



# 2008–2009

## NORTH CAROLINA COURTS Statistical and Operational Summary

July 1, 2008 – June 30, 2009



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# JUDICIAL BRANCH STRUCTURE REPORT

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## NORTH CAROLINA JUDICIAL BRANCH STRUCTURE

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 Department. Fiscal, personnel, caseload, and program data are set forth in other sections of this report.

### Court Structure

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.” (Article IV, Sec. 2.) 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.” (Article IV, Sec. 1.)

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 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 voters of the state elect the chief justice and six associate justices to eight-year terms, in non-partisan elections. The Court sits only *en banc*, that is, all members sitting on each case.

The Supreme Court has 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.

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 review cases directly from the trial courts in cases of significant public interest, in cases involving legal principles of major significance, where delay would cause substantial harm, or when the Court of Appeals docket is unusually full. A petitioner can seek such discretionary review through a petition for discretionary review or a petition for writ of certiorari, or the Supreme Court can certify the case for review on its own initiative. Other requests for review by the court include petitions for writ of supersedeas, mandamus, or prohibition, and petitions for habeas corpus, as well as various motions, including motions for appropriate relief.

### The 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, in non-partisan elections. 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. As of June 30, 2009, the counties are grouped into 67 superior court districts for electoral purposes, and are collapsed into 50 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 non-partisan elections.

In SFY 2008-09, there were 95.00 resident superior court judges. In addition, 16.00 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 must be 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 42 district court districts for administrative purposes as of June 30, 2009, with each district composed of one or more counties. There are 45 district court districts for electoral purposes, with District 9 being split into electoral Districts 9 and 9B, and Districts 20B, 20C, and 20D being split for electoral purposes and combined for administrative purposes. One or more district court judges are elected to four-year terms by the voters of each of the district court districts, in non-partisan elections. As of June 30, 2009, there were 270.00 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 offenses that can be waived 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 (Article IV, Sec. 10) provides that one or more magistrates “who shall be officers of the District Court” shall be appointed in each county. Magistrates are nominated by the clerk of superior court, appointed by the senior resident superior court judge, and supervised by the chief district court judge of their district. A total of 768.05 magistrates were authorized as of June 30, 2009. Magistrate terms are specified in the N.C. Constitution (Article IV, Sec. 10). In 2004, the voters approved an amendment making the initial term two years and subsequent terms four years (previously, all terms were two years).

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 non-capital 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 \$5,000 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.

### 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.

As of June 30, 2009, the state was divided into 43 prosecutorial districts,

as shown on the following prosecutorial district map. 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 (totaling (643.00 as of June 30, 2009). 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 investigative 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.

The Conference of District Attorneys was established as a state agency in 1983 under General Statute 7A-411. The Conference is governed by the elected district attorneys and assisted by a staff located in Raleigh. Primary responsibilities of the staff include, but are not limited to training, research, victims' rights, and publications.

### **Clerks of Superior Court**

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

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

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

Clerks perform administrative duties for both the superior and district courts of the county. Among these duties are the maintenance of court records and indexes, including the records of all case filings and dispositions, as well as the control and accounting of funds, and the furnishing of information to the Administrative Office of the Courts (AOC). 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. As of June 30, 2009, there were 100.00 Clerks and 2,694.10 clerk personnel.

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

state, local and public entities to ensure the effective and efficient exchange of information.

### **Judicial Support Personnel**

Personnel are provided to support the judges who preside over district and superior court. Judicial assistants perform a variety of administrative and secretarial functions, including preparing documents and tracking the status of cases. Trial court coordinators perform a variety of administrative and case management functions, as well as assisting with legal research and the development of case management procedures.

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. 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, establishing and managing local rules, supervising coordination of alternative dispute resolution procedures, and serving as technical resources to other court officials, such as the clerk of superior court, the district attorney, and the public defender. They may also serve as the court's liaison with other governmental and private organizations, the press, and the public.

These administrators assist in managing the day-to-day operations of the trial courts. During SFY 2008-09, thirteen trial court administrators served the following fifteen superior court districts: 3B, 4A & 4B, 5, 7A & 7B, 10, 12, 14, 18, 21, 26, 27A, 28, 29A, and 29B. Trial court administrators are jointly hired by the senior resident superior court judge and the chief district court judge, and they work for both the superior court and district court divisions.

