Mental Health Hospitals		773,292	
Support Services			
Transcripts, records, and briefs		770,397	
Professional examinations		1,196	
Expert witness fees		2,189,167	
Investigator fees		972,072	
Total		3,932,832	
Set-Off Debt Collection		65,518	
Indigent Defense Services		472,471	
Deferred Obligations		631,985	
Capital Case Program		392,940	
GRAND TOTAL		\$73,859,355	

* The number of "cases" shown for private assigned counsel is the number of fee orders entered by judges and paid by the Administrative Office of the Courts for appointed attorneys. For public defender offices, the number of "cases" is the number of indigents whose cases were disposed of by public defenders during the 2001-02 fiscal year.

STATE MENTAL HEALTH HOSPITAL COMMITMENT HEARINGS

July 1, 2001 – June 30, 2002

During 2001-02, the average cost per commitment hearing for representation by special counsel at the state's four mental health hospitals was \$43.44 (total cost of \$773,292 for 17,803 hearings).

The criteria and procedures for commitment to or discharge from a mental health hospital differ depending on whether the person is a minor or an adult, the reason for the commitment, and who is requesting the commitment. The applicable statutes should be consulted for further details.

	Broughton	Cherry	Dorothea Dix	John Umstead	Totals
Voluntary minors: Mentally ill or substance abusers (G.S.122C,Art.5,Pt.3)					
Total Hearings	148	146	97	272	663
Commitment to hospital	105	10	75	235	425
Dismissal/discharge	43	136	22	37	238
Of total, number that were:					
Initial hearings	114	146	55	80	395
Contested hearings	0	0	2	21	23
Voluntary incompetent adults: Mentally ill or substance abusers (G.S.122C,Art.5,Pt.4)					
Total Hearings	166	29	111	4	310
Commitment to hospital	155	28	102	4	289
Dismissal/discharge	11	1	9	0	21
Of total, number that were:					
Initial hearings	73	9	56	1	139
Contested hearings	6	1	21	0	28
Involuntary minors and adults: Mentally ill or mentally retarded with behavior disorder (G.S.122C,Art.5,Pt.7)					
Total Hearings	3,458	3,208	3,229	4,627	14,522
Commitment to hospital	531	787	711	1,627	3,656
Commitment to outpatient clinic	685	690	379	623	2,377
Split commitment	1,560	998	533	1,366	4,457
Dismissal/discharge	682	733	1,606	1,011	4,032
Of total, number that were:					
Initial hearings	3,110	2,579	2,644	3,413	11,746
Contested hearings	113	275	180	625	1,193

Involuntary minors and adults:

Substance abusers (G.S.122C,Art.5,Pt.8)

Total Hearings	86	489	246	1,487	2,308
Commitment to area authority	86	489	246	1,200	2,021
Dismissal/discharge	0	0	0	287	287
Of total, number that were:					
Initial hearings	84	489	244	1,483	2,300
Contested hearings	1	5	1	19	26
Total Hearings	3,858	3,872	3,683	6,390	17,803
Of total, number that were:					
Initial hearings	3,381	3,223	2,999	4,977	14,580
Contested hearings	120	281	204	665	1,270

ASSIGNED PRIVATE COUNSEL*

Cases and Expenditures

July 1, 2001 – June 30, 2002

	Number of Cases	Expenditures
<i><u>District 1</u></i>		
Camden	45	\$ 24,153
Chowan	173	49,128
Currituck	142	49,810
Dare	413	167,388
Gates	77	57,290
Pasquotank	556	142,334
Perquimans	86	21,864
District Totals	1,492	511,967
<i><u>District 2</u></i>		
Beaufort	786	268,798
Hyde	68	32,903
Martin	398	127,666
Tyrrell	67	14,864
Washington	158	100,598
District Totals	1,477	544,829
<i><u>District 3A</u></i>		
Pitt	2,239	807,649
District Totals	2,239	807,649
<i><u>District 3B</u></i>		
Carteret	196	84,986
Craven	1,050	317,822
Pamlico	127	36,461
District Totals	1,373	439,269
<i><u>District 4A</u></i>		
Duplin	638	202,621
Jones	130	28,290
Sampson	878	394,049
District Totals	1,646	624,960
<i><u>District 4B</u></i>		
Onslow	2,392	1,000,269
District Totals	2,392	1,000,269
<i><u>District 5</u></i>		
New Hanover	4,787	1,674,259
Pender	579	308,759
District Totals	5,366	1,983,018

District 6A

Halifax	1,377	491,533
District Totals	1,377	491,533

District 6B

Bertie	220	131,538
Hertford	548	244,719
Northampton	280	186,219
District Totals	1,048	562,476

District 7A

Nash	1,095	467,067
District Totals	1,095	467,067

Assigned Private Counsel, July 1, 2001 – June 30, 2002
(continued)

	Number of Cases	Expenditures
<i><u>District 7B-C</u></i>		
Edgecombe	893	358,409
Wilson	940	466,984
District Totals	1,833	825,393
 <i><u>District 8A</u></i>		
Greene	261	80,786
Lenoir	1,284	432,740
District Totals	1,545	513,526
 <i><u>District 8B</u></i>		
Wayne	1,828	529,829
District Totals	1,828	529,829
 <i><u>District 9</u></i>		
Franklin	487	155,440
Granville	586	188,526
Vance	722	372,705
Warren	233	66,594
District Totals	2,028	783,265
 <i><u>District 9A</u></i>		
Caswell	323	130,177
Person	891	384,847
District Totals	1,214	515,024
 <i><u>District 10</u></i>		
Wake	12,356	3,341,031
District Totals	12,356	3,341,031
 <i><u>District 11A</u></i>		
Harnett	1,953	810,065
Lee	877	248,578
District Totals	2,830	1,058,643
 <i><u>District 11B</u></i>		
Johnston	2,094	825,906
District Totals	2,094	825,906
 <i><u>District 12</u></i>		

Cumberland	<u>2,902</u>	<u>1,808,239</u>
District Totals	2,902	1,808,239

District 13

Bladen	767	298,459
Brunswick	1,225	618,830
Columbus	<u>935</u>	<u>512,086</u>
District Totals	2,927	1,429,375

District 14

Durham	<u>1,605</u>	<u>811,029</u>
District Totals	1,605	811,029

Assigned Private Counsel, July 1, 2001 – June 30, 2002
(continued)

