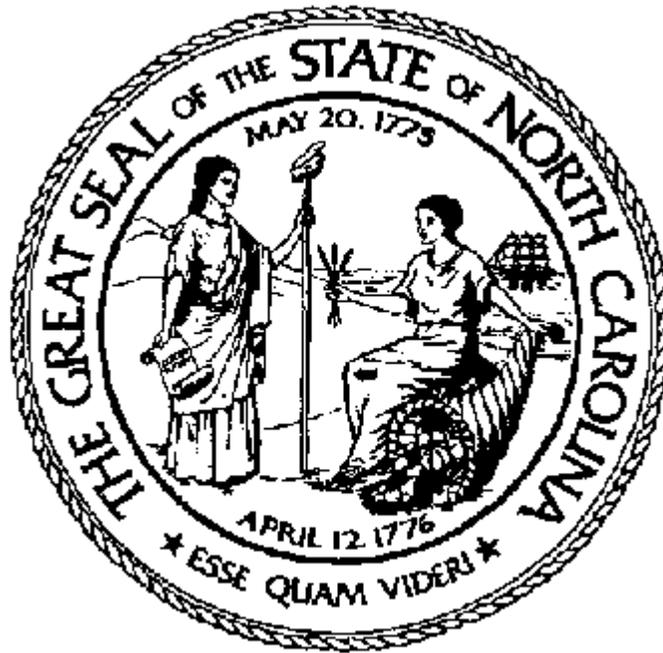


North Carolina Courts FY 2002-03



Statistical and Operational Summary of the Judicial Branch of Government

TABLE OF CONTENTS

Part I: The Present Court System

North Carolina Judicial Branch Fact Sheet.....	1
Original Jurisdiction and Routes of Appeal.....	2
The Present Court System.....	3
Judicial Branch Personnel.....	14
Map of Judicial Divisions and Superior Court Districts.....	15
Map of District Court Districts.....	16
Map of Prosecutorial Districts.....	17

Part II: Court Resources

Appropriations and Expenditures -- Ten-Year Trends.....	20
Expenditures -- Current Fiscal Year.....	21
Receipts -- Ten-Year Trends and Current Fiscal Year.....	22
Fees, Fines, and Forfeitures -- Distributed to Counties and Municipalities.....	23
Cost and Case Data on Representation of Indigents.....	25
State Mental Health Hospital Commitment Hearings.....	26
Assigned Private Counsel Cases and Expenditures.....	27

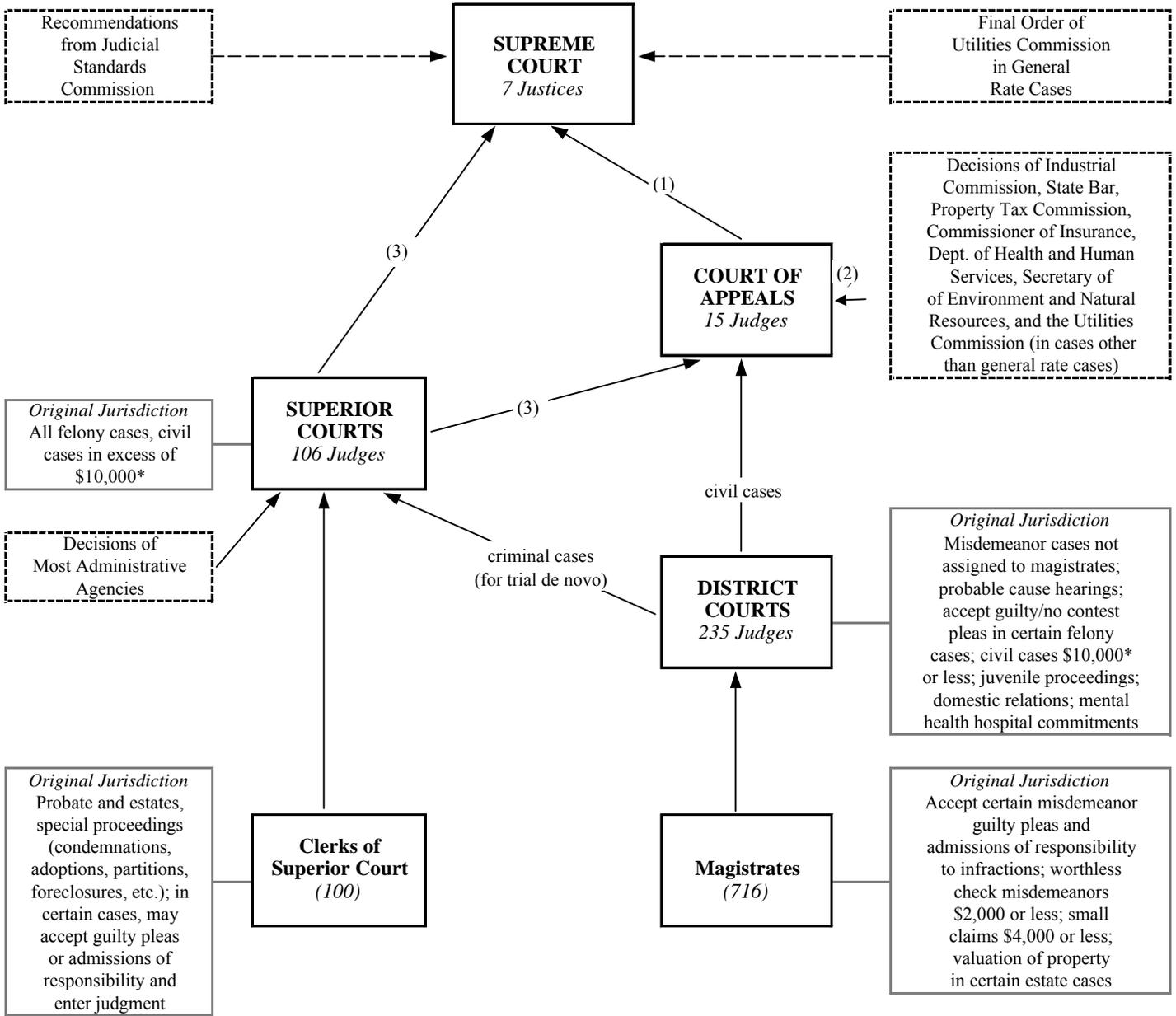
Part III: Caseload Data

Appellate Courts Data	
The Supreme Court.....	35
Appeals Docketed and Disposed -- Ten-Year Trends.....	36
Petitions Docketed and Allowed -- Ten-Year Trends.....	36
Caseload Inventory.....	37
Submission of Cases Reaching Decision Stage.....	38
Disposition of Petitions.....	38
Disposition of Appeals.....	39
Processing Time for Appeals Disposed by Opinion.....	40
The Court of Appeals.....	41
Filings and Dispositions -- Ten-Year Trends.....	42
Filings and Dispositions -- Current Fiscal Year.....	42
Manner of Case Dispositions.....	42
Trial Courts Data	
Trial Courts Case Data.....	44
Caseload Inventory and Median Ages of Superior Court Cases.....	45
Manner of Disposition of Superior Court Cases.....	46
Caseload Inventory and Median Ages of District Court Cases.....	47
Manner of Disposition of District Court Cases.....	47
Matters Alleged in Juvenile Petitions.....	48
Adjudicatory Hearings for Juvenile Matters.....	48
Special Programs Data.....	50
Arbitration Program.....	51
Child Custody and Visitation Mediation Program.....	54
Mediated Settlement Conferences Program.....	57
Family Financial Settlement Procedures Program.....	59
Sentencing Services Program.....	60

PART I

THE PRESENT COURT SYSTEM

**ORIGINAL JURISDICTION AND ROUTES OF APPEAL
(As of June 30, 2003)**



- (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 co-ordinate 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 2002-03, 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 2002-03, 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 2002-03, 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 716 magistrates (25 part-time) were authorized as of June 30, 2003.

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 seventeen-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 Judicial Branch service to the public. The Council also monitors the administration of justice and makes recommendations for case management and alternative dispute resolution. The present six committees of the State Judicial Council are Salaries and Benefits, Alternative Dispute Resolution, Public Trust, Court Performance Standards, Court Jurisdiction and Organization, and Judicial Branch Education.

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 2002-03, 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, 2003; 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, a suspended sentence, 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

Throughout FY 2002-03, 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. During the second half of FY 2002-03, a new public defender office was established in Defender District 21 serving Forsyth County.

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 Commission on Indigent Defense Services, 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 2002-03, the Office of the Appellate Defender accepted appointment to represent clients in 98 appeals or petitions for writ of certiorari, and filed 87 briefs in the Appellate Division.

Capital Defender

Pursuant to rules adopted by the Commission on Indigent Defense Services, the Capital Defender assigns counsel to represent indigent defendants charged

with potentially capital offenses, and reviews *ex parte* requests for expert funding in those cases. The Capital Defender is appointed by the Commission.

The Capital Defender supervises a number of regional Assistant Capital Defenders based in Beaufort, Durham, Forsyth, and New Hanover counties. Assistant Capital Defenders are assigned to represent defendants charged with capital offenses whenever possible. Clients not represented by the Office of the Capital Defender are assigned to qualified private counsel. The Office also provides consulting services and other support for private attorneys representing capital defendants.

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.

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 2002 Appropriations Act reduced the program's overall budget and transferred the program to the Office of Indigent Defense Services. A mix of grant programs and state-operated programs continue to operate in all 100 counties under the direction of the Office of Indigent Defense Services.

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 noncapital 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 2002-03, 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, 2003, 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 Districts 5, 6A, and 12. In 2001, the program was further expanded to Districts 8 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.

Mediated settlement conference programs are “user pay” programs. As such, the parties pay for the mediators’ services. In addition, the district court program receives a small appropriation while the superior court program receives no appropriation.

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, 9A, 10, 14, 15B, 18, 19B, 21, 25, 26, and 28), five juvenile drug courts (Districts 10, 14, 19C, 21, and 26), and two family dependency drug treatment courts (Districts 14 and 26).