### **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 Department.

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 or the chief justice 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 Department; 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 Department 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, 2008, the AOC consisted of several areas and had 483.50 personnel. The Human Resources Division administers the personnel-related needs of the Judicial Department. The Legal Services Division includes legal staff. The Research and Planning Division provides statistical information, analysis, research, project evaluation, planning, grants coordination, and related support for the court system. The Court Services and Court Programs Divisions provide training and forms, case management services, arbitration, custody and visitation mediation, drug treatment court, interpreter services as well as court support services. The Technology Services Division includes applications development and support, operations support, technology support services, and planning and decision support. The Financial Services Division manages fiscal operations, budget development, and field accounting and support. The Purchasing Services Division includes printing and purchasing services, and warehouse and mail services. AOC also includes the Office of the Director, the Office of the Assistant AOC Director, the Office of the Senior Deputy Director, Special Projects, and Guardian ad Litem.

### **The State Judicial Council**

The eighteen-member State Judicial Council consists of court officials from every court function, private attorneys, and the public. Conceived as an oversight body to promote overall improvement in Judicial Department 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 may make recommendations including, but not limited to, budget preparation and funding priorities, judicial officials' benefits and compensation, the organization of the court system, 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 Department service to the public. The Council also monitors the administration of justice and makes recommendations for case management and alternative dispute resolution.

### **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).

The thirteen-member Commission on Indigent Defense Services was created by the Indigent Defense Services Act of 2000. The Commission and its staff, the Office of Indigent Defense Services (IDS), are located within the Judicial Department 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.

For more information visit the IDS website at <http://www.aoc.state.nc.us/www/ids/>.

### **Interpreting Services**

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

The program is involved in the development of policy and guidelines for interpreters, advising the courts on the proper use of interpreters, training court officials on cultural and interpreting issues, and translating court forms. During SFY 2008-09, the program trained more than 150 prospective court interpreters on the code of ethics and professionalism required of the court interpreter and provided skills-building workshops to those who qualified to sit for the North Carolina Court Interpreter Certification Examination (NCCICE). Seventy-seven certified Spanish court interpreters work throughout the state.

North Carolina is one of 40 member states of the National Center for State Courts' Consortium for Language Access in the Courts (CLAC). Interpreting Services administers the CLAC's oral proficiency examination as the NCCICE in all languages for which CLAC offers an examination.

### **Court-Ordered Arbitration**

In 1989, following successful experience in a pilot program, the General Assembly authorized court-ordered, non-binding arbitration statewide. In SFY 2008-09, approximately 2,504 cases were arbitrated in 70 counties.

In these counties, 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, collections on an account, and class actions. Parties may, however, voluntarily submit many civil disputes 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 take place in the courthouse and are limited to one hour. 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

Directed by Session Law 1998-202 §25, the AOC established pilot family court programs in 1999 in three judicial districts to bring consistency, efficiency and fairness to the resolution of family matters and to positively impact caseloads in the district court division. As of June 30, 2009, the General Assembly has funded thirteen family court districts that serve 22 counties and 45 percent of North Carolina's population.

Family courts are primarily guided by national court performance standards promulgated by the National Center for State Courts and recommendations in the North Carolina Best Practices for Family Courts. At the core of a Unified Family Court Model is the consolidation of a single family's legal issues before their assigned judge or team of judges. In a family court, one judge, or a team of judges, is assigned to one family. Family court case coordinators provide active case management to monitor and support time standard goals for legal issues or specific hearings/events in the life of a case. The median pending age of cases is an indicator of how quickly domestic lawsuits move through the court system from the filing of the initial legal claim(s) to the disposition of these legal claim(s). For FY 2008-09, the median age of pending domestic relation cases (excluding child support) was 92 days in Family Court districts as compared to 285 days in non-family court districts.

### Child Custody and Visitation Mediation

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

The Child Custody Mediation Program, first established in 1983, is comprised of 41 district mediation program across the state. The Custody Mediation Program provides a professional and neutral third party to help the parties develop a consensual parenting agreement, which when signed by a judge, becomes an order of the court. During SFY 2008-09, custody mediators conducted 8,271 mediation sessions and drafted 5,682 parenting agreements, resolving issues in more than 60 percent of the cases sent to mediation.