	Number of Cases	Expenditures
<i><u>District 15A</u></i>		
Alamance	2,575	850,807
District Totals	2,575	850,807
<i><u>District 15B</u></i>		
Chatham	717	150,096
Orange	1,443	284,192
District Totals	2,160	434,288
<i><u>District 16A</u></i>		
Hoke	137	70,159
Scotland	400	182,914
District Totals	537	253,073
<i><u>District 16B</u></i>		
Robeson	1,514	1,173,411
District Totals	1,514	1,173,411
<i><u>District 17A</u></i>		
Rockingham	1,852	851,746
District Totals	1,852	851,746
<i><u>District 17B</u></i>		
Stokes	523	217,791
Surry	1,238	481,005
District Totals	1,761	698,796
<i><u>District 18</u></i>		
Guilford	2,910	1,299,867
District Totals	2,910	1,299,867
<i><u>District 19A</u></i>		
Cabarrus	2,086	675,351
District Totals	2,086	675,351
<i><u>District 19B</u></i>		
Montgomery	468	129,943
Moore	1,598	419,206
Randolph	1,851	716,037
District Totals	3,917	1,265,186

District 19C

Rowan	2,444	760,522
District Totals	2,444	760,522

District 20A

Anson	902	287,540
Richmond	2,691	993,558
District Totals	3,593	1,281,098

District 20B

Stanly	821	331,483
Union	2,516	1,087,008
District Totals	3,337	1,418,491

**Assigned Private Counsel, July 1, 2001 – June 30, 2002
(continued)**

	Number of Cases	Expenditures
<i><u>District 21</u></i>		
Forsyth	5,282	2,326,725
District Totals	5,282	2,326,725
<i><u>District 22</u></i>		
Alexander	712	246,590
Davidson	3,257	1,205,479
Davie	492	141,742
Iredell	2,017	820,009
District Totals	6,478	2,413,820
<i><u>District 23</u></i>		
Alleghany	167	40,124
Ashe	362	102,507
Wilkes	1,089	314,085
Yadkin	499	107,701
District Totals	2,117	564,417
<i><u>District 24</u></i>		
Avery	309	79,042
Madison	167	71,409
Mitchell	164	56,466
Watauga	456	221,276
Yancey	204	112,801
District Totals	1,300	540,994
<i><u>District 25A</u></i>		
Burke	1,287	347,875
Caldwell	1,885	440,107
District Totals	3,172	787,982
<i><u>District 25B</u></i>		
Catawba	2,629	963,319
District Totals	2,629	963,319
<i><u>District 26</u></i>		
Mecklenburg	10,126	3,610,507
District Totals	10,126	3,610,507

District 27A

Gaston	826	702,552
District Totals	826	702,552

District 27B

Cleveland	1,895	529,902
Lincoln	534	193,930
District Totals	2,429	723,832

District 28

Buncombe	1,352	474,606
District Totals	1,352	474,606

Assigned Private Counsel, July 1, 2001 – June 30, 2002
(continued)

	Number of Cases	Expenditures
<i><u>District 29</u></i>		
Henderson	1,695	552,235
McDowell	658	300,309
Polk	289	65,244
Rutherford	1,419	429,586
Transylvania	435	170,115
District Totals	4,496	1,517,489
 <i><u>District 30A</u></i>		
Cherokee	402	124,930
Clay	71	33,374
Graham	150	54,518
Macon	347	108,256
Swain	194	88,407
District Totals	1,164	409,485
 <i><u>District 30B</u></i>		
Haywood	1,029	343,667
Jackson	405	166,215
District Totals	1,434	509,882
 STATE TOTALS**	 124,158	 \$46,382,542

*Cases and expenditures shown here include adult capital and non-capital offense cases, juvenile cases, and guardians ad litem.

**State totals may not equal the sum of district data due to rounding.

PART III

CASELOAD DATA

- **Appellate Courts Data**
 - **Supreme Court**
 - **Court of Appeals**

- **Trial Courts Data**
 - **Superior Court**
 - **District Court**

- **Special Programs Data**
 - **Arbitration**
 - **Custody Mediation**
 - **Sentencing Services**

PART III, Section 1

Appellate Courts Data

- **Supreme Court**
- **Court of Appeals**

The Supreme Court

The following Supreme Court tables give filing (docketing) and disposition data on petitions, appeals, and other proceedings. These tables are based on data reported by the Clerk's office, which is responsible for entering and compiling the Court's data.

Matters are heard in the Supreme Court either through appeal by right or by the Court granting discretionary review. Cases on appeal by right include appeals from the Court of Appeals in cases involving constitutional questions or dissent in the Court of Appeals, appeals from Superior Court in first degree murder cases in which the defendant has been sentenced to death, and appeals from any final order or decision of the Utilities Commission in general rate cases.

In its discretion, the Court may review Court of Appeals decisions in cases of significant public interest or cases involving legal principles of major significance. The Court, in its discretion, may also 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. A

petitioner can seek such discretionary review through a petition for discretionary review or a petition for writ of certiorari, or the Supreme Court can certify the case for review on its own initiative. Other requests for review by the court include petitions for writ of supersedeas, mandamus, or prohibition, and petitions for habeas corpus, as well as various motions, including motions for appropriate relief.

The first two tables in the Supreme Court subsection give ten-year trend data for appeals docketed and disposed and petitions docketed and allowed. The table following presents the Court's caseload inventory for FY 2001-02, broken down by the types of cases the Court hears. The following two tables summarize case activity in those cases reaching decision stage, and the disposition of petitions for review. The next table shows the various methods of dispositions of appeals -- signed opinion, per curiam opinion (unsigned opinion), and dismissal or withdrawal -- as well as the types of disposition (e.g., affirmed, reversed, and so on). The final table gives Supreme Court processing times for appeals disposed by signed or per curiam opinion.

NORTH CAROLINA SUPREME COURT

APPEALS DOCKETED AND DISPOSED DURING THE YEARS 1992-93 – 2001-02

	Appeals Docketed	Appeals Disposed
1992-93	189	150
1993-94	240	177
1994-95	180	194
1995-96	172	231
1996-97	169	188
1997-98	162	180
1998-99	164	196
1999-00	96	137
2000-01	130	89
2001-02	144	131

PETITIONS DOCKETED AND ALLOWED DURING THE YEARS 1992-93 – 2001-02

	Petitions Docketed	Petitions Allowed
1992-93	341	63
1993-94	489	77
1994-95	471	61
1995-96	502	72
1996-97	544	88
1997-98	547	78
1998-99	609	86
1999-00	577	39
2000-01	634	39
2001-02	662	37