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, 2003, the AOC consisted of several areas. Human Resources administers the personnel-related needs of the Judicial Branch. Legal Services includes legal staff, and the Judges' Legal Research Program. Court Program Services includes Case Management Services, Custody and Visitation Mediation, Drug Treatment Court, as well as Court Support Services. Technology Services includes Applications Development and Support, Operations Support, Technology Support Services, and Planning and Decision Support. Financial Services includes Fiscal Operations, Budget Management, and Field Accounting and Support. Purchasing Services includes Printing Services, Purchasing Services, and Warehouse and Mail Services. The Office of the Director includes the Office of the Senior Deputy Director and General Counsel. Additionally, Guardian ad Litem, Research and 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 super-

vice 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 2002-03, a total of 3,824 volunteers and 103 attorney advocates were active in the guardian ad litem program and represented a total of 15,706 abused and neglected children. These volunteers participated in 26,112 court hearings. Total expenditures for the program amounted to \$7,042,659.

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.

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). Specifically, the Commission was directed to (1) classify criminal offenses into felony and misdemeanor categories on the basis of their severity, (2) recommend structures for use by a sentencing court in determining the most appropriate sentence to be imposed in a criminal case, (3) develop a correctional population simulation model, (4) recommend a comprehensive community corrections strategy and organizational structure for the state, and (5) study and make 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. In 2002, the Commission released its study of Sentencing Practices Under North Carolina's Structured Sentencing Laws. This study examined felony case processing and the exercise of discretion in making case-based decisions. The Commission also responded to a legislative request to review the State's sentencing laws and to provide the General Assembly with alternatives for consideration in view of the projected growth in the prison population. The Commission also studied a number of criminal justice issues, including drug traf-

ficking laws, arson offenses, and offenses dealing with explosive devices, and recommended changes to the 2003 Session of the General Assembly.

The Commission prepared projections for future adult prison and probation populations and juvenile youth development center and probation populations, and assisted the General Assembly in preparing fiscal notes for proposed legislation. During the fiscal year, the Commission continued to monitor its statewide community corrections strategy, provided training on Structured Sentencing to various groups, and issued several other reports and informational documents.

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 ad-

vises 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.

Commission and its office are paid out of revenues collected for certification fees.

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.

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 certifications. Expenditures of the

JUDICIAL BRANCH PERSONNEL
(Positions Authorized as of June 30, 2003)

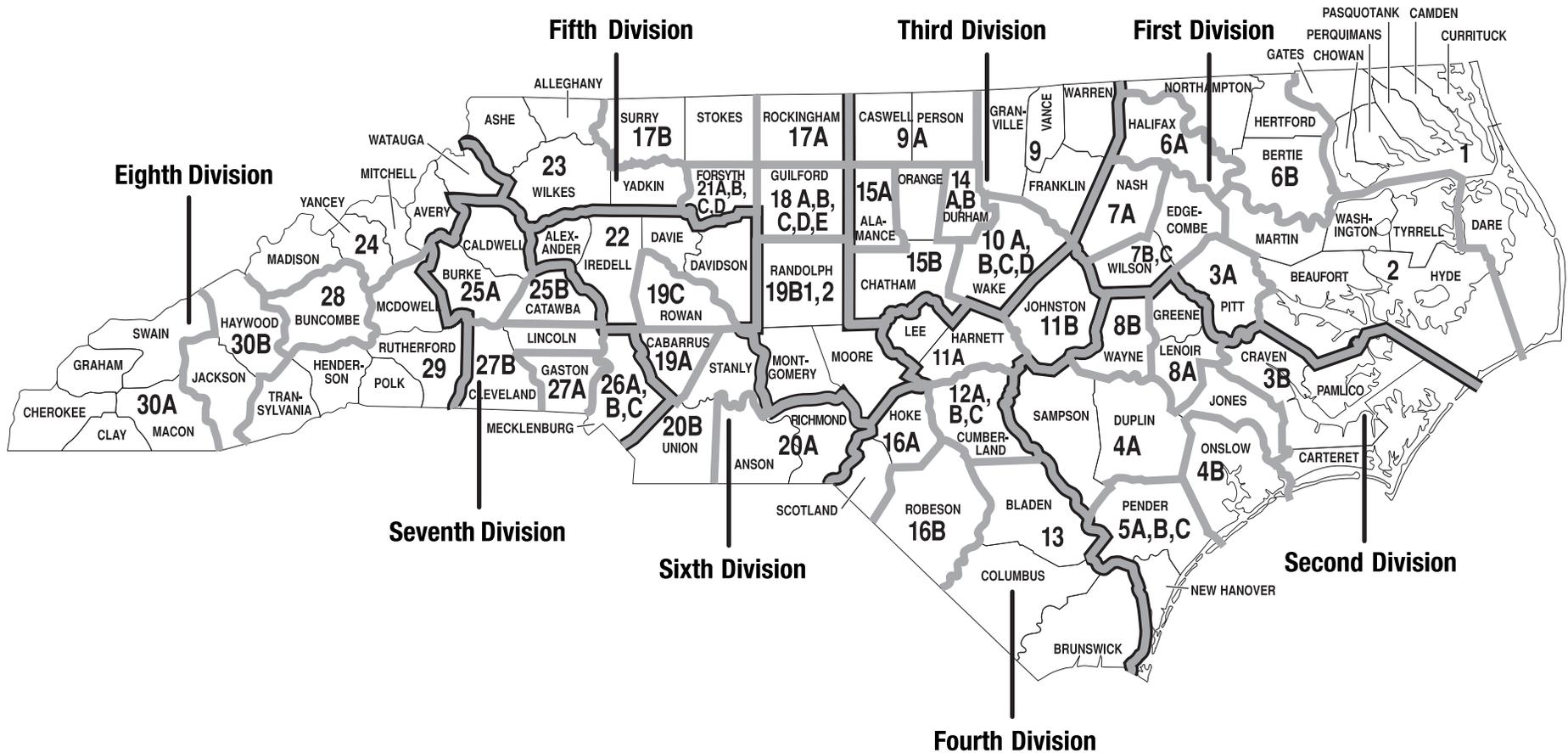
**Positions
Authorized**

	<u>SUPREME COURT</u>
7	Justices
40	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
140	Staff Personnel
83	Secretarial Personnel
	<u>DISTRICT COURT</u>
235	Judges
716	Magistrates
65	Staff Personnel
92	Secretarial Personnel
	<u>DISTRICT ATTORNEYS</u>
39	District Attorneys
438	Assistant District Attorneys*
39	Staff Personnel (Investigators, DA Conference)
451	Secretarial Personnel (Victim-Witness/Legal Assistants, other secretarial positions)
	<u>CLERKS OF SUPERIOR COURT</u>
100	Clerks of Superior Court
2,258	Staff Personnel
	<u>INDIGENT REPRESENTATION</u>
6	Indigent Defense Services
1	Appellate Defender
10	Assistant Appellate Defenders
3	Secretarial Personnel
1	Capital Defender
8	Assistant Capital Defenders
4	Capital Case Investigator
1	Capital Case Coordinator
12	Public Defenders
143	Assistant Public Defenders
32	Staff Personnel
55	Secretarial Personnel
7	Special Counsel at mental health hospitals
4	Assistants to Special Counsel
4	Secretarial Personnel
18	Sentencing Services
1	Set-off Debt Collection (Receipt Funded)
2	Guardian ad Litem. Program Administrator and Assistant Administrator
39	Regional Administrators (3) and District Administrators (36)
90	Staff Personnel
	<u>ADMINISTRATIVE OFFICE OF THE COURTS</u>
1	Administrative Officer of the Courts
8	Assistant Director (1) and Deputy Directors (7)
274	Staff Personnel
5,622	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, 2003



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	
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%
2002-03	\$373,654,672	-1.23%	\$13,824,364,492	0.99%	2.70%

AVERAGE ANNUAL

INCREASE, 1994-2003

5.26%

6.00%

JUDICIAL BRANCH EXPENDITURES

Fiscal Year	Expenditures	% Increase over previous year
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%
2002-03	\$385,216,290	-0.02%

*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, 2002 – June 30, 2003

Budget Classifications	Subtotals	Totals	Percent of Grand Total
Supreme Court (includes \$726,546 for print shop)		\$ 4,606,986	1.20%
Court of Appeals		5,970,719	1.55%
Superior Courts		29,909,763	7.76%
District Courts		65,079,731	16.89%
Clerks of Superior Court		98,855,560	25.66%
District Attorney Offices		55,418,418	14.39%
Office -- District Attorney	\$54,190,262		
District Attorneys' Conference	166,470		
Criminal Case Management Program	347,180		
Worthless Check Program	714,506		
Administrative Office of the Courts		24,925,038	6.47%
Court Information Technology Fund		2,561,502	0.67%
Equipment/Supply Fund		553,240	0.14%
Dispute Resolution Programs		3,674,078	0.95%
Custody and Visitation Mediation Program	1,378,721		
Mediated Settlement Conferences	128,537		
Dispute Settlement Centers	1,311,733		
Court-Ordered Arbitration Program	855,087		
Family Court Program		1,369,546	0.36%
North Carolina Drug Treatment Court		867,111	0.23%
Mecklenburg Drug Court		208,912	0.05%
Case Calendaring District Court		138,740	0.04%
Grant-Supported Projects		6,128,352	1.59%
Judicial Standards Commission		127,625	0.03%
Sentencing and Policy Advisory Commission		547,115	0.14%
Guardian ad Litem Services Program		7,042,659	1.83%
	SUBTOTAL	\$307,985,095	79.95%
Indigent Defense Services		76,641,195	19.90%
Assigned Private Counsel (includes \$180,819) for guardians ad litem for juveniles)	51,221,247		
Public Defenders	13,917,622		
Support Services (expert witness fees, professional examinations, transcripts, investigators)	4,575,296		
Appellate Defender Services	1,021,944		
Special Counsel at Mental Health Hospitals	802,022		
Office of Indigent Defense Services	499,977		
Capital Case Program	777,491		
Set-Off Debt Collection	71,373		
Sentencing Services Program	3,754,223		
NC State Bar -- Civil Justice Act		590,000	0.15%
	GRAND TOTAL	\$385,216,290	100%

JUDICIAL BRANCH RECEIPTS

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.