The Permanency Mediation program, initially authorized and funded in 2006, was operational in five districts during SFY 2008-09. A trained contract mediator is selected by district officials to conduct the mediation, addressing crucial issues of adjudication, permanency and provision of services in cases alleging abuse or neglect of children. During SFY 2008-09, permanency mediators conducted 186 mediation sessions, created 177 case plans for families, and helped provide stability for 351 children.

### Drug Treatment Court

Drug Treatment Court (DTC) is an intensive, judicially supervised court sanction that targets high-risk, high-need offenders residing in the community. DTC uses a team of court and community professionals to help ensure that North Carolina's alcohol and/or drug addicted offenders receive the intensive treatment they need to become healthy, law-abiding and productive family and community members. Adult DTC is an intermediate punishment in the community that targets repeat offenders. Family DTC works with parents and guardians who are in danger of termination of parental rights due to the abuse or neglect of their children. Juvenile DTC works with community-based, high-risk, high-need juvenile offenders whose drug and/or alcohol use is negatively impacting their lives at home, in school, and in their community.

The program typically lasts a minimum of one year and includes intensive outpatient treatment, frequent and random drug/alcohol testing, intensive case management, and for adult and juvenile offenders, probation supervision. The DTC participant works with the DTC team of community professionals to develop a single, comprehensive, treatment case plan addressing the individual's specific needs in regards to substance abuse, mental health, occupational/vocational, educational, housing, parenting and other areas of concern. Participants appear on a bi-weekly basis before a specially trained judge who monitors the individual's progress on his/her treatment plan. The judge may order sanctions and/or rewards as appropriate to promote success. In SFY 2008-09 only one new drug treatment court became operational, an Adult DTC in Brunswick County, and two courts were closed: an Adult DTC in Burke County and a Family DTC in Gaston County. During SFY 2008-09 there were 41 operational adult, family and youth drug treatment courts in 21 districts.

### Court Improvement Program

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

In SFY 2008-09 six District Courts (1, 15A, 17B, 19A, 21, 22A,) received federal funds for staff to provide case management activities and training. These districts focus on implementing best practices in juvenile court including one judge-one family case assignment, child planning conferences, and shared decision-making. During this period, more than 300 judges, juvenile court clerks, child welfare professionals, child advocates and attorneys for all parties in juvenile abuse/neglect/dependency and termination of parental rights proceedings participated in state, regional and district level trainings to improve their knowledge of juvenile law, best child welfare practices and court procedures.

### Guardian ad Litem Services

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 (GAL).

The GAL office was established by the General Assembly in 1983 to administer guardian ad litem services. 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, a trained GAL volunteer investigates the child's situation and works with the attorney advocate to represent the child's needs, preferences or wishes and best interests 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 district court trial and appellate proceedings.

The GAL administrator is responsible for planning and directing the program statewide. Prior to 2009, an assistant administrator managed the operation of the program and supervised special projects and initiatives. Five 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 are responsible for recruiting, screening, training, and supervising GAL volunteers within their judicial 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 participate in collaborative community activities that improve services for children. The district administrators offer an initial twenty to thirty hour training course for new volunteers; match children before the court with volunteers; implement continued in-service 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. The district administrators are assisted in these tasks by program supervisors, program specialists and program assistants. Staff and contract attorneys receive training that is organized by the GAL Associate Counsel.

In SFY 2008-09, the team representation of GAL attorneys and volunteers provided legal advocacy for 15,866 children in 35,942 scheduled hearings. A record high number of 4,805 GAL volunteers gave the state 922,560 hours of service, valued at more than \$18.6 million. This highly cost effective and zealous representation helps to move children out of the court system in a timely manner and into safe and permanent homes.

In the past fiscal year GAL staff, volunteers and attorneys also participated in an increasing number of out-of-court sessions including Day One Hearings or family conferencing, mediation sessions, family court, foster care review hearings, system of care meetings, and drug treatment court sessions. Total expenditures for the GAL program in SFY 2008-09 amounted to \$13,316,407 for program administration and attorney fees.