NORTH CAROLINA SUPREME COURT
Caseload Inventory
July 1, 2001 – June 30, 2002

	Pending 7/1/01	Filed	Disposed	Pending 6/30/02
Petitions for Review				
Civil domestic	1	10	9	2
Juvenile	0	5	3	2
Other civil	63	278	259	82
Criminal	38	356	318	76
Administrative agency decision	3	13	12	4
Total Petitions for Review	105	662	601	166
Appeals				
Civil domestic	1	3	2	2
Petitions for review granted that became civil domestic appeals	0	0	0	0
Juvenile	0	0	0	0
Petitions for review granted that became juvenile appeals	0	0	0	0
Other civil	25	47	41	31
Petitions for review granted that became other civil appeals	18	26	30	14
Criminal, defendant sentenced to death	32	23	28	27
Criminal, defendant sentenced to life imprisonment	2	3	2	3
Other criminal	10	27	13	24
Petitions for review granted that became other criminal appeals	9	8	11	6
Administrative agency decision	2	4	2	4
Petitions for review granted that became appeals of administrative agency decision	2	3	2	3
Total Appeals	101	144	131	114
Other Proceedings				
Rule 16(b) additional issues re dissent		13	17	
Motions		744	729	
Total Other Proceedings		757	746	

Petitions for review are cases in which the Court is asked to accept discretionary review of decisions of the Court of Appeals as well as certain other tribunals. The Appeals category comprises cases within the Court's appellate jurisdiction.

NORTH CAROLINA SUPREME COURT
July 1, 2001 – June 30, 2002

SUBMISSION OF CASES REACHING DECISION STAGE

Cases Argued	
Civil domestic	2
Juvenile	0
Other civil	62
Criminal (death sentence)	21
Criminal (life sentence)	1
Other criminal	23
Administrative agency decision	2
Total cases argued	111
Submissions Without Argument	
By motion of the parties (Appellate Rule 30 (d))	0
By order of the Court (Appellate Rule 30 (f))	1
Total submissions without argument	1
Total Cases Reaching Decision Stage	112

DISPOSITION OF PETITIONS

Petitions for Review	Granted*	Denied	Dismissed/ Withdrawn	Total Disposed
Civil domestic	3	9	0	12
Juvenile	0	3	0	3
Other civil	26	229	4	259
Criminal	8	269	39	316
Administrative agency decision	0	8	1	9
Post Conviction	0	2	0	2
Total Petitions for Review	37	520	44	601

*"Granted" includes order allowing relief without accepting the case as a full appeal.

**DISPOSITION OF APPEALS IN THE SUPREME COURT
July 1, 2001 – June 30, 2002**

Case Types	Disposition by Signed Opinion								Total
	Affirmed	Affirmed in Part; Remanded in Part	Affirmed in Part; Reversed in Part; Remanded	Reversed	New Sentencing Hearing	Reversed and Remanded	New Trial	Other	
Civil domestic	0	0	0	0	0	0	0	0	0
Juvenile	0	0	0	0	0	0	0	0	0
Other civil	10	1	2	10	0	3	0	0	26
Criminal (death sentence)	19	0	0	1	5	0	0	2	27
Criminal (life sentence)	1	0	0	0	0	0	1	0	2
Other criminal	2	2	1	3	0	0	0	0	8
Administrative agency decision	0	0	0	1	0	0	0	0	1
Totals	32	3	3	15	5	3	1	2	64

Case Types	Disposition by Per Curiam Opinion						Discretionary Review Improvidently Allowed	Total
	Affirmed	Affirmed in Part; Remanded in Part	Affirmed in Part; Reversed in Part; Remanded	Reversed	Reversed and Remanded	Other		
Civil domestic	2	0	0	0	0	0	0	2
Juvenile	0	0	0	0	0	0	0	0
Other civil	20	2	0	14	2	1	5	44
Criminal (death sentence)	1	0	0	0	0	0	0	1
Criminal (life sentence)	0	0	0	0	0	0	0	0
Other criminal	9	1	0	0	1	0	5	16
Administrative agency decision	1	0	0	1	0	1	0	3
Totals	33	3	0	15	3	2	10	66

Disposition by Dismissal or Withdrawal	
Case Types	Dismissed or Withdrawn
Civil domestic	0
Juvenile	0
Other civil	1
Criminal (death sentence)	0
Criminal (life sentence)	0
Other criminal	0
Administrative agency decision	0
Totals	1

**SUPREME COURT PROCESSING TIME
FOR APPEALS DISPOSED BY OPINION***

(Total time in days from docketing to opinion)

July 1, 2001 – June 30, 2002

	Number of Cases	(Days) Median	(Days) Mean
Civil Domestic	2	144	144
Petitions for review granted that became civil domestic appeals	0	—	—
Juvenile	0	—	—
Petitions for review granted that became juvenile appeals	0	—	—
Other civil	37	171	196
Petitions for review granted that became other civil appeals	33	264	301
Criminal, defendant sentenced to death	28	366	395
Criminal, defendant sentenced to life imprisonment	2	190	190
Other criminal	10	195	218
Petitions for review granted that became other criminal appeals	14	277	283
Administrative agency decision	2	170	170
Petitions for review granted that became appeals of administrative agency decision	2	540	540
Total appeals disposed by opinion	130	247	179

* Only cases disposed by signed opinion or per curiam opinion are included here.

The Court of Appeals

The three tables in the Court of Appeals subsection summarize filing and disposition activity in the Court of Appeals. These tables are based on data reported by the Clerk's office, which is responsible for entering and compiling the Court's data.

The Court of Appeals hears a majority of the appeals originating from the state's trial courts. It also hears appeals directly from the Industrial Commission, along with appeals from final orders or decisions of certain administrative agencies. Appeals from the decisions of other administrative agencies lie first within the jurisdiction of the superior courts.

In addition to trend data for the past ten years, the following tables provide filings and dispositions for cases on appeal, petitions, and motions during FY 2001-02. "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 other 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, represented by the "Other Cases Disposed" category in the table at the bottom of the data page, include the court's dismissal of the appeal and the appealing party's withdrawal of the appeal.