JUDICIAL BRANCH RECEIPTS: 1993-94 – 2002-03

Fiscal Year	Receipts	Fiscal Year	Receipts
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
1997-98	\$218,978,365	2002-03	\$253,529,253

JUDICIAL BRANCH RECEIPTS: July 1, 2002 – June 30, 2003

Remitted to State Treasurer		
Supreme Court Fees	\$ 7,329	0.003%
Court of Appeals Fees	26,716	0.011%
Sales of Appellate Division Reports	139,948	0.055%
Arbitration Appeal Filing Fees	232,996	0.092%
LEOB Fees	8,695,359	3.430%
Twenty-Day Failure Fees	6,136,913	2.421%
Pretrial Civil Revocation Fees	1,051,998	0.415%
General Court of Justice Fees	118,189,948	46.618%
Total to State Treasurer	134,481,207	53.044%
Distributed to Counties		
Fines and Forfeitures	69,623,471	27.462%
Judicial Facilities Fees	19,950,289	7.869%
Officer Fees	4,936,191	1.947%
Jail Fees	3,895,703	1.537%
Pretrial Civil Revocation Fees	1,051,998	0.415%
Total to Counties	99,457,652	39.229%
Distributed to Municipalities		
Judicial Facilities Fees	653,007	0.258%
Officer Fees	2,584,996	1.020%
Jail Fees	7,038	0.003%
Total to Municipalities	3,245,041	1.280%
Operating Receipts		
Collection on Indigent Representation Judgments	6,360,393	2.509%
Indigent Representation Appointment Fees	175,617	0.069%
2001-02 Obligation Carryover	700,000	0.276%
Department of Crime Control & Public Safety Grants	3,026,203	1.194%
Other Grants	2,826,749	1.115%
Miscellaneous Operating Receipts	210,815	0.083%
Worthless Check Fees & Interest	793,194	0.312%
Court Information Technology Fees & Interest	1,741,964	0.687%
Appellate Court Printing and Computer Operations	510,418	0.201%
Total Operating Receipts	16,345,353	6.447%
GRAND TOTAL	\$253,529,253	100%

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

July 1, 2002 – June 30, 2003

County	Distributed to Counties				Distributed to Municipalities			TOTAL
	Facility Fees	Officer Fees	Jail Fees	Fines and Forfeitures	Facility Fees	Officer Fees	Jail Fees	
Alamance	\$335,337	\$76,822	\$139,316	\$1,277,532	\$0	\$51,626	\$0	\$1,880,633
Alexander	58,678	22,030	20,154	210,241	0	4,751	20	315,874
Alleghany	18,546	7,311	8,741	68,603	0	629	0	103,830
Anson	65,039	18,806	13,244	389,805	0	2,159	305	489,358
Ashe	36,127	13,408	11,738	108,571	0	1,625	360	171,829
Avery	40,790	9,535	7,158	134,129	0	3,914	0	195,526
Beaufort	143,097	51,109	36,042	686,342	0	14,852	0	931,442
Bertie	48,556	19,339	18,620	142,823	0	1,059	0	230,397
Bladen	98,979	40,547	31,387	239,536	0	2,657	108	413,214
Brunswick	155,118	64,242	40,994	476,423	69	3,216	0	740,062
Buncombe	420,413	112,882	101,299	1,624,462	0	51,210	0	2,310,266
Burke	210,997	48,973	54,243	715,035	0	20,785	0	1,050,033
Cabarrus	444,143	95,548	139,111	2,212,785	0	101,909	0	2,993,496
Caldwell	160,856	35,360	44,900	517,872	0	19,465	0	778,453
Camden	30,085	14,065	5,874	103,478	0	0	0	153,502
Carteret	193,038	46,682	44,600	623,423	0	23,748	378	931,869
Caswell	48,301	19,425	18,145	179,711	0	1,413	0	266,995
Catawba	241,777	59,261	59,025	1,173,087	122,888	60,544	5	1,716,587
Chatham	87,914	50,546	27,602	317,266	67,684	9,564	5	560,581
Cherokee	57,543	20,961	21,696	256,438	0	1,221	0	357,859
Chowan	31,697	12,078	12,882	105,312	0	4,068	0	166,037
Clay	15,402	6,840	8,929	66,761	32	0	0	97,964
Cleveland	209,582	66,408	91,438	737,187	1	17,050	0	1,121,666
Columbus	133,845	50,838	52,203	276,549	7,768	9,618	0	530,821
Craven	259,451	47,090	77,381	665,892	8,982	45,591	18	1,104,405
Cumberland	488,866	45,406	79,516	1,542,050	0	55,587	251	2,211,676
Currituck	79,596	37,285	13,708	342,286	20	0	0	472,895
Dare	198,568	32,282	8,408	1,128,574	2,409	34,243	125	1,404,609
Davidson	351,701	104,072	85,747	1,001,834	490	32,023	407	1,576,274
Davie	76,056	27,682	18,971	227,127	0	4,853	0	354,689
Duplin	160,607	43,283	48,371	684,049	0	11,907	0	948,217
Durham	559,350	123,210	8,016	1,960,653	0	87,442	0	2,738,671
Edgecombe	136,774	67,181	45,875	631,553	67,898	23,531	50	972,862
Forsyth	786,219	54,375	72,156	2,195,607	17,216	152,246	178	3,277,997
Franklin	115,394	36,005	27,260	439,820	0	3,285	0	621,764
Gaston	432,979	132,187	64,982	1,268,546	48	49,707	0	1,948,449
Gates	27,052	11,494	12,316	100,635	64	0	1,141	152,702
Graham	12,026	4,272	6,232	44,547	0	0	0	67,077
Granville	139,241	34,070	29,061	662,037	0	12,178	0	876,587
Greene	54,298	21,969	13,668	213,482	0	0	0	303,417
Guilford	1,031,441	86,759	84,049	3,235,758	90	173,202	0	4,611,299
Halifax	164,214	59,246	27,469	714,366	0	16,896	0	982,191
Harnett	139,842	44,798	33,831	601,804	19,050	13,977	40	853,342
Haywood	135,393	48,509	48	515,410	890	3,991	5	704,246
Henderson	169,974	36,227	40,579	912,526	0	15,211	0	1,174,517
Hertford	69,302	24,369	33,554	190,637	0	5,207	123	323,192
Hoke	67,064	25,578	30,548	307,524	0	2,240	0	432,954
Hyde	22,002	8,690	7,946	82,805	0	0	0	121,443
Iredell	271,568	81,730	62,186	1,169,587	61,839	65,098	0	1,712,008
Jackson	69,288	28,868	22,372	269,701	10	3,647	0	393,886
Johnston	220,950	68,808	63,582	1,067,878	30,365	23,821	0	1,475,404
Jones	38,965	15,364	4,718	89,472	0	585	0	149,104
Lee	121,709	31,750	56,386	552,114	0	20,974	0	782,933
Lenoir	178,503	39,869	51,023	600,069	0	20,953	0	890,417
Lincoln	98,540	33,018	40,158	412,931	0	4,016	36	588,699

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

July 1, 2002 – June 30, 2003

County	Distributed to Counties				Distributed to Municipalities			TOTAL
	Facility Fees	Officer Fees	Jail Fees	Fines and Forfeitures	Facility Fees	Officer Fees	Jail Fees	
Macon	\$52,511	\$18,724	\$14,736	\$184,967	\$0	\$1,904	\$0	\$272,842
Madison	46,026	19,912	8,269	191,156	0	1,763	0	267,126
Martin	105,046	36,124	9,802	270,572	8	2,836	0	424,388
McDowell	131,216	47,599	34,959	406,776	0	7,333	5	627,888
Mecklenburg	2,021,375	414,088	22,263	3,616,520	121	324,620	0	6,398,987
Mitchell	32,160	8,987	10,448	112,363	0	2,287	0	166,245
Montgomery	77,115	32,593	25,737	423,051	0	4,631	0	563,127
Moore	179,365	41,843	46,668	763,095	875	32,464	0	1,064,310
Nash	199,565	111,750	72,982	753,469	129,789	36,483	25	1,304,063
New Hanover	448,836	77,354	122,407	1,641,032	14	50,809	0	2,340,452
Northampton	53,408	25,895	6,309	273,413	0	3,404	0	362,429
Onslow	351,677	123,678	110,602	884,854	8	32,235	0	1,503,054
Orange	168,304	43,556	2,722	637,158	19,626	22,837	10	894,213
Pamlico	25,888	8,058	8,100	80,671	0	90	0	122,807
Pasquotank	98,240	29,184	40,454	376,690	0	17,024	0	561,592
Pender	116,313	42,012	34,966	453,627	0	3,848	0	650,766
Perquimans	35,642	15,129	8,623	111,669	0	2,117	5	173,185
Person	108,794	42,125	6,590	410,484	0	9,013	0	577,006
Pitt	392,648	66,173	96,381	1,024,572	22,261	71,025	40	1,673,100
Polk	53,400	16,997	14,947	292,590	0	2,795	0	380,729
Randolph	259,539	75,278	123,766	1,357,845	12	27,295	70	1,843,805
Richmond	116,380	21,982	39,035	506,367	0	9,183	165	693,112
Robeson	274,430	98,393	31,631	1,365,696	53,241	41,890	10	1,865,291
Rockingham	201,464	50,133	81,606	813,029	144	18,450	0	1,164,826
Rowan	316,024	97,415	101,042	1,398,913	0	57,991	0	1,971,385
Rutherford	157,154	50,774	81,907	553,435	8	16,233	0	859,511
Sampson	204,078	57,105	48,951	825,885	1	16,761	2,464	1,155,245
Scotland	116,824	36,966	44,956	598,525	2	10,611	0	807,884
Stanly	139,452	23,216	37,932	626,975	0	19,287	0	846,862
Stokes	100,050	32,145	35,744	388,610	0	7,139	218	563,906
Surry	166,641	64,981	68,957	619,076	74	18,737	0	938,466
Swain	33,773	11,679	12,805	172,461	0	2,208	0	232,926
Transylvania	58,710	31,128	18,508	217,942	0	7,319	145	333,752
Tyrrell	32,383	14,678	4,693	101,936	0	0	0	153,690
Union	275,406	80,295	19,595	1,508,031	0	41,221	10	1,924,558
Vance	183,507	44,129	26,206	788,804	0	14,633	0	1,057,279
Wake	1,675,501	178,517	11,580	4,633,363	14,412	259,804	10	6,773,187
Warren	60,121	24,317	9,076	211,699	8	545	0	305,766
Washington	47,726	17,546	6,385	169,508	0	4,781	70	246,016
Watauga	109,161	28,295	30,600	445,381	0	17,741	0	631,178
Wayne	273,720	96,862	84,453	1,064,301	4,592	31,452	0	1,555,380
Wilkes	153,530	45,335	30,735	599,666	0	7,554	158	836,978
Wilson	232,133	77,953	27,646	874,840	0	29,930	60	1,242,562
Yadkin	74,521	28,502	40,464	303,803	0	3,617	18	450,925
Yancey	27,743	8,330	10	94,009	0	1,606	0	131,698
State Totals**	\$19,950,289	\$4,936,191	\$3,895,703	\$69,623,471	\$653,007	\$2,584,996	\$7,038	\$101,650,694