In addition to trial court representation, the GAL program provides legal representation for the child in the appeals of abuse and neglect proceedings. New expedited appeals procedures are now in place to reduce the costly time delay that children and families previously experienced in the appeals of abuse and neglect hearings, including termination of parental rights proceedings. In recent years, however, the number of appeals has been increasing, and the GAL program relies upon the services of the GAL Appellate and Associate Counsel as well as approximately 80 pro bono attorneys.

## Business Court

In 1995, the North Carolina Supreme Court, by rule, designated a special superior court judge for complex business cases as a result of a recommendation by the North Carolina Commission on Business Laws and the Economy. Any superior or district court judge may recommend to the chief justice that a case be assigned to the business court on motion of a party or *sua sponte*. A recommendation is then sent to the chief justice, who decides if the case will be assigned as a complex business case. The chief justice may also assign a case to a special superior court judge for complex business cases as a Rule 2.1 case without the case being designated as a complex business case.

Unlike the normal superior court procedure of having the judge assigned under the rotation system to hold court for a particular week hear the issues on the calendar, the assignment of a case to business court results in one judge handling all of the pretrial matters as well as the trial of the case. This specialization allows the judge to develop proficiency in both the substantive law and case management issues that arise in complex business cases. Currently, North Carolina has three business courts located in Greensboro, Charlotte, and Raleigh.

## Judicial Department Commissions

### The Judicial Standards Commission

Formed in 1973, the North Carolina Judicial Standards Commission was established to consider complaints against state district, superior, and appellate court judges and justices and, where appropriate, to make recommendations for discipline.

The Commission is authorized to receive written complaints from citizens concerned with misconduct or disability of a judge and to investigate those complaints. After a complaint has been investigated and the judge has been given a due process hearing, the Commission may recommend to the Supreme Court of North Carolina that the judge be disciplined.

In addition, upon the Commission's recommendation, the Supreme Court may remove a judge for mental or physical incapacity interfering with the performance of duties when the incapacity is, or is likely to become permanent.

The thirteen-member Commission is composed of seven judges appointed by the Chief Justice: a Court of Appeals judge, two Superior Court judges and two District Court judges. The State Bar Council appoints four attorneys, and four citizen members who are not judges or lawyers are appointed, two by the Governor and two by the General Assembly, one upon recommendation of the President Pro Tempore of the Senate and one upon the recommendation of the Speaker of the House of Representatives. The Court of Appeals judge operates as chair of the Commission and serves at the pleasure of the Chief Justice. Other members serve a six-year term.

### The Sentencing and Policy Advisory Commission

The N.C. Sentencing and Policy Advisory Commission consists of 30 members drawn from all three branches of government, all areas of the criminal justice system and 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 classify criminal offenses into felony and misdemeanor categories on the basis of their severity, recommend structures for use by a sentencing court in determining the most appropriate

sentence to be imposed in a criminal case, develop a correctional population simulation model, recommend a comprehensive community corrections strategy and organizational structure for the state, and 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.

Each year, the Sentencing Commission reviews proposed legislation introduced during the session, and reports on the consistency of the proposed bills with Structured Sentencing, and on their potential impact on criminal and juvenile justice resources, particularly prisons. The Commission also prepares projections for future adult prison and probation populations and juvenile youth development center and probation populations.

The Sentencing Commission has the continuing duty to monitor and review the criminal justice and the juvenile justice system, and to make recommendations as necessary. In SFY 2008-09, the Commission studied, as requested, the issue of expunction for non-violent youthful offenders and the policy applications of its recurring findings on adult recidivism and public safety. The Commission also completed its mandated biennial report on juvenile recidivism and began work on its biennial adult program evaluation due in April 2010.