NORTH CAROLINA COURT OF APPEALS

FILINGS AND DISPOSITIONS DURING THE YEARS 1992-93 – 2001-02*

Fiscal Year	Filings	Dispositions
1992-93	1,690	1,465
1993-94	1,790	1,929
1994-95	1,906	1,796
1995-96	1,932	1,826
1996-97	2,088	2,018
1997-98	2,135	2,108
1998-99	2,352	2,194
1999-00	2,268	2,057
2000-01	2,380	2,155
2001-02	2,388	2,441

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

FILINGS AND DISPOSITIONS — July 1, 2001 – June 30, 2002

Cases on appeal	Filings	Dispositions
Civil cases appealed from district courts	275	
Civil cases appealed from superior courts	533	
Civil cases appealed from administrative agencies	137	
Criminal cases appealed from superior courts	675	
Totals	1,620	1,726
Petitions		
Allowed		138
Denied		577
Remanded		0
Totals	768	715
Motions		
Allowed		2,761
Denied		699
Remanded		0
Totals	3,571	3,460
Total Cases on Appeal, Petitions, and Motions	5,959	5,901

MANNER OF CASE DISPOSITIONS — July 1, 2001 – June 30, 2002

Cases Disposed by Written Opinion			Other Cases Disposed	Total Cases Disposed
Affirmed	Reversed	Affirmed in Part, Reversed in Part		
1,099	181	257	189	1,726

PART III, Section 2

Trial Courts Data

- **Superior Court**
- **District Court**

TRIAL COURTS CASE DATA

This section presents summary data on the activity of the superior and district courts. The tables that follow provide statewide totals. Data for each district and county are provided throughout the year to local court officials and are available upon request from the Administrative Office of the Courts (AOC).

The caseload inventory tables provide a statistical picture of caseflow during the year. Inventory tables show the number of cases pending at the beginning of the year (July 1), the number of new cases filed, the number of cases disposed during the year, and the number of cases left pending at the end of the year (June 30). However, for certain case types, including estates and special proceedings in superior court, and civil magistrate cases, criminal motor vehicle cases, and infractions cases in district court, no begin-pending or end-pending data are available. Further, only filings data are collected for district court civil license revocations.

The tables also show the median ages of the cases pending at the end of the year, as well as the ages of cases disposed during the year. (Again, age data are not maintained on the case types identified above.) The median age of a group of cases is, by definition, the age of a hypothetical case that is older than 50% of the total set of cases and younger than the other 50%.

The tables that follow also provide statewide data on juvenile cases. This includes data on matters alleged in juvenile petitions filed, as well as data relating to adjudicatory hearings held, during the year.

Except for estates, special proceedings, and juvenile matters, caseload statistics come from the automated criminal, infraction, and civil

modules of the AOC's Court Information System (CIS).

The case statistics in this trial courts section have been summarized from the automated filing and disposition case data, as well as from manually reported case data. Pending case information is calculated from the filing and disposition data. The accuracy of the pending case figures is, of course, dependent upon timely and accurate data on filings and dispositions.

Periodic comparisons by clerk personnel of their actual pending case files against the AOC's computer-produced pending case lists, followed by indicated corrections, are necessary to maintain completely accurate data in the AOC computer file. Yet, staff resources in the clerks' offices are not sufficient to make such physical inventory checks as frequently and as completely as would be necessary to maintain full accuracy in the AOC's computer files. Thus, it is recognized that there is some margin of error in the figures published in the following tables.

Another accuracy-related problem inherent in the AOC's reporting system is the lack of absolute consistency in the published year-end and year-beginning pending figures. The number of cases pending at the end of a reporting year should ideally be identical to the number of published pending cases at the beginning of the next reporting year. However, experience has shown that inevitably some filings and dispositions that occurred in the preceding year are not reported until the subsequent year. The later-reported data are regarded as being more complete and are used in the current year's tables, thereby producing some differences between the prior year's end-pending figures and the current year's begin-pending figures.

CASELOAD INVENTORY AND MEDIAN AGES OF SUPERIOR COURT CASES

July 1, 2001 — June 30, 2002

	Begin Pending	Filed	Disposed	End Pending	Median Ages (in days)*	
					Disposed Cases	Pending Cases
Civil Cases	21,552	25,418	25,315	21,655	239.0	202.0
Contract	4,002	5,636	5,433	4,205	169.0	181.0
Collect on Accounts	911	1,929	1,849	991	121.0	108.0
Motor Vehicle Negligence	6,348	6,528	6,692	6,184	316.0	201.0
Other Negligence	3,384	2,928	2,948	3,364	363.0	261.0
Real Property	1,715	1,230	1,242	1,703	404.0	313.0
Administrative Appeal	205	264	261	208	149.0	113.0
Other	4,987	6,903	6,890	5,000	175.0	185.0
Estates	—	59,136	57,784	—	—	—
Special Proceedings	—	91,725	77,464	—	—	—
Criminal Cases	69,410	140,228	137,827	71,811	172.0	202.0
Felonies	51,007	100,729	97,691	54,045	182.0	206.0
Murder	813	665	646	832	369.0	347.5
Manslaughter	65	80	81	64	243.0	246.0
Rape and First Degree Sex Offense	1,227	1,762	1,512	1,477	253.0	244.0
Other Sex Offenses	1,806	2,733	2,656	1,883	203.0	246.0
Robbery	3,009	5,685	5,308	3,386	198.5	201.0
Assault	2,177	3,236	3,387	2,026	224.0	237.0
Burglary and Breaking or Entering	6,022	15,032	14,424	6,630	159.0	198.0
Larceny	4,191	8,415	8,449	4,157	172.0	201.0
Arson and Burnings	253	442	450	245	207.0	199.0
Forgery and Utterings	2,993	7,620	7,539	3,074	143.0	163.5
Fraudulent Activity	5,589	12,560	11,597	6,552	172.0	216.0
Controlled Substances	15,362	28,616	28,172	15,806	202.0	208.0
Other	7,500	13,883	13,470	7,913	180.0	199.0
Misdemeanors	18,403	39,499	40,136	17,766	145.0	185.0
Impaired Driving Appeals	2,182	4,856	5,002	2,036	106.0	109.0
Other Motor Vehicle Appeals	2,948	5,984	6,032	2,900	117.0	115.0
Non-Motor Vehicle Appeals	6,965	14,020	14,506	6,479	176.0	251.0
Cases Originating in Superior Court	6,308	14,639	14,596	6,351	139.0	171.0

*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 1996-97 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, 2001 — June 30, 2002