*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, 2002 – June 30, 2003

	Number of Cases*	Total Cost	Average Per Case
Assigned Private Counsel			
Capital offense cases	1,173	\$9,992,952	\$8,519
Adult cases (other than capital)	127,461	37,851,827	297
Juvenile cases	13,373	3,195,649	239
Guardian ad Litem for juveniles	709	180,819	255
Totals	142,716	51,221,247	359
Public Defender Offices			
District 3A	2,226	806,257	362
District 3B (Carteret County)	593	247,615	418
District 12	2,670	1,365,588	511
District 14	6,866	1,345,906	196
District 15B	2,375	734,468	309
District 16A	1,768	553,946	313
District 16B	3,654	973,836	267
District 18	7,966	1,987,800	250
District 21	636	392,307	617
District 26	15,432	3,377,615	219
District 27A	6,328	1,109,630	175
District 28	3,800	1,022,654	269
Totals	54,314	13,917,622	256
Office of the Appellate Defender		1,021,944	
Special Counsel at State Mental Health Hospitals		802,022	
Support Services			
Transcripts, records, and briefs		799,217	
Professional examinations		1,283	
Expert witness fees		2,362,092	
Investigator fees		1,412,704	
Total		4,575,296	
Set-Off Debt Collection		71,373	
Indigent Defense Services		499,977	
Office of the Capital Defender		777,491	
TOTAL INDIGENT DEFENSE SERVICES		\$72,886,972	
Sentencing Services Program		\$3,754,223	
GRAND TOTAL		\$76,641,195	

* The number of "cases" shown for private assigned counsel is the number of payments (checks) made 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 2002-03 year.

STATE MENTAL HEALTH HOSPITAL COMMITMENT HEARINGS

July 1, 2002 – June 30, 2003

During 2002-03, the average cost per commitment hearing for representation by special counsel at the state's four mental health hospitals was \$44.31 (total cost of \$802,022 for 18,101 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	139	127	534	253	1,053
Commitment to hospital	91	7	197	215	510
Dismissal/discharge	48	120	337	38	543
Of total, number that were:					
Initial hearings	94	126	451	79	750
Contested hearings	1	1	8	37	47
Voluntary incompetent adults: Mentally ill or substance abusers (G.S.122C,Art.5,Pt.4)					
Total Hearings	159	19	133	0	311
Commitment to hospital	144	18	122	0	284
Dismissal/discharge	15	1	11	0	27
Of total, number that were:					
Initial hearings	70	3	44	0	117
Contested hearings	2	0	24	0	26
Involuntary minors and adults: Mentally ill or mentally retarded with behavior disorder (G.S.122C,Art.5,Pt.7)					
Total Hearings	2,790	3,206	3,754	4,423	14,173
Commitment to hospital	436	648	639	1,589	3,312
Commitment to outpatient clinic	488	920	376	608	2,392
Split commitment	939	801	471	1,082	3,293
Dismissal/discharge	927	837	2,268	1,144	5,176
Of total, number that were:					
Initial hearings	2,528	2,737	3,292	3,399	11,956
Contested hearings	109	178	143	569	999
Involuntary minors and adults: Substance abusers (G.S.122C,Art.5,Pt.8)					
Total Hearings	70	554	389	1,551	2,564
Commitment to area authority	70	554	219	1,182	2,025
Dismissal/discharge	0	0	170	369	539
Of total, number that were:					
Initial hearings	70	551	387	1,548	2,556
Contested hearings	1	6	1	34	42
Total Hearings	3,158	3,906	4,810	6,227	18,101
Of total, number that were:					
Initial hearings	2,762	3,417	4,174	5,026	15,379
Contested hearings	113	185	176	640	1,114

*Dorothea Dix hospital hearing data includes the addition of Holly Hill cases beginning in March 2003.

ASSIGNED PRIVATE COUNSEL*

Cases and Expenditures

July 1, 2002 – June 30, 2003

	Number of Cases	Expenditures
<i><u>District 1</u></i>		
Camden	64	\$ 43,802
Chowan	206	57,029
Currituck	214	112,929
Dare	431	192,933
Gates	69	69,547
Pasquotank	627	190,743
Perquimans	109	37,488
District Totals	1,720	704,471
<i><u>District 2</u></i>		
Beaufort	1,030	280,215
Hyde	91	45,310
Martin	442	109,263
Tyrrell	105	29,419
Washington	224	56,775
District Totals	1,892	520,982
<i><u>District 3A</u></i>		
Pitt	1,828	721,524
District Totals	1,828	721,524
<i><u>District 3B</u></i>		
Carteret	329	137,021
Craven	1,051	400,464
Pamlico	136	67,300
District Totals	1,516	604,785
<i><u>District 4A</u></i>		
Duplin	822	322,176
Jones	149	39,758
Sampson	1,049	284,575
District Totals	2,020	646,509
<i><u>District 4B</u></i>		
Onslow	3,008	1,017,810
District Totals	3,008	1,017,810
<i><u>District 5</u></i>		
New Hanover	5,829	1,898,435
Pender	686	229,865
District Totals	6,515	2,128,300
<i><u>District 6A</u></i>		
Halifax	1,719	701,380
District Totals	1,719	701,380
<i><u>District 6B</u></i>		
Bertie	246	167,625
Hertford	608	227,756
Northampton	338	241,691
District Totals	1,192	637,072
<i><u>District 7A</u></i>		
Nash	1,298	612,730
District Totals	1,298	612,730

Assigned Private Counsel, July 1, 2002 – June 30, 2003
(continued)

	Number of Cases	Expenditures
<i><u>District 7B-C</u></i>		
Edgecombe	1,214	461,206
Wilson	1,035	553,859
District Totals	2,249	1,015,065
<i><u>District 8A</u></i>		
Greene	329	109,429
Lenoir	1,635	469,542
District Totals	1,964	578,971
<i><u>District 8B</u></i>		
Wayne	2,083	591,364
District Totals	2,083	591,364
<i><u>District 9</u></i>		
Franklin	652	210,205
Granville	784	237,300
Vance	898	588,209
Warren	358	111,424
District Totals	2,692	1,147,138
<i><u>District 9A</u></i>		
Caswell	375	165,861
Person	1,190	428,052
District Totals	1,565	593,913
<i><u>District 10</u></i>		
Wake	13,125	3,805,060
District Totals	13,125	3,805,060
<i><u>District 11A</u></i>		
Harnett	2,245	676,254
Lee	965	225,514
District Totals	3,210	901,768
<i><u>District 11B</u></i>		
Johnston	2,569	931,374
District Totals	2,569	931,374
<i><u>District 12</u></i>		
Cumberland	2,570	1,925,980
District Totals	2,570	1,925,980
<i><u>District 13</u></i>		
Bladen	748	216,979
Brunswick	1,468	543,402
Columbus	979	388,826
District Totals	3,195	1,149,207
<i><u>District 14</u></i>		
Durham	1,558	868,862
District Totals	1,558	868,862

Assigned Private Counsel, July 1, 2002 – June 30, 2003

(continued)

	Number of Cases	Expenditures
<i>District 15A</i>		
Alamance	2,602	876,829
District Totals	2,602	876,829
<i>District 15B</i>		
Chatham	530	125,231
Orange	1,573	320,341
District Totals	2,103	445,572
<i>District 16A</i>		
Hoke	153	90,424
Scotland	365	305,314
District Totals	518	395,738
<i>District 16B</i>		
Robeson	1,590	1,101,498
District Totals	1,590	1,101,498
<i>District 17A</i>		
Rockingham	2,111	682,625
District Totals	2,111	682,625
<i>District 17B</i>		
Stokes	674	262,207
Surry	1,325	598,343
District Totals	1,999	860,550
<i>District 18</i>		
Guilford	2,643	1,233,528
District Totals	2,643	1,233,528
<i>District 19A</i>		
Cabarrus	2,585	781,565
District Totals	2,585	781,565
<i>District 19B</i>		
Montgomery	546	182,384
Moore	1,953	509,209
Randolph	2,212	677,489
District Totals	4,711	1,369,082
<i>District 19C</i>		
Rowan	3,189	1,129,800
District Totals	3,189	1,129,800
<i>District 20A</i>		
Anson	1,062	290,986
Richmond	2,798	940,088
District Totals	3,860	1,231,074
<i>District 20B</i>		
Stanly	1,212	378,369
Union	2,716	849,562
District Totals	3,928	1,227,931

Assigned Private Counsel, July 1, 2002 – June 30, 2003
(continued)

	Number of Cases	Expenditures
<i><u>District 21</u></i>		
Forsyth	6,682	2,465,608
District Totals	6,682	2,465,608
 <i><u>District 22</u></i>		
Alexander	749	200,902
Davidson	3,793	1,078,644
Davie	593	152,808
Iredell	2,351	729,320
District Totals	7,486	2,161,674
 <i><u>District 23</u></i>		
Alleghany	125	32,403
Ashe	366	128,112
Wilkes	1,350	354,314
Yadkin	669	162,493
District Totals	2,510	677,322
 <i><u>District 24</u></i>		
Avery	291	93,410
Madison	214	73,369
Mitchell	217	97,914
Watauga	488	165,841
Yancey	277	100,788
District Totals	1,487	531,322
 <i><u>District 25A</u></i>		
Burke	1,807	617,894
Caldwell	2,564	635,562
District Totals	4,371	1,253,456
 <i><u>District 25B</u></i>		
Catawba	3,258	953,135
District Totals	3,258	953,135
 <i><u>District 26</u></i>		
Mecklenburg	10,273	4,576,735
District Totals	10,273	4,576,735
 <i><u>District 27A</u></i>		
Gaston	975	748,053
District Totals	975	748,053
 <i><u>District 27B</u></i>		
Cleveland	2,396	563,752
Lincoln	784	302,234
District Totals	3,180	865,986
 <i><u>District 28</u></i>		
Buncombe	1,711	670,783
District Totals	1,711	670,783