#### N.C. Dispute Resolution Commission

The North Carolina Dispute Resolution Commission (DRC) was established by G.S. 7A-38.2 in October of 1995. The Commission is charged with certifying and regulating the conduct of mediators and mediation trainers who serve the court's mediated settlement conference programs. In addition to its certification and regulatory responsibilities, the Commission also: helps to set public policy relative to dispute resolution; drafts proposed legislation, rules, rule revisions and forms; serves as a clearing house for information; and otherwise acts as a resource for mediators, lawyers, court staff and the public. Among the programs the Commission helps to support are: the Mediated Settlement Conference Program (mediation of civil actions filed in superior court), the Family Financial Settlement Program (mediation of equitable distribution and other family disputes filed in district court), the Clerk Mediation Program (mediation of matters referred by Clerks of Superior Court, including guardianship and estate matters) and the new District Criminal Court Mediation Program (voluntary mediation of misdemeanor criminal matters).

In accordance with G.S. 7A-38.2, the sixteen-members of the DRC include: five judges (at least two superior court and two district court judges), one clerk of superior court, two practicing attorneys who are not mediators, two certified superior court mediators, two certified family financial mediators, one certified district criminal court mediator and three citizens knowledgeable about dispute resolution. Though the bulk of appointments to the Commission are made by the Chief Justice of the North Carolina Supreme Court, appointments are also made by the Governor, the President *Pro Tem* of the Senate, the Speaker of the House and the State Bar President. Members serve three-year terms. The Commission's chair is appointed by the Chief Justice and serves a two-year term. Members of the Commission are assisted in their work by a number of ex-officio Commission members, including liaisons appointed by the Industrial Commission, Administrative Office of the Courts, NC Court of Appeals Mediation Program, and the North Carolina Bar Association's Dispute Resolution Section.

Mediators are neutral third parties who sit down with litigants and their attorneys in an effort to help them resolve their disputes. A mediator will expect the parties to treat one another civilly, to share information and to constructively talk about their dispute. A mediator will also serve as an agent of reality, encourage each side to see the dispute through the eyes of the other, facilitate the parties' exploration of their options and may even suggest possibilities for settlement. Mediators will not, however, make decisions for parties. The mediator's role is to help the parties reach their own consensus on how to settle their dispute.

If mediation is successful, the agreement reached will be reduced to writing and signed and eventually the case will be dismissed. Agreements reached in mediation typically remain confidential and are not shared with the court, except that Clerks must by law review agreements reached in certain types of cases, including guardianship and estate matters. If an agreement cannot be reached during mediation, the mediator simply advises the court or clerk that there has been an impasse and the matter proceeds to trial. However, even when there has been an impasse, parties and their lawyers sometimes continue the dialogue begun in mediation and are able to settle within days or weeks. When there is an impasse, the mediator will not share information about what was discussed at mediation with the court or clerk or indicate why s/he thinks the case did not settle.

Mediated settlement conference programs are designed to operate at no cost to tax payers. Parties compensate the mediator for his or her services in scheduling the case for mediation and in conducting the procedure. However, fees will be waived in instances where the court or clerk has determined that a party is indigent or cannot pay the full fee. Because mediators serve as case managers -- scheduling cases for mediation, finding a location for the procedure, and reporting outcomes to the court, the time that court staff must devote to these programs is minimized, thereby conserving court time and resources. In keeping with this same "party-pay model", the Commission's expenses and those of its office are met through revenues generated by certification and certification renewal fees. So, again, tax dollars are not involved.

Currently, there are some 1,700 mediator certifications outstanding. Since some mediators hold dual or even multiple certifications, the total number of actual certified mediators is around 1,500. Mediators conducting superior court, clerk or district criminal court mediations must be certified. Family financial mediators need not be certified to work in the courts as long as they are serving as a result of having been selected by the parties. The Commission's certification is also recognized outside the courts and is used to help qualify mediators serving other entities including, the Industrial Commission and the federal trial courts.

North Carolina Supreme Court Rules provide that all eligible superior court civil actions and all equitable distribution cases shall be referred to mediated settlement. Clerks may refer matters to mediation as they see fit. In participating districts, parties may opt to have their criminal district court case mediated.

The Commission operates an office in Raleigh that is staffed on a part-time basis. The office maintains the Commission's extensive web site at [www.ncdrc.org](http://www.ncdrc.org) and publishes its newsletter, *The Intermediary*.