	Jury <u>Trial</u>	Judge <u>Trial</u>	Voluntary <u>Dismissal</u>	Final Order/ Judgment		Other
				Without <u>Trial</u>	Clerk	
Civil Cases	527	2,306	13,422	3,357	2,226	3,477
Contract	36	352	2,880	571	798	796
Collect on Accounts	2	137	504	250	679	277
Motor Vehicle Negligence	315	335	4,900	431	40	671
Other Negligence	80	211	1,837	252	25	543
Real Property	25	323	265	519	7	103
Administrative Appeal	1	75	75	51	0	59
Other	68	873	2,961	1,283	677	1,028
	Jury <u>Trial</u>	<u>Guilty Plea</u>		<u>DA Dismissal</u>		Other
		to Lesser <u>Offense</u>	to Charged <u>Offense</u>	With <u>Leave</u>	Without <u>Leave*</u>	
Criminal Cases	2,915	11,970	57,839	6,340	42,901	15,862
Felonies	2,143	11,489	48,231	4,179	30,263	1,386
Murder	122	327	81	10	96	10
Manslaughter	6	13	44	3	14	1
Rape and First Degree Sex Offense	180	257	357	42	611	65
Other Sex Offenses	153	151	1,391	38	840	83
Robbery	244	1,294	2,244	112	1,371	43
Assault	206	929	973	94	1,115	70
Burglary and Breaking or Entering	156	1,417	9,605	501	2,590	155
Larceny	92	979	4,382	418	2,480	98
Arson and Burnings	21	79	198	12	131	9
Forgery and Utterings	13	546	4,953	327	1,655	45
Fraudulent Activity	105	759	6,290	639	3,649	155
Controlled Substances	353	3,449	12,318	1,422	10,358	272
Other	492	1,289	5,395	561	5,353	380
Misdemeanors	772	481	9,608	2,161	12,638	14,476
Impaired Driving Appeals	194	66	895	319	279	3,249
Other Motor Vehicle Appeals	55	157	1,295	463	2,079	1,983
Non-Motor Vehicle Appeals	396	158	3,462	782	4,556	5,152
Cases Originating in Superior Court	127	100	3,956	597	5,724	4,092

*DA Dismissal Without Leave includes Dismissals after Deferred Prosecution.

**CASELOAD INVENTORY AND MEDIAN AGES OF DISTRICT COURT CASES
July 1, 2001 — June 30, 2002**

	Begin Pending	Filed	Disposed	End Pending	Median Ages (in days)	
					Disposed Cases	Pending Cases
Civil Cases	—	473,843	473,337	—	—	—
Civil Magistrate (Small Claims)	—	284,478	285,285	—	—	—
Civil District	80,032	189,365	188,052	81,345	68.0	137.0
URESAs/UIFSAs	504	447	549	402	121.0	841.5
Child Support (IV-D)	17,393	43,539	41,655	19,277	81.0	136.0
Child Support (Non IV-D)	8,669	9,229	8,770	9,128	121.0	381.0
Other Domestic Relations	25,445	76,417	75,348	26,514	50.0	150.0
<i>Subtotal Domestic Relations</i>	<i>52,011</i>	<i>129,632</i>	<i>126,322</i>	<i>55,321</i>	<i>56.0</i>	<i>181.0</i>
General Civil	25,885	55,148	57,173	23,860	102.0	95.0
Magistrate Appeal/Transfer	2,136	4,585	4,557	2,164	99.0	111.0
<i>Subtotal General Civil and Magistrate Appeal/Transfer</i>	<i>28,021</i>	<i>59,733</i>	<i>61,730</i>	<i>26,024</i>	<i>102.0</i>	<i>96.0</i>
Criminal Cases	—	1,492,673	1,474,390	—	—	—
Non-Motor Vehicle	189,660	638,931	636,968	191,623	65.0	73.0
Motor Vehicle	—	853,742	837,422	—	—	—
Infractions	—	767,889	757,365	—	—	—
Civil License Revocations	—	61,353	—	—	—	—

**MANNER OF DISPOSITION OF DISTRICT COURT CASES
July 1, 2001 — June 30, 2002**

	Jury <u>Trial</u>	Judge <u>Trial</u>	Voluntary <u>Dismissal</u>	Final Order/ Judgment w/o Trial	Clerk	Other	
							Civil Cases
URESAs/UIFSAs	0	75	36	169	3	266	
Child Support (IV-D)	0	8,997	3,550	17,947	107	11,054	
Child Support (Non IV-D)	1	2,773	867	2,882	13	2,234	
Other Domestic Relations	3	38,039	5,379	20,356	199	11,372	
<i>Subtotal Domestic Relations</i>	<i>4</i>	<i>49,884</i>	<i>9,832</i>	<i>41,354</i>	<i>322</i>	<i>24,926</i>	
General Civil	161	3,440	12,694	5,821	25,429	9,628	
Magistrate Appeal/Transfer	42	1,329	924	1,065	407	790	
<i>Subtotal General Civil and Magistrate Appeal/Transfer</i>	<i>203</i>	<i>4,769</i>	<i>13,618</i>	<i>6,886</i>	<i>25,836</i>	<i>10,418</i>	
Criminal Cases	Worthless Check Waiver	Guilty Plea	Trial	DA Dismissal With Leave	DA Dismissal Without Leave*	Other	Probable Cause Matters
Non-Motor Vehicle	29,424	187,252	30,489	43,324	213,833	36,590	92,554
Motor Vehicle	<u>Waiver:</u>		114,355	<u>Non-Waiver:</u>		723,067	
Infractions	<u>Waiver:</u>		401,554	<u>Non-Waiver:</u>		355,811	

*DA Dismissal Without Leave includes Dismissals after Deferred Prosecution.

MATTERS ALLEGED IN JUVENILE PETITIONS
July 1, 2001 — June 30, 2002

Delinquent Offenses	24,514
Capital	4
Other Felony	6,784
Misdemeanor	17,726
Undisciplined Offenses	4,898
Truancy	700
Other	4,198
Conditions	11,791
Dependent	3,197
Neglected	5,438
Abused	1,058
Parental Rights Petition	2,098
Total Petitions	41,203

ADJUDICATORY HEARINGS FOR JUVENILE MATTERS
July 1, 2001 — June 30, 2002

	<u>Retained</u>	<u>Dismissed</u>	<u>Total</u>
Delinquency Hearings	16,011	9,529	25,540
Undisciplined Hearings	3,009	1,015	4,024
Dependency Hearings	3,238	800	4,038
Neglect Hearings	5,499	1,220	6,719
Abuse Hearings	834	326	1,160
	<u>Terminated</u>	Not <u>Terminated</u>	<u>Total</u>
Parental Rights	1,705	239	1,944
Total Hearings			43,425

PART III, Section 3

Special Programs Data

- **Arbitration**
- **Custody Mediation**
- **Sentencing Services**

SPECIAL PROGRAMS DATA

This section presents data on three special programs of the Administrative Office of the Courts. The cases reported in these tables do not represent cases *in addition* to those reported in the trial courts section. The cases are set out separately here to summarize the program activity of the three programs -- arbitration, custody mediation, and sentencing services -- all of which are discussed in more detail in the description of the present court system in Part I.