Assigned Private Counsel, July 1, 2002 – June 30, 2003
(continued)

	Number of Cases	Expenditures
<i>District 29</i>		
Henderson	2,011	689,076
McDowell	906	352,047
Polk	443	106,250
Rutherford	2,151	567,113
Transylvania	529	219,070
District Totals	6,040	1,933,556
 <i>District 30A</i>		
Cherokee	428	164,050
Clay	89	43,857
Graham	249	112,940
Macon	578	157,916
Swain	228	79,404
District Totals	1,572	558,167
 <i>District 30B</i>		
Haywood	1,241	494,258
Jackson	603	191,136
District Totals	1,844	685,394
 STATE TOTALS**	 142,716	 51,221,247

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

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

PART III

CASELOAD DATA

- **Appellate Courts Data**
 - **Supreme Court**
 - **Court of Appeals**
- **Trial Courts Data**
 - **Superior Court**
 - **District Court**
- **Special Programs Data**
 - **Arbitration**
 - **Child Custody and Visitation
Mediation**
 - **Mediated Settlement Conferences**
 - **Family Financial Settlement
Procedures**
 - **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 discre-

tionary 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 2002-03, 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 1993-94 – 2002-03

	Appeals Docketed	Appeals Disposed
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
2002-03	138	142

PETITIONS DOCKETED AND ALLOWED DURING THE YEARS 1993-94 – 2002-03

	Petitions Docketed	Petitions Allowed
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
2002-03	677	26

NORTH CAROLINA SUPREME COURT
Caseload Inventory
July 1, 2002 – June 30, 2003

	Pending 7/1/02	Filed	Disposed	Pending 6/30/03
Petitions for Review				
Civil domestic	2	10	11	1
Juvenile	2	6	8	0
Other civil	83	285	325	43
Criminal	72	362	357	77
Administrative agency decision	4	14	17	1
Total Petitions for Review	163	677	718	122
Appeals				
Civil domestic	2	1	3	0
Petitions for review granted that became civil domestic appeals	1	1	2	0
Juvenile	2	1	2	1
Petitions for review granted that became juvenile appeals	0	0	0	0
Other civil	26	54	52	28
Petitions for review granted that became other civil appeals	11	15	13	13
Criminal, defendant sentenced to death	18	20	13	25
Criminal, defendant sentenced to life imprisonment	1	1	2	0
Other criminal	16	32	40	8
Petitions for review granted that became other criminal appeals	3	6	6	3
Administrative agency decision	3	5	6	2
Petitions for review granted that became appeals of administrative agency decision	3	2	3	2
Total Appeals	86	138	142	82
Other Proceedings				
Rule 16(b) additional issues re dissent		10	16	
Motions		806	774	
Total Other Proceedings		816	790	

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, 2002 – June 30, 2003

SUBMISSION OF CASES REACHING DECISION STAGE

Cases Argued	
Civil domestic	4
Juvenile	1
Other civil	58
Criminal (death sentence)	17
Criminal (life sentence)	0
Other criminal	26
Administrative agency decision	9
Total cases argued	115
Submissions Without Argument	
By motion of the parties (Appellate Rule 30 (d))	1
By order of the Court (Appellate Rule 30 (f))	4
Total submissions without argument	5
Total Cases Reaching Decision Stage	120

DISPOSITION OF PETITIONS

Petitions for Review	Granted*	Denied	Dismissed/ Withdrawn	Total Disposed
Civil domestic	1	8	2	11
Juvenile	0	7	1	8
Other civil	15	295	15	325
Criminal	8	292	55	355
Administrative agency decision	2	14	1	17
Post Conviction	0	2	0	2
Total Petitions for Review	26	618	74	718

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

DISPOSITION OF APPEALS IN THE SUPREME COURT
July 1, 2002 – June 30, 2003

Disposition by Signed Opinion

Case Types	Affirmed*	Affirmed in Part; Remanded in Part	Affirmed in Part; Reversed in Part; Remanded	Reversed	New Sentencing Hearing	Reversed and Remanded	New Trial	Other	Total
Civil domestic	0	0	0	2	0	0	0	0	2
Juvenile	0	0	0	0	0	0	0	0	0
Other civil	2	2	0	1	0	3	0	0	8
Criminal (death sentence)	5	0	0	0	0	0	1	3	9
Criminal (life sentence)	0	0	0	0	0	0	0	0	0
Other criminal	3	0	0	1	0	2	0	0	6
Administrative agency decision	0	0	0	1	0	1	0	1	3
Totals	10	2	0	5	0	6	1	4	28

*Includes No error

Disposition by Per Curiam Opinion

Case Types	Affirmed	Affirmed in Part; Remanded in Part	Affirmed in Part; Reversed in Part; Remanded	Reversed	Reversed and Remanded	Discretionary Review Improvidently Allowed	Other	Total
Civil domestic	1	1	0	1	0	0	0	3
Juvenile	0	0	0	0	0	0	1	1
Other civil	18	0	0	13	5	5	1	42
Criminal (death sentence)	0	0	0	0	0	0	0	0
Criminal (life sentence)	0	0	0	0	0	0	0	0
Other criminal	12	0	1	2	0	2	2	19
Administrative agency decision	2	0	0	1	1	0	2	6
Totals	33	1	1	17	6	7	6	71

Disposition by Dismissal or Withdrawal

Case Types	Dismissed or Withdrawn
Civil domestic	0
Juvenile	1
Other civil	15
Criminal (death sentence)	4
Criminal (life sentence)	2
Other criminal	21
Administrative agency decision	0
Totals	43

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

(Total time in days from docketing to opinion)

July 1, 2002 – June 30, 2003

	Number of Cases	(Days) Median	(Days) Mean
Civil Domestic	3	238	243
Petitions for review granted that became civil domestic appeals	2	—	314
Juvenile	0	—	—
Petitions for review granted that became juvenile appeals	1	316	316
Other civil	32	200	223
Petitions for review granted that became other civil appeals	18	341	363
Criminal, defendant sentenced to death	9	396	413
Criminal, defendant sentenced to life imprisonment	0	—	—
Other criminal	15	199	215
Petitions for review granted that became other criminal appeals	10	261	285
Administrative agency decision	5	224	227
Petitions for review granted that became appeals of administrative agency decision	4	282	261
Total appeals disposed by opinion	99	252	275

* 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 2002-03. "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 1993-94 – 2002-03*

Fiscal Year	Filings	Dispositions
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
2002-03	2,572	2,496

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

FILINGS AND DISPOSITIONS — July 1, 2002 – June 30, 2003

Cases on appeal	Filings	Dispositions
Civil cases appealed from district courts	302	
Civil cases appealed from superior courts	504	
Civil cases appealed from administrative agencies	172	
Criminal cases appealed from superior courts	769	
Totals	1,747	1,748
Petitions		
Allowed		109
Denied		621
Remanded		18
Totals	825	748
Motions		
Allowed		3,612
Denied		553
Remanded		102
Totals	4,402	4,267
Total Cases on Appeal, Petitions, and Motions	6,974	6,763

MANNER OF CASE DISPOSITIONS — July 1, 2002 – June 30, 2003

Cases Disposed by Written Opinion			Other Cases Disposed	Total Cases Disposed
Affirmed	Reversed	Affirmed in Part, Reversed in Part		
1,085	163	288	212	1,748

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 caseload 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 beginning 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 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 absolute 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 beginning figures.

CASELOAD INVENTORY AND MEDIAN AGES OF SUPERIOR COURT CASES
July 1, 2002 — June 30, 2003

	Begin Pending	Filed	Disposed	End Pending	Median Ages (in days)*	
					Disposed Cases	Pending Cases
Civil Cases	21,535	26,030	25,858	21,707	226.0	206.0
Contract	4,175	6,052	5,830	4,397	164.0	168.0
Collect on Accounts	998	2,250	2,228	1,020	121.0	129.0
Motor Vehicle Negligence	6,167	6,366	6,352	6,181	318.0	210.0
Other Negligence	3,368	3,051	2,996	3,423	350.0	250.0
Real Property	1,693	1,283	1,270	1,706	377.0	319.0
Administrative Appeal	207	326	294	239	171.0	153.0
Other	4,927	6,702	6,888	4,741	168.0	192.0
Estates	—	59,325	56,327	—	—	—
Special Proceedings	—	100,471	85,603	—	—	—
Criminal Cases	71,020	141,149	137,604	74,565	175.0	217.0
Felonies	53,564	100,837	97,953	56,448	188.0	226.0
Murder	827	723	604	946	372.0	333.0
Manslaughter	63	89	92	60	203.0	262.0
Rape and First Degree						
Sex Offense	1,469	1,799	1,685	1,583	284.0	290.0
Other Sex Offenses	1,881	2,943	2,749	2,075	224.0	257.0
Robbery	3,375	5,224	5,311	3,288	198.0	221.0
Assault	2,008	3,146	3,080	2,074	217.0	256.5
Burglary and Breaking or Entering	6,578	14,970	14,593	6,955	165.0	208.0
Larceny	4,106	8,310	8,348	4,068	174.0	210.0
Arson and Burnings	242	379	387	234	193.0	242.0
Forgery and Utterings	3,054	7,360	7,502	2,912	142.0	209.5
Fraudulent Activity	6,514	11,651	11,600	6,565	183.0	248.0
Controlled Substances	15,594	29,134	28,070	16,658	208.0	226.0
Other	7,853	15,109	13,932	9,030	180.0	206.0
Misdemeanors	17,456	40,312	39,651	18,117	140.0	184.0
Impaired Driving Appeals	2,014	4,999	4,921	2,092	104.0	98.0
Other Motor Vehicle Appeals	2,856	6,023	6,122	2,757	117.0	118.0
Non-Motor Vehicle Appeals	6,371	13,942	13,861	6,452	180.0	251.0
Cases Originating in Superior Court	6,215	15,348	14,747	6,816	127.0	175.0