#### N.C. Innocence Inquiry Commission

The North Carolina Innocence Inquiry Commission (Commission) was established in 2006 by Article 92, Chapter 15A of the North Carolina General Statutes. The Commission is charged with evaluating post-conviction claims of actual innocence. The Commission and its staff carefully review evidence

and investigate cases in a neutral manner. Only evidence that was not previously considered by a judge or jury may be reviewed by the Commission.

Since beginning operation in 2007, the Commission has received 634 innocence claims and conducted three hearings. The Commission keeps statistics on all cases that are received. Statistics reflect the types of innocence claims submitted, the types of convictions contested, and the reasons for rejection. The most current statistics are available on the Commission's website at [www.innocencecommission-nc.gov](http://www.innocencecommission-nc.gov)

North Carolina made legal history in August of 2008, when the first three-judge innocence panel was conducted as a result of the Commission's findings. The Commission is the first of its kind in the nation and this type of hearing had never been conducted before in the United States. A second three-judge innocence hearing is scheduled for February, 2009.

The Commission comprises eight members selected by the Chief Justice of the Supreme Court of North Carolina and the Chief Judge of the North Carolina Court of Appeals. Members include a superior court judge, a prosecuting attorney, a defense attorney, a victim advocate, a member of the public, a sheriff and two discretionary members.

#### Courts Commission

A 28-member Courts Commission studies the North Carolina court system and makes recommendations to the General Assembly on any changes that will improve the administration of justice. The commission consists of court officials, practicing attorneys, legislators and citizens.

In its early years, the Courts Commission researched, drafted and shepherded through the General Assembly all the major legislation that implemented unification of the Judicial Department of state government. This move, approved by voters in 1962, was a revision of Article IV of the N.C. Constitution. The Commission's recommendations led to legislation creating new districts, adding court personnel, creating a category of offenses called infractions, authorizing the use of emergency judges and other matters. The Commission continues to study the structure, organization, jurisdiction procedures and personnel of the state court system.

#### Chief Justice's Commission on Professionalism

The Chief Justice's Commission on Professionalism (CJCP) was established on September 22, 1998, by order of the North Carolina State Supreme Court. The order established the Commission's membership and major responsibilities.

The North Carolina CJCP consists of a Chairman, who is the Chief Justice of the North Carolina Supreme Court or his designee; two judges serving on trial benches of the courts of the state or the United States; and one appellate court judge either from the state or United States. Other members include two law school faculty members from accredited North Carolina law schools, seven practicing lawyers, and three non-lawyer citizens who are active in public affairs. All members, with the exception of the Chairman, serve for a term of three years.

The major responsibilities of the Commission include its primary charge: to enhance professionalism among North Carolina's lawyers. In carrying out this charge, the CJCP is required to provide ongoing attention and assistance to ensure the practice of law remains a high calling, dedicated to the service of clients and the public good.