ARBITRATION ACTIVITY
July 1, 2001 – June 30, 2002

	<u>Cases Noticed for Arbitration¹</u>			Cases Arbitrated	<u>Summary of De Novo Appeal Activity</u>			
	District Court	Superior Court	Total		Appeals Filed	Trials	Dismissal/ Other	Pending 6/30/02 ²
District 1								
Camden	2	0	2	2	2	0	0	2
Chowan	0	0	0	5	1	0	0	1
Currituck	14	0	14	9	0	0	0	0
Dare	47	0	47	18	4	0	2	2
Gates	4	0	4	0	0	0	0	0
Pasquotank	37	0	37	20	8	3	0	5
Perquimans	2	0	2	0	0	0	0	0
District Totals	106	0	106	54	15	3	2	10
District 3A								
Pitt	122	0	122	127	18	6	7	5
District 3B								
Carteret	55	0	55	27	7	3	3	1
Craven	122	0	122	61	8	1	5	2
Pamlico	10	0	10	0	0	0	0	0
District Totals	187	0	187	88	15	4	8	3
District 5								
New Hanover	300	10	310	169	29	9	12	8
Pender	73	0	73	39	9	1	4	4
District Totals	373	10	383	208	38	10	16	12
District 6A								
Halifax	53	0	53	31	7	4	1	2
District 8A								
Greene	7	0	7	7	0	0	0	0
Lenoir	71	1	72	14	7	3	3	1
District Totals	78	1	79	21	7	3	3	1
District 8B								
Wayne	106	0	106	79	16	7	3	6
District 10³								
Wake	579	0	579	377	80	7	30	43
District 12								
Cumberland	816	0	816	331	47	28	13	6
District 13								
Bladen	24	0	24	23	5	0	4	1
Brunswick	117	0	117	68	17	3	8	6
Columbus	61	0	61	45	16	3	6	7
District Totals	202	0	202	136	38	6	18	14
District 14								
Durham	285	16	301	236	71	9	21	41
District 15A								
Alamance	109	0	109	76	10	1	2	7
District 15B								
Chatham	29	0	29	17	1	1	0	0
Orange	73	0	73	68	11	3	6	2
District Totals	102	0	102	85	12	4	6	2

Arbitration Activity, July 1, 2001 – June 30, 2002
(Continued)

	<u>Cases Noticed for Arbitration¹</u>			<u>Summary of De Novo Appeal Activity</u>				
	<u>District Court</u>	<u>Superior Court</u>	<u>Total</u>	<u>Cases Arbitrated</u>	<u>Appeals Filed</u>	<u>Trials</u>	<u>Dismissal/Other</u>	<u>Pending 6/30/02²</u>
District 16A								
Hoke	25	0	25	21	4	2	0	2
Scotland	14	0	14	14	3	0	0	3
District Totals	39	0	39	35	7	2	0	5
District 16B								
Robeson	46	0	46	13	0	0	0	0
District 17A								
Rockingham	59	0	59	56	8	1	3	4
District 18								
Guilford	460	0	460	365	91	14	17	60
District 19B								
Montgomery	17	0	17	0	0	0	0	0
Moore	93	0	93	78	21	2	5	14
Randolph	44	0	44	17	5	2	1	2
District Totals	154	0	154	95	26	4	6	16
District 19C								
Rowan	115	0	115	72	15	2	4	9
District 20A								
Anson	14	0	14	9	3	1	1	1
Richmond	42	0	42	18	6	3	1	2
District Totals	56	0	56	27	9	4	2	3
District 20B								
Stanly	68	0	68	60	9	2	3	4
Union	123	0	123	17	19	1	2	16
District Totals	191	0	191	77	28	3	5	20
District 21								
Forsyth	305	0	305	205	48	4	19	25
District 22								
Alexander	11	0	11	7	3	0	0	3
Davidson	115	0	115	74	13	4	3	6
Davie	25	0	25	15	4	1	1	2
Iredell	125	0	125	75	19	2	2	15
District Totals	276	0	276	171	39	7	6	26
District 23								
Alleghany	9	0	9	11	4	0	3	1
Ashe	19	0	19	15	6	3	1	2
Wilkes	46	0	46	27	8	2	2	4
Yadkin	27	0	27	15	4	1	2	1
District Totals	101	0	101	68	22	6	8	8
District 24								
Avery	24	0	24	5	2	0	1	1
Madison	15	0	15	4	2	1	0	1
Mitchell	12	0	12	6	2	1	0	1
Watauga	56	0	56	37	5	3	1	1
Yancey	5	0	5	0	1	0	1	0
District Totals	112	0	112	52	12	5	3	4

Arbitration Activity, July 1, 2001 – June 30, 2002
(Continued)

	<u>Cases Noticed for Arbitration¹</u>			<u>Summary of De Novo Appeal Activity</u>				
	<u>District Court</u>	<u>Superior Court</u>	<u>Total</u>	<u>Cases Arbitrated</u>	<u>Appeals Filed</u>	<u>Trials</u>	<u>Dismissal/Other</u>	<u>Pending 6/30/02²</u>
District 25A								
Burke	108	0	108	52	5	1	3	1
Caldwell	80	0	80	38	6	2	4	0
District Totals	188	0	188	90	11	3	7	1
District 25B								
Catawba	235	0	235	128	22	6	10	6
District 26								
Mecklenburg	1,147	0	1,147	862	248	80	113	55
District 27A								
Gaston	183	33	216	170	74	12	27	35
District 27B								
Cleveland	73	0	73	43	15	4	6	5
Lincoln	39	0	39	18	11	3	4	4
District Totals	112	0	112	61	26	7	10	9
District 29								
Henderson	96	0	96	59	25	6	10	9
McDowell	43	0	43	31	1	0	1	0
Polk	9	0	9	9	7	4	3	0
Rutherford	49	0	49	39	11	2	5	4
Transylvania	30	0	30	19	7	1	4	2
District Totals	227	0	227	157	51	13	23	15
District 30A								
Cherokee	22	0	22	21	6	2	3	1
Clay	3	0	3	1	1	1	0	0
Graham	3	0	3	1	1	0	0	1
Macon	36	0	36	21	2	1	0	1
Swain	4	0	4	3	0	0	0	0
District Totals	68	0	68	47	10	4	3	3
District 30B								
Haywood	38	0	38	37	3	2	0	1
Jackson	27	0	27	18	2	1	0	1
District Totals	65	0	65	55	5	3	0	2
TOTALS	7,257	60	7,317	4,655	1,126	272	396	458

(24.2% of cases arbitrated)

¹ Cases in which parties are notified that their case has been assigned to court-ordered arbitration. Such notification occurs at the conclusion of the pleadings phase, or upon the filing of a small claims appeal, for all arbitration-eligible cases.