*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, 2002 — June 30, 2003

	Jury Trial	Judge Trial	Voluntary Dismissal	Final Order/ Judgment		Other
				Without Trial	Clerk	
Civil Cases	481	2,600	13,208	3,499	2,545	3,525
Contract	48	506	2,864	703	901	808
Collect on Accounts	4	158	569	255	852	390
Motor Vehicle Negligence	283	331	4,751	377	36	574
Other Negligence	78	255	1,880	280	22	481
Real Property	17	329	260	507	12	145
Administrative Appeal	1	88	82	64	0	59
Other	50	933	2,802	1,313	722	1,068
	Jury Trial	Guilty Plea		DA Dismissal		Other
		to Lesser Offense	to Charged Offense	With Leave	Without Leave*	
Criminal Cases	2,887	11,984	57,665	5,944	43,247	15,877
Felonies	2,140	11,473	48,479	3,848	30,548	1,465
Murder	110	269	102	3	113	7
Manslaughter	8	11	48	4	18	3
Rape and First Degree Sex Offense	169	174	439	34	820	49
Other Sex Offenses	197	154	1,415	49	873	61
Robbery	207	1,194	2,267	115	1,477	51
Assault	203	813	932	80	993	59
Burglary and Breaking or Entering	205	1,554	9,540	425	2,761	108
Larceny	78	1,038	4,222	355	2,530	125
Arson and Burnings	5	84	180	18	91	9
Forgery and Utterings	31	523	4,806	247	1,783	112
Fraudulent Activity	91	775	6,686	695	3,210	143
Controlled Substances	359	3,622	12,197	1,239	10,386	267
Other	477	1,262	5,645	584	5,493	471
Misdemeanors	747	511	9,186	2,096	12,699	14,412
Impaired Driving Appeals	200	73	712	345	317	3,274
Other Motor Vehicle Appeals	64	160	1,354	508	2,092	1,944
Non-Motor Vehicle Appeals	367	185	3,264	676	4,387	4,982
Cases Originating in Superior Court	116	93	3,856	567	5,903	4,212

*DA Dismissal Without Leave includes Dismissals after Deferred Prosecution.

**CASELOAD INVENTORY AND MEDIAN AGES OF DISTRICT COURT CASES
July 1, 2002 — June 30, 2003**

	Begin Pending	Filed	Disposed	End Pending	Median Ages (in days)	
					Disposed Cases	Pending Cases
Civil Cases	—	467,466	464,209	—	—	—
Civil Magistrate (Small Claims)	—	279,955	279,209	—	—	—
Civil District	78,847	187,511	185,000	81,358	68.0	153.0
URESА/UIFSA	337	586	565	358	69.0	815.0
Child Support (IV-D)	18,036	40,409	40,748	17,697	85.0	174.0
Child Support (Non IV-D)	8,872	7,401	7,036	9,237	121.0	472.0
Other Domestic Relations	25,781	76,922	74,685	28,018	49.0	175.0
<i>Subtotal Domestic Relations</i>	<i>53,026</i>	<i>125,318</i>	<i>123,034</i>	<i>55,310</i>	<i>56.0</i>	<i>238.0</i>
General Civil	23,667	58,113	57,626	24,154	96.0	98.0
Magistrate Appeal/Transfer	2,154	4,080	4,340	1,894	103.0	108.0
<i>Subtotal General Civil and Magistrate Appeal/Transfer</i>	<i>25,821</i>	<i>62,193</i>	<i>61,966</i>	<i>26,048</i>	<i>97.0</i>	<i>98.0</i>
Criminal Cases	—	1,472,029	1,458,996	—	—	—
Non-Motor Vehicle	195,080	631,279	625,061	201,298	69.0	80.0
Motor Vehicle	—	840,750	833,935	—	—	—
Infractions	—	722,550	724,930	—	—	—
Civil License Revocations	—	55,247	—	—	—	—

**MANNER OF DISPOSITION OF DISTRICT COURT CASES
July 1, 2002 — June 30, 2003**

	Jury Trial	Judge Trial	Voluntary Dismissal	Final Order/ Judgment		Clerk	Other
				w/o Trial			
Civil Cases	165	55,586	22,744	45,965	25,846	34,694	
URESА/UIFSA	0	118	22	237	2	186	
Child Support (IV-D)	2	9,225	2,938	16,696	93	11,794	
Child Support (Non IV-D)	0	2,618	750	2,300	15	1,353	
Other Domestic Relations	1	38,616	5,503	18,841	98	11,626	
<i>Subtotal Domestic Relations</i>	<i>3</i>	<i>50,577</i>	<i>9,213</i>	<i>38,074</i>	<i>208</i>	<i>24,959</i>	
General Civil	126	3,750	12,635	6,812	25,245	9,058	
Magistrate Appeal/Transfer	36	1,259	896	1,079	393	677	
<i>Subtotal General Civil and Magistrate Appeal/Transfer</i>	<i>162</i>	<i>5,009</i>	<i>13,531</i>	<i>7,891</i>	<i>25,638</i>	<i>9,735</i>	
		Worthless Check Waiver	Guilty Plea	DA Dismissal With Leave	Without Leave*	Other	Probable Cause Matters
Criminal Cases							
Non-Motor Vehicle		27,509	182,703	28,905	38,026	217,403	35,488
Motor Vehicle		<u>Waiver:</u>	115,421		<u>Non-Waiver:</u>	718,514	
Infractions		<u>Waiver:</u>	374,113		<u>Non-Waiver:</u>	350,817	

*DA Dismissal Without Leave includes Dismissals after Deferred Prosecution.

MATTERS ALLEGED IN JUVENILE PETITIONS
July 1, 2002 — June 30, 2003

Delinquent Offenses	23,873
Capital	11
Other Felony	6,971
Misdemeanor	16,891
Undisciplined Offenses	4,589
Truancy	633
Other	3,956
Conditions	12,315
Dependent	3,341
Neglected	5,723
Abused	1,065
Parental Rights Petition	2,186
Total Petitions	40,777
Children before Court for First Time	16,700

ADJUDICATORY HEARINGS FOR JUVENILE MATTERS
July 1, 2002 — June 30, 2003

	<u>Retained</u>	<u>Dismissed</u>	<u>Total</u>
Delinquency Hearings	15,616	8,965	24,581
Undisciplined Hearings	2,350	1,062	3,412
Dependency Hearings	3,614	675	4,289
Neglect Hearings	5,737	1,157	6,894
Abuse Hearings	785	341	1,126
	<u>Terminated</u>	<u>Not Terminated</u>	<u>Total</u>
Parental Rights	1,613	254	1,867
Total Hearings			42,169

PART III, Section 3

Special Programs Data

- **Arbitration**
- **Child Custody and Visitation
Mediation**
- **Mediated Settlement Conferences**
- **Family Financial Settlement
Procedures**
- **Sentencing Services**

SPECIAL PROGRAMS DATA

This section presents data on five special programs of the N.C. Judicial Branch. 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 five programs -- arbitration, custody mediation, mediated settlement conferences, family financial settlement procedures, 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, 2002 – June 30, 2003

	<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 6/30/03 ²
District 1								
Camden	4	0	4	2	1	0	1	0
Chowan	0	0	0	0	0	0	0	0
Currituck	11	0	11	7	0	0	0	0
Dare	28	0	28	28	6	2	0	4
Gates	4	0	4	7	0	0	0	0
Pasquotank	14	0	14	10	1	0	0	1
Perquimans	6	0	6	1	0	0	0	0
District Totals	67	0	67	55	8	2	1	5
District 3A								
Pitt	66	0	66	64	14	5	5	4
District 3B								
Carteret	43	0	43	35	12	2	7	3
Craven	44	0	44	33	12	6	2	4
Pamlico	7	0	7	5	3	0	0	3
District Totals	94	0	94	73	27	8	9	10
District 5s								
New Hanover	292	16	308	185				
Pender	55	0	55	25				
District Totals	347	16	363	210				
District 6A								
Halifax	43	0	43	30	2	0	0	2
District 8A								
Greene	10	0	10	5	0	0	0	0
Lenoir	47	0	47	35	6	3	3	0
District Totals	57	0	57	40	6	3	3	0
District 8B								
Wayne	98	0	98	76	13	4	1	8
District 10								
Wake	364	0	364	262	94	22	29	43
District 12								
Cumberland	1,082	0	1,082	331	44	26	13	5
District 13								
Bladen	38	0	38	16	6	2	1	3
Brunswick	123	0	123	14	18	3	8	7
Columbus	50	0	50	8	8	2	4	2
District Totals	211	0	211	38	32	7	13	12
District 14								
Durham	192	20	212	175	43	0	15	28
District 15A								
Alamance	67	0	67	60	18	2	4	12
District 15B								
Chatham	37	0	37	37	5	0	0	5
Orange	63	0	63	57	14	7	6	1
District Totals	100	0	100	94	19	7	6	6

Arbitration Activity, July 1, 2002 – June 30, 2003
(Continued)

	Cases Noticed for Arbitration ¹			Cases Arbitrated	Summary of De Novo Appeal Activity			
	District Court	Superior Court	Total		Appeals Filed	Trials	Dismissal/ Other	Pending 6/30/03 ²
District 16A								
Hoke	21	0	21	13	5	5	0	0
Scotland	17	0	17	14	3	1	0	2
District Totals	38	0	38	27	8	6	0	2
District 16B								
Robeson	79	0	79	20	10	3	2	5
District 17A								
Rockingham	48	0	48	32	12	3	3	6
District 18A								
Guilford	558	0	558	366	221	25	196	0
District 19B								
Montgomery	12	0	12	7	2	0	1	1
Moore	7	0	7	14	4	0	0	4
Randolph	72	0	72	4	0	0	0	0
District Totals	91	0	91	25	6	0	1	5
District 19C								
Rowan	72	0	72	68	27	4	5	18
District 20A								
Anson	16	0	16	13	5	3	1	1
Richmond	41	0	41	26	8	0	3	5
District Totals	57	0	57	39	13	3	4	6
District 20B								
Stanly	62	0	62	55	9	2	2	5
Union	97	0	97	52	16	3	4	9
District Totals	159	0	159	107	25	5	6	14
District 21								
Forsyth	302	0	302	218	53	9	17	27
District 22								
Alexander	8	0	8	8	2	1	0	1
Davidson	60	0	60	36	11	3	1	7
Davie	15	0	15	10	5	1	1	3
Iredell	61	0	61	43	19	5	4	10
District Totals	144	0	144	97	37	10	6	21
District 23								
Alleghany	12	0	12	9	1	0	0	1
Ashe	18	0	18	15	4	2	0	2
Wilkes	34	0	34	20	5	2	3	0
Yadkin	14	0	14	6	1	0	0	1
District Totals	78	0	78	50	11	4	3	4
District 24								
Avery	31	0	31	12	2	1	1	0
Madison	6	0	6	6	1	0	1	0
Mitchell	6	0	6	4	2	0	2	0
Watauga	35	0	35	38	12	2	4	6
Yancey	7	0	7	8	1	1	0	0
District Totals	85	0	85	68	18	4	8	6