**2008–2009**

NORTH CAROLINA COURTS  
Statistical and Operational Report

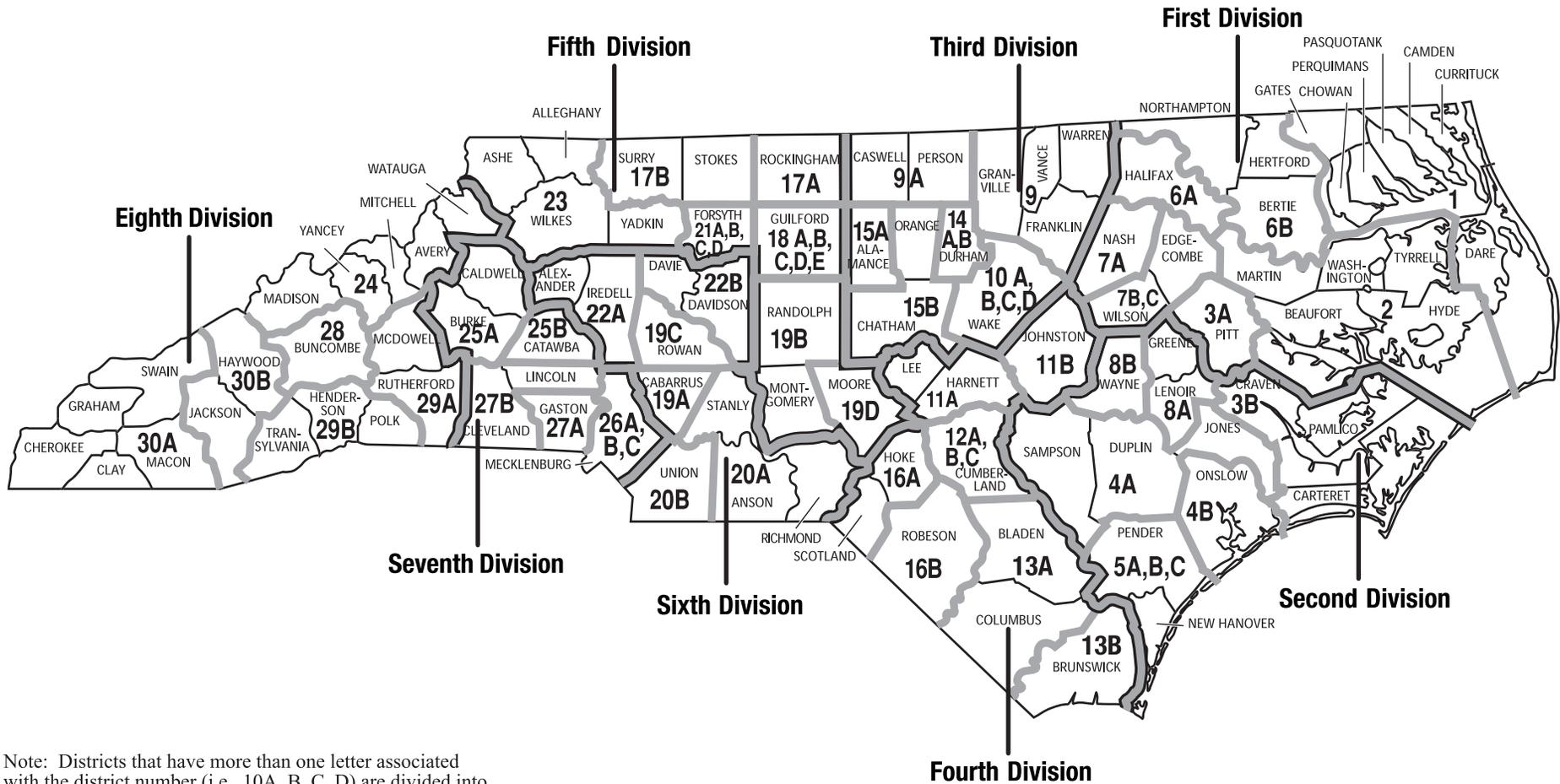
July 1, 2008 – June 30, 2009

# DISTRICT MAPS

- 1 Superior court districts and divisions
- 2 Prosecutorial districts
- 3 District court districts