² Additional cases may be pending from trial de novo requests filed in the prior year(s). In most instances, these are cases with requests for jury trials. Many of the smaller counties have district court jury sessions only once or twice a year, so such cases may be pending well over a year. This chart only accounts for the year-end status of trial de novo requests filed during FY 2001-02.

³ No October statistics reported due to staffing change.

CHILD CUSTODY AND VISITATION MEDIATION ACTIVITY
July 1, 2001 – June 30, 2002

	Cases Pending 7/1/01	Cases Referred	Total Caseload	Parenting Agreement Drafted	Parenting Agreement Signed	Cases Mediated	Cases Not Mediated	Total Cases Disposed Through Mediation Office	Cases Pending 6/30/02
District 3A Pitt	20	97	117	56	32	92	6	98	19
District 4 Duplin, Jones, Onslow, Sampson	20	297	317	186	160	291	11	302	15
District 5 New Hanover, Pender	75	516	591	181	74	310	240	550	41
District 6A Halifax	11	69	80	37	25	62	8	70	10
District 6B Bertie, Hertford, Northampton	22	72	94	33	25	50	26	76	18
District 8 Greene, Lenoir, Wayne	34	209	243	75	42	140	81	221	22
District 9 Franklin, Granville, Vance, Warren	17	96	113	44	19	77	27	104	9
District 9A Caswell, Person	7	57	64	21	14	47	9	56	8
District 10 Wake	83	727	810	226	164	432	252	684	126
District 11* Harnett, Johnston, Lee	22	529	551	111	n/a	247	253	500	51
District 12 Cumberland	110	1,117	1,227	304	252	515	618	1,133	94

CHILD CUSTODY AND VISITATION MEDIATION ACTIVITY, July 1, 2001 – June 30, 2002 (continued)

	Cases Pending 7/1/01	Cases Referred	Total Caseload	Parenting Agreement Drafted	Parenting Agreement Signed	Cases Mediated	Cases Not Mediated	Total Cases Disposed Through Mediation Office	Cases Pending 6/30/02
District 13 Bladen, Brunswick, Columbus	3	192	195	117	59	143	45	188	7
District 14 Durham	29	278	307	94	72	179	108	287	20
District 15A Alamance	23	181	204	92	70	154	29	183	21
District 15B Chatham, Orange	8	175	183	116	85	164	9	173	10
District 16A Hoke, Scotland	0	42	42	34	25	38	4	42	0
District 17A Rockingham	10	109	119	53	33	86	21	107	12
District 17B Stokes, Surry	15	147	162	74	44	123	26	149	13
District 19A Cabarrus	28	158	186	91	86	139	13	152	34
District 19B Montgomery, Moore, Randolph	15	343	358	229	185	321	26	347	11
District 19C Rowan	67	249	316	146	107	263	27	290	26
District 20 Anson, Richmond, Stanly, Union	40	328	368	132	84	241	70	311	57
District 21 Forsyth	40	435	475	132	70	284	151	435	40

CHILD CUSTODY AND VISITATION MEDIATION ACTIVITY, July 1, 2001 – June 30, 2002 (continued)

	Cases Pending 7/1/01	Cases Referred	Total Caseload	Parenting Agreement Drafted	Parenting Agreement Signed	Cases Mediated	Cases Not Mediated	Total Cases Disposed Through Mediation Office	Cases Pending 6/30/02
District 25									
Burke, Caldwell, Catawba	175	702	877	316	205	538	201	739	138
District 26**									
Mecklenburg	342	790	1,132	n/a	257	551	538	1,089	43
District 27A									
Gaston	57	256	313	63	21	212	87	299	14
District 27B									
Cleveland, Lincoln	16	150	166	65	44	126	25	151	15
District 28									
Buncombe	85	309	394	152	85	216	65	281	113
# TOTALS	1,374	8,630	10,004	3,180	2,339	6,041	2,976	9,017	987

*District 11 agreements are signed in the attorneys' offices and not in the mediator's office.

**District 26 does not tally drafted parenting agreements.

SENTENCING SERVICES PROGRAMS
(as of June 30, 2002)

Districts	Counties Served	Name of Program Serving District	Program Activity	1997-98	1998-99	1999-00	2000-01	2001-02
1	Camden Chowan Currituck Dare Gates Pasquotank Perquimans	First District Sentencing Services	Plans Opened	69	44	75	61	32 [#]
			Plans Prepared	75	33	56	51	19
			Plans Presented in Court	51	33	53	51	17
2	Beaufort Hyde Martin Tyrrell Washington	2nd District Sentencing Services	Plans Opened	11 *	23	41	76	89
			Plans Prepared	5	12	15	36	50
			Plans Presented in Court	3	9	15	35	49
3A	Pitt	Sentencing Services Program of Pitt County	Plans Opened	153	80	71	122	126 ^{##}
			Plans Prepared	79	76	42	48	70
			Plans Presented in Court	58	55	37	41	65
3B	Carteret Craven Pamlico	Neuse River Sentencing Services	Plans Opened	94	68	85	112	127
			Plans Prepared	70	49	52	43	40
			Plans Presented in Court	57	40	42	43	39
4A & 4B	Duplin Jones Onslow Sampson	Pretrial Resource Center, Inc.	Plans Opened	117	119	123	150	138
			Plans Prepared	134	93	72	64	90
			Plans Presented in Court	70	62	72	54	78
5	New Hanover Pender	5th District Sentencing Services	Plans Opened	87 ^{**}	65	151	152	141
			Plans Prepared	39	46	98	104	101
			Plans Presented in Court	35	42	91	102	98
Districts	Counties Served	Name of Program Serving District	Program Activity	1997-98	1998-99	1999-00	2000-01	2001-02

6A & 6B	Halifax Bertie Hertford Northampton	District 6A&B Sentencing Services	Plans Opened	42	54	64	61	62
			Plans Prepared	18	42	46	46	55
			Plans Presented in Court	18	37	42	46	54
7A & 7B	Edgecombe Nash Wilson	Sentencing Services Program for the 7th Judicial District	Plans Opened	95	64	49	77	62
			Plans Prepared	63	46	48	55	64
			Plans Presented in Court	58	42	45	54	64
8A & 8B	Greene Lenoir Wayne	Sentencing Services Program for the 8th Judicial District	Plans Opened	150	89	69	85	96
			Plans Prepared	58	39	30	43	45
			Plans Presented in Court	51	37	27	43	39
9	Franklin Granville Vance Warren	Ninth District Sentencing Services	Plans Opened	61 **	102	84	54	33
			Plans Prepared	30	66	46	54	32
			Plans Presented in Court	29	64	46	54	31
9A	Caswell Person	District 9A Sentencing Services	Plans Opened	11	48 **	60	88	56
			Plans Prepared	5	11	43	62	35
			Plans Presented in Court	5	11	42	62	34
10	Wake	ReEntry, Inc.	Plans Opened	155	118	136	72	99
			Plans Prepared	87	58	68	52	78
			Plans Presented in Court	82	52	65	47	72
11A & 11B	Harnett Johnston Lee	Eleventh Judicial District ReEntry, Inc.	Plans Opened	289	241	84	114	128
			Plans Prepared	74	93	79	124	110
			Plans Presented in Court	67	86	78	124	108
12	Cumberland	Fayetteville Area	Plans Opened	124	135	83	127	124