Arbitration Activity, July 1, 2002 – June 30, 2003
(Continued)

	<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 6/30/03 ²
District 25A								
Burke	32	0	32	19	6	2	3	1
Caldwell	49	0	49	27	10	0	5	5
District Totals	81	0	81	46	16	2	8	6
District 25B								
Catawba	124	0	124	83	20	3	10	7
District 26								
Mecklenburg	1,011	0	1,011	808	260	105	93	62
District 27A								
Gaston	120	113	233	133	51	6	32	13
District 27B								
Cleveland	53	0	53	35	22	2	10	10
Lincoln	25	0	25	21	9	2	5	2
District Totals	78	0	78	56	31	4	15	12
District 29								
Henderson	67	0	67	62	21	6	12	3
McDowell	26	0	26	24	2	2	0	0
Polk	4	0	4	3	0	0	0	0
Rutherford	50	0	50	55	11	3	4	4
Transylvania	14	0	14	10	5	2	2	1
District Totals	161	0	161	154	39	13	18	8
District 30A								
Cherokee	11	0	11	9	2	0	1	1
Clay	2	0	2	3	0	0	0	0
Graham	3	0	3	1	0	0	0	0
Macon	23	0	23	22	7	2	1	4
Swain	4	0	4	4	1	0	0	1
District Totals	43	0	43	39	10	2	2	6
District 30B								
Haywood	12	0	12	15	3	0	1	2
Jackson	18	0	18	18	3	2	0	1
District Totals	30	0	30	33	6	2	1	3
TOTALS	6,147	149	6,296	3,977	1,194	299	529	366

(30.0% of
cases arbitrated)

¹ Cases in which parties are notified that a 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 for well over a year. This chart only accounts for the year-end status of trial de novo requests filed during FY 2002-03.

³ No May, June, or trial de novo activity reported because data was lost during a staffing change.

⁴ No June statistics reported due to loss of staff.

CHILD CUSTODY AND VISITATION MEDIATION ACTIVITY
July 1, 2002 – June 30, 2003

	Cases Pending 7/1/02	Cases Referred	Total Caseload	Parenting Agreement Drafted	Parenting Agreement Signed	Cases Mediated	Cases Not Mediated	Total Cases Disposed Through Mediation Office	Cases Pending 6/30/03
District 3A									
Pitt	20	141	161	65	38	112	16	128	33
District 4*									
Duplin, Jones, Onslow, Sampson	18	166	184	74	40	118	33	151	33
District 5									
New Hanover, Pender	42	536	578	163	86	296	235	531	47
District 6A									
Halifax	9	73	82	49	38	62	14	76	6
District 6B									
Bertie, Hertford, Northampton	19	76	95	27	22	46	28	74	21
District 8									
Greene, Lenoir, Wayne	27	243	270	96	57	165	75	240	30
District 9									
Franklin, Granville, Vance, Warren	9	106	115	51	23	85	22	107	8
District 9A									
Caswell, Person	8	34	42	12	5	28	6	34	8
District 10									
Wake	126	924	1,050	279	204	583	368	951	99
District 11**									
Harnett, Johnston, Lee	51	481	532	132		278	226	504	28
District 12									
Cumberland	94	1,025	1,119	248	193	427	638	1,065	54

CHILD CUSTODY AND VISITATION MEDIATION ACTIVITY, July 1, 2002 – June 30, 2003 (continued)

	Cases Pending 7/1/02	Cases Referred	Total Caseload	Parenting Agreement Drafted	Parenting Agreement Signed	Cases Mediated	Cases Not Mediated	Total Cases Disposed Through Mediation Office	Cases Pending 6/30/03
District 13 Bladen, Brunswick, Columbus	4	220	224	168	78	186	32	218	6
District 14 Durham	20	277	297	86	65	178	103	281	16
District 15A Alamance	22	186	208	86	63	144	45	189	19
District 15B Chatham, Orange	10	169	179	112	81	165	9	174	5
District 16A Hoke, Scotland	0	49	49	28	1	45	4	49	0
District 17A Rockingham	12	104	116	40	35	90	16	106	10
District 17B Stokes, Surry	13	147	160	54	45	116	27	143	17
District 19A Cabarrus	34	144	178	142	98	150	2	152	26
District 19B Montgomery, Moore, Randolph	16	306	322	204	154	293	23	316	6
District 19C Rowan	26	230	256	132	88	203	25	228	28
District 20*** Anson, Richmond, Stanly, Union	57	180	237	74	52	144	67	211	26
District 21 Forsyth	40	368	408	148	94	246	94	340	68

CHILD CUSTODY AND VISITATION MEDIATION ACTIVITY, July 1, 2002 – June 30, 2003 (continued)

	Cases Pending 7/1/02	Cases Referred	Total Caseload	Parenting Agreement Drafted	Parenting Agreement Signed	Cases Mediated	Cases Not Mediated	Total Cases Disposed Through Mediation Office	Cases Pending 6/30/03
District 25 Burke, Caldwell, Catawba	138	680	818	246	210	463	232	695	123
District 26**** Mecklenburg	43	1,089	1,132		172	489	507	996	136
District 27A Gaston	13	224	237	119	67	190	23	213	24
District 27B Cleveland, Lincoln	15	153	168	64	33	111	12	123	45
District 28 Buncombe	113	295	408	156	79	208	77	285	123
TOTALS	999	8,626	9,625	3,055	2,121	5,621	2,959	8,580	1,045

56

*District 4 - Ten month's data

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

*** District 20 staff turnover data incomplete

****District 26 did not tally drafted parenting agreements.

MEDIATED SETTLEMENT CONFERENCES CASES
July 1, 2002 – June 30, 2003

Districts	Begin Pending ¹	Submitted to Mediation	Ordered Removed	Disposed without Session	Resolved through Conference	Not Resolved through Conference	End Pending ²
1	76	129	9	38	29	18	111
2	233	103	9	61	18	24	224
3A	192	190	5	85	45	67	180
3B	313	244	4	88	123	26	316
4A	160	85	3	58	46	10	128
4B	62	122	0	71	35	42	36
5	482	445	5	111	160	103	548
6A	23	67	0	8	21	25	36
6B ⁶							
7A	881	117	8	20	5	3	1,034
7B/C	132	374	12	141	76	101	176
8A	27	83	0	35	20	30	25
8B	78	138	17	47	42	42	68
9	208	188	4	51	75	49	217
9A ³							
10	524	1,077	57	311	317	349	541
11A	77	193	4	70	68	39	89
11B	300	430	9	242	72	94	313
12	223	382	63	156	152	88	146
13	261	379	1	116	85	59	379
14	945	406	6	285	127	92	841
15A	56	125	12	20	52	38	59
15B	146	197	18	24	84	86	131
16A	33	60	0	27	15	11	40
16B	47	98	0	11	75	29	36
17A	38	86	3	25	27	23	46
17B	87	123	6	46	45	37	86
18	467	776	132	226	301	214	396
19A	148	139	2	96	59	39	91
19B	143	274	18	65	117	83	138
19C	170	144	3	35	31	48	189
20A	57	124	4	37	35	32	73
20B ⁴	156	137	3	19	44	47	
21	0	542	18	46	128	97	288
22	702	341	2	19	105	81	836
23	118	149	4	77	62	42	70
24 ⁵		179	5	24	97	23	
25A	100	175	8	40	69	63	95
25B	180	252	6	88	62	78	189

**Mediated Settlement Conferences Activity, July 1, 2002 – June 30, 2003
(Continued)**

Districts	Begin Pending¹	Submitted to Mediation	Ordered Removed	Disposed without Session	Resolved through Conference	Not Resolved through Conference	End Pending²
26	2,595	1,429	8	178	377	431	3,030
27A ³							
27B	146	195	4	56	91	61	129
28	487	242	24	48	105	104	448
29	266	250	14	86	62	85	268
30A	74	66	8	22	15	8	87
30B	83	84	6	50	29	25	57
TOTALS	11,496	11,339	524	3,359	3,603	3,046	12,190

¹Cases pending as of July 1, 2002.

²Cases pending as of June 30, 2003.

³No data reported.

⁴No data reported for October and November 2002, and March through June 2003.

⁵No "Begin Pending" or "End Pending" reported. No June data reported.

⁶Numbers were off due to reporting error. Corrections being made for FY 03-04.

FAMILY FINANCIAL SETTLEMENT PROCEDURES CASES
July 1, 2002 – June 30, 2003

Districts	Begin Pending ¹	Ordered to Mediation	Voluntarily Submitted to Mediation	Submitted to other Settle. Proced.	Ordered Removed from Settle. Proced.	Disposed without Settle. Proced.	Resolved through Settle. Proced.	Partially Resolved through Settle. Proced.	Not Resolved through Settle. Proced.	End Pending ²
5	113	176	1	0	1	30	69	3	92	95
6A	8	14	0	5	0	4	4	1	7	11
8	22	77	0	0	2	28	26	0	15	28
9 ⁴	0	27	0	0	0	0	3	0	0	24
12 ³		252		105	13	52	26	4	22	264
14	0	53	0	21	0	8	19	6	1	40
17A ⁵	0	35	9	0	0	6	6	2	0	30
20	0	83	11	0	2	50	19	1	20	2
23	37	105	9	0	10	33	24	2	23	59
24 ⁴	0	38	0	2	0	0	0	0	0	40
25	103	127	23	0	40	19	35	11	26	122
28 ⁵	0	75	0	0	0	25	10	0	10	30
30	56	96	0	0	1	42	33	1	17	58
TOTALS	339	1,158	53	133	69	297	274	31	233	803

NOTE: No data available for Districts 1, 9A, 10, 11, 13, 16A, 17B, 18, 19A, 21, 22, and 26.