Sentencing Center, Inc.	Plans Prepared	103	87	65	96	91
	Plans Presented in Court	99	84	58	90	88

Districts	Counties Served	Name of Program Serving District	Program Activity	1997-98	1998-99	1999-00	2000-01	2001-02
13	Bladen Brunswick Columbus	Cape Fear Sentencing Services	Plans Opened	53	33	22	49	98
			Plans Prepared	31	36	21	41	58
			Plans Presented in Court	30	30	21	41	56
14	Durham	Durham Sentencing Services	Plans Opened	185 **	312	88	288	378
			Plans Prepared	82	88	45	109	136
			Plans Presented in Court	70	83	42	106	133
15A	Alamance	District 15A Sentencing Services	Plans Opened	100	92	98	122	106
			Plans Prepared	72	50	61	88	71
			Plans Presented in Court	55	44	54	80	62
15B	Chatham Orange	Orange/Chatham Alternative Sentencing, Inc.	Plans Opened	86	54	63	62	66
			Plans Prepared	64	56	60	50	60
			Plans Presented in Court	57	50	56	47	55
16A	Hoke Scotland	District 16A Sentencing Services	Plans Opened	80 **	89	37	56	74
			Plans Prepared	27	67	20	31	49
			Plans Presented in Court	18	45	18	29	48
16B	Robeson	Robeson Sentencing Services Program	Plans Opened	39	41	48	38	43
			Plans Prepared	19	30	31	42	29
			Plans Presented in Court	15	25	20	28	27

17A	Rockingham	ReDirections, Sentencing Services	Plans Opened	73	45	41	68	113
			Plans Prepared	55	36	39	43	101
			Plans Presented in Court	54	34	34	43	87

17B	Stokes Surry	ReDirections, Sentencing Services	Plans Opened	*	19	27	35	27
			Plans Prepared		11	10	27	29
			Plans Presented in Court		7	9	27	28

Districts	Counties Served	Name of Program Serving District	Program Activity	1997-98	1998-99	1999-00	2000-01	2001-02
18	Guilford	One Step Further, Sentencing Alternatives Center	Plans Opened	203	172	172	197	168
			Plans Prepared	157	93	93	87	92
			Plans Presented in Court	144	86	77	77	86
19A	Cabarrus	Cabarrus Sentencing Services	Plans Opened	62	57 **	48	66	114
			Plans Prepared	44	39	28	40	88
			Plans Presented in Court	37	33	23	40	88
19B	Montgomery Moore Randolph	District 19B Sentencing Services	Plans Opened	146	102	74	33	35
			Plans Prepared	76	61	32	15	29
			Plans Presented in Court	70	56	30	14	29
19C	Rowan	Rowan Sentencing Services	Plans Opened	*	47	55	73	73
			Plans Prepared		32	43	53	51
			Plans Presented in Court		31	39	53	51
20A & 20B	Anson Richmond Stanly	20th District Sentencing Services	Plans Opened	117	90 **	77	31	51
			Plans Prepared	63	59	55	22	41
			Plans Presented in Court	47	52	52	19	39

Union								
21	Forsyth	One Step Further, Forsyth Sentencing Services	Plans Opened	159	117	202	80	49
			Plans Prepared	103	81	103	56	33
			Plans Presented in Court	100	64	82	47	32
22	Alexander Davidson Davie Iredell	Appropriate Punishment Options	Plans Opened	134	98	62	61	45
			Plans Prepared	86	59	25	40	23
			Plans Presented in Court	46	44	25	36	22
23	Alleghany Ashe Wilkes Yadkin	Repay, Sentencing Services	Plans Opened	*	22	25	40	26
			Plans Prepared		13	19	34	23
			Plans Presented in Court		12	16	34	23

Districts	Counties Served	Name of Program Serving District	Program Activity	1997-98	1998-99	1999-00	2000-01	2001-02
24	Avery	Blue Ridge Dispute	Plans Opened	41	56	38	29	52
	Madison	Settlement Center, Inc.	Plans Prepared	19	28	21	24	26
	Mitchell		Plans Presented in Court	16	25	16	21	19
	Watauga							
	Yancey							
25A & 25B	Burke	Repay, Sentencing Services	Plans Opened	177	135	107	124	97
	Caldwell		Plans Prepared	114	83	65	99	70
	Catawba		Plans Presented in Court	97	71	59	88	65
26	Mecklenburg	Mecklenburg Sentencing Services	Plans Opened	230	265 **	129	207	165
			Plans Prepared	98	147	98	142	129
			Plans Presented in Court	92	142	94	136	124

27A & 27B	Gaston Cleveland Lincoln	District 27 Sentencing Services	Plans Opened	98	121	72	106	104
			Plans Prepared	90	90	65	99	101
			Plans Presented in Court	63	83	58	97	98
28	Buncombe	Buncombe Alternatives	Plans Opened	51	78	51	78	52
			Plans Prepared	51	77	47	67	59
			Plans Presented in Court	50	76	45	67	59
29	Henderson McDowell Polk Rutherford Transylvania	29th District Sentencing Services	Plans Opened	54	76	75	57	78
			Plans Prepared	43	45	59	45	63
			Plans Presented in Court	39	41	52	40	57
30A & 30B	Cherokee Clay Graham Haywood Jackson Macon Swain	30th District Sentencing Services	Plans Opened	48	44	42	38	52
			Plans Prepared	47	39	29	37	32
			Plans Presented in Court	40	37	29	33	31
Districts	Counties Served	Name of Program Serving District	Program Activity	1997-98	1998-99	1999-00	2000-01	2001-02
STATE TOTALS			Plans Opened	3,594	3,415	2,828	3,289	3,379
			Plans Prepared	2,181	2,071	1,829	2,169	2,273
			Plans Presented in Court	1,823	1,825	1,664	2,049	2,155

*Startup funding was awarded during this fiscal year for the program in this district. Services began or were enhanced the following fiscal year.

**There was a change in service provider for this district during this fiscal year.

#This program did not submit data for the months of May and June 2002.

##This program did not submit data for the month of June 2002.