¹Cases pending in Settlement Procedures as of July 1, 2002.

²Cases pending in Settlement Procedures as of June 30, 2003.

³No data reported for "Begin Pending" and "Voluntarily Submitted to Mediation."

⁴Started program in February 2003.

⁵Started program in August 2002.

SENTENCING SERVICES PROGRAMS

(as of June 30, 2003)

Districts	Counties Served	Name of Program Servting District	Program Activity	1998-99	1999-00	2000-01	2001-02	2002-03
1	Camden Chowan Currituck Dare Gates Pasquotank Perquimans	First District Sentencing Services	Plans Opened	44	75	61	32 #	60
			Plans Prepared	33	56	51	19	44
			Plans Presented to Court	33	53	51	17	44
2	Beaufort Hyde Martin Tyrrell Washington	2nd District Sentencing Services	Plans Opened	23	41	76	89	30
			Plans Prepared	12	15	36	50	44
			Plans Presented to Court	9	15	35	49	44
3A	Pitt	Sentencing Services Program of Pitt County	Plans Opened	80	71	122	126 ##	34
			Plans Prepared	76	42	48	70	26
			Plans Presented to Court	55	37	41	65	20
3B	Carteret Craven Pamlico	Neuse River Sentencing Services	Plans Opened	68	85	112	127	106
			Plans Prepared	49	52	43	40	38
			Plans Presented to Court	40	42	43	39	37
4A & 4B	Duplin Jones Onslow Sampson	Pretrial Resource Center, Inc.	Plans Opened	119	123	150	138	96
			Plans Prepared	93	72	64	90	75
			Plans Presented to Court	62	72	54	78	71
5	New Hanover Pender	5th District Sentencing Services	Plans Opened	65	151	152	141	79
			Plans Prepared	46	98	104	101	75
			Plans Presented to Court	42	91	102	98	74

SENTENCING SERVICES PROGRAMS, as of June 30, 2003
(continued)

Districts	Counties Served	Name of Program Serving District	Program Activity	1998-99	1999-00	2000-01	2001-02	2002-03
6A & 6B	Halifax Bertie Hertford Northampton	District 6A&B Sentencing Services	Plans Opened	54	64	61	62	31 ^{###}
			Plans Prepared	42	46	46	55	31
			Plans Presented to Court	37	42	46	54	30
7A & 7B	Edgecombe Nash Wilson	Sentencing Services Program for the 7th Judicial District	Plans Opened	64	49	77	62	73
			Plans Prepared	46	48	55	64	54
			Plans Presented to Court	42	45	54	64	52
8A & 8B	Greene Lenoir Wayne	Sentencing Services Program for the 8th Judicial District	Plans Opened	89	69	85	96 ^{##}	81
			Plans Prepared	39	30	43	45	35
			Plans Presented to Court	37	27	43	39	34
9	Franklin Granville Vance Warren	Ninth District Sentencing Services	Plans Opened	102	84	54	33	32
			Plans Prepared	66	46	54	32	33
			Plans Presented to Court	64	46	54	31	33
9A	Caswell Person	District 9A Sentencing Services	Plans Opened	48 ^{**}	60	88	56	41
			Plans Prepared	11	43	62	35	31
			Plans Presented to Court	11	42	62	34	31
10	Wake	ReEntry, Inc.	Plans Opened	118	136	72	99	89
			Plans Prepared	58	68	52	78	52
			Plans Presented to Court	52	65	47	72	51
11A & 11B	Harnett Johnston Lee	Eleventh Judicial District ReEntry, Inc.	Plans Opened	241	84	114	128	66
			Plans Prepared	93	79	124	110	97
			Plans Presented to Court	86	78	124	108	96
12	Cumberland	Fayetteville Area Sentencing Center, Inc.	Plans Opened	135	83	127	124	54
			Plans Prepared	87	65	96	91	72
			Plans Presented to Court	84	58	90	88	69
13	Bladen Brunswick	Cape Fear Sentencing Services	Plans Opened	33	22	49 [*]	98	79
			Plans Prepared	36	21	41	58	54

SENTENCING SERVICES PROGRAMS, as of June 30, 2003
(continued)

Districts	Counties Served	Name of Program Serving District	Program Activity	1998-99	1999-00	2000-01	2001-02	2002-03
	Columbus		Plans Presented to Court	30	21	41	56	53
14	Durham	Durham Sentencing Services	Plans Opened	312	88	288	378	112
			Plans Prepared	88	45	109	136	105
			Plans Presented to Court	83	42	106	133	104
15A	Alamance	District 15A Sentencing Services	Plans Opened	92	98	122	106	68
			Plans Prepared	50	61	88	71	57
			Plans Presented to Court	44	54	80	62	57
15B	Chatham Orange	Orange/Chatham Alternative Sentencing, Inc.	Plans Opened	54	63	62	66	57
			Plans Prepared	56	60	50	60	51
			Plans Presented to Court	50	56	47	55	49
16A	Hoke Scotland	District 16A Sentencing Services	Plans Opened	89	37	56	74	42
			Plans Prepared	67	20	31	49	34
			Plans Presented to Court	45	18	29	48	34
16B	Robeson	District 16B Sentencing Services Program	Plans Opened	41	48	38	43 ^{##}	53 ^{***}
			Plans Prepared	30	31	42	29	22
			Plans Presented to Court	25	20	28	27	24
17A	Rockingham	ReDirections, Sentencing Services	Plans Opened	45	41	68	113	79
			Plans Prepared	36	39	43	101	94
			Plans Presented to Court	34	34	43	87	87
17B	Stokes Surry	ReDirections, Sentencing Services	Plans Opened	19	27	35	27	28
			Plans Prepared	11	10	27	29	24
			Plans Presented to Court	7	9	27	28	24
18	Guilford	One Step Further, Sentencing Alternatives Center	Plans Opened	172	172	197	168	117
			Plans Prepared	93	93	87	92	70
			Plans Presented to Court	86	77	77	86	67

SENTENCING SERVICES PROGRAMS, as of June 30, 2003
(continued)

Districts	Counties Served	Name of Program Serving District	Program Activity	1998-99	1999-00	2000-01	2001-02	2002-03
19A	Cabarrus	Cabarrus Sentencing Services	Plans Opened	57 **	48	66	114	47
			Plans Prepared	39	28	40	88	46
			Plans Presented to Court	33	23	40	88	46
19B	Montgomery Moore Randolph	District 19B Sentencing Services	Plans Opened	102	74	33	35 **	24
			Plans Prepared	61	32	15	29	23
			Plans Presented to Court	56	30	14	29	23
19C	Rowan	Rowan Sentencing Services	Plans Opened	47	55	73	73	26
			Plans Prepared	32	43	53	51	39
			Plans Presented to Court	31	39	53	51	39
20A & 20B	Anson Richmond Stanly Union	20th District Sentencing Services	Plans Opened	90 **	77	31	51 ##	38
			Plans Prepared	59	55	22	41	41
			Plans Presented to Court	52	52	19	39	40
# 21	Forsyth	ReDirection, Inc. Sentencing Services of Forsyth County,	Plans Opened	117	202	80	49 #	0 ***
			Plans Prepared	81	103	56	33	0
			Plans Presented to Court	64	82	47	32	0
22	Alexander Davidson Davie Iredell	Appropriate Punishment Options	Plans Opened	98	62	61	45	68
			Plans Prepared	59	25	40	23	31
			Plans Presented to Court	44	25	36	22	31
23	Alleghany Ashe Wilkes Yadkin	Blue Ridge Dispute Settlement Center, Inc.	Plans Opened	22	25	40	26 ##	28
			Plans Prepared	13	19	34	23	33
			Plans Presented to Court	12	16	34	23	33
24	Avery Madison Mitchell Watauga Yancey	Blue Ridge Dispute Settlement Center, Inc.	Plans Opened	56	38	29	52 ##	67
			Plans Prepared	28	21	24	26 **	38
			Plans Presented to Court	25	16	21	19	38

SENTENCING SERVICES PROGRAMS, as of June 30, 2003
(continued)

Districts	Counties Served	Name of Program Serving District	Program Activity	1998-99	1999-00	2000-01	2001-02	2002-03
25A & 25B	Burke Caldwell Catawba	Repay, Sentencing Services	Plans Opened	135	107	124	97 ^{##}	71
			Plans Prepared	83	65	99	70	81
			Plans Presented to Court	71	59	88	65	64
26	Mecklenburg	Mecklenburg Sentencing Services	Plans Opened	265 ^{**}	129	207 ⁺	165	74
			Plans Prepared	147	98	142 [*]	129	78
			Plans Presented to Court	142	94	136	124	77
27A & 27B	Gaston Cleveland Lincoln	District 27 Sentencing Services	Plans Opened	121	72	106	104 ^{##}	61
			Plans Prepared	90	65	99	101	57
			Plans Presented to Court	83	58	97	98	56
28	Buncombe	Buncombe Alternatives	Plans Opened	78	51	78	52	35
			Plans Prepared	77	47	67	59	29
			Plans Presented to Court	76	45	67	59	29
29	Henderson McDowell Polk Rutherford Transylvania	29th District Sentencing Services	Plans Opened	76	75	57	78	45
			Plans Prepared	45	59	45	63	38
			Plans Presented to Court	41	52	40	57	33
30A & 30B	Cherokee Clay Graham Haywood Jackson Macon Swain	30th District Sentencing Services	Plans Opened	44	42	38	52	30
			Plans Prepared	39	29	37	32	18
			Plans Presented to Court	37	29	33	31	18

SENTENCING SERVICES PROGRAMS, as of June 30, 2003
(continued)

Districts	Counties Served	Name of Program Serving District	Program Activity	1998-99	1999-00	2000-01	2001-02	2002-03
STATE TOTALS			Plans Opened	3,415	2,828	3,289	3,379	2,121
			Plans Prepared	2,071	1,829	2,169	2,273	1,770
			Plans Presented to Court	1,825	1,664	2,049	2,155	1,712

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

**There was a change to 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.

***This program closed & reopened under a new service provider during the 2nd half of the fiscal year.

###This program didn't submit data from October-December of 2002 due to office closed.