# North Carolina Superior Court

## Effective June 30, 2009

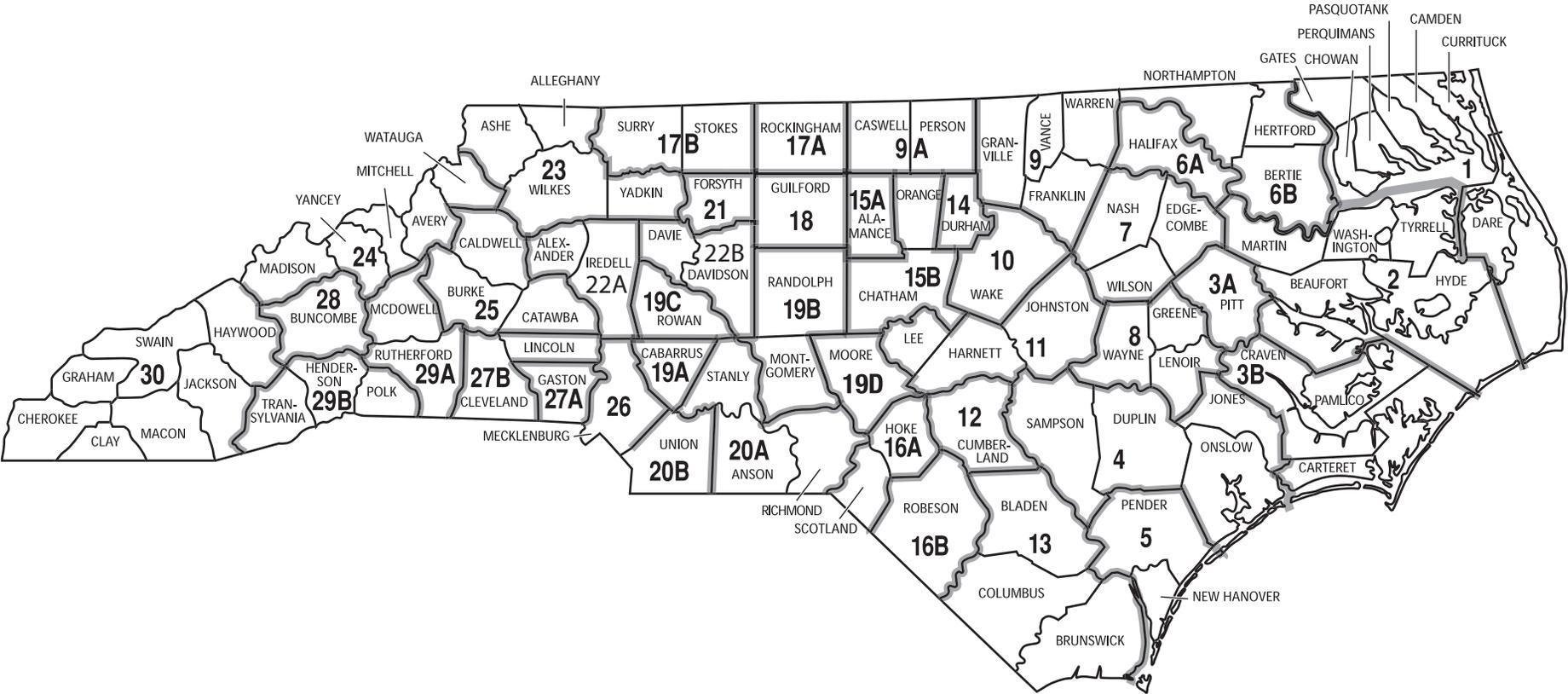


Note: Districts that have more than one letter associated with the district number (i.e., 10A, B, C, D) are divided into separate districts for electoral purposes. For administrative purposes, they are combined into a single district.



# North Carolina Prosecutorial Districts

Effective June 30, 2009





**2008–2009**

NORTH CAROLINA COURTS  
Statistical and Operational Report

July 1, 2008 – June 30, 2009

# HUMAN RESOURCES REPORT

- 1 Personnel by functional areas
- 3 Operating trends

**JUDICIAL DEPARTMENT PERSONNEL (as of June 30, 2009)\***  
 (includes FTEs for indigent representation)  
 (includes all funding sources)

Areas of the Judicial Department	FTEs Authorized
<b>Supreme Court</b>	
Justices	7.00
Staff Personnel (Clerk's & Reporter's Offices, Law Clerks, Library)	39.75
Secretarial Personnel	7.00
<b>Court of Appeals</b>	
Judges	15.00
Staff Personnel (Clerk's Office, Prehearing, Law Clerks)	55.00
Secretarial Personnel	15.00
<b>Superior Court</b>	
Judges	111.00
Staff Personnel	156.00
Secretarial Personnel	97.25
<b>District Court</b>	
Judges	270.00
Magistrates	768.05
Staff Personnel	135.525
Secretarial Personnel	113.50
<b>District Attorneys</b>	
District Attorneys	43.00
Assistant District Attorneys (605.00 were authorized under G.S. 7A-60(a1) and 38.00 were grant-funded)	643.00
Staff Personnel (Investigators)	62.00
Other Personnel (Victim-Witness/Legal Assistants, secretarial positions)	586.00
<b>Clerks of Superior Court</b>	
Clerks of Superior Court	100.00
Staff Personnel	2,694.10
<b>Guardian ad Litem</b>	
Program Administrator and Assistant Administrator	2.00
Regional Administrators (5) and District Administrators (38.50)	43.50
Staff Personnel	119.50
<b>Administrative Office of the Courts</b>	
Administrative Officer of the Courts	1.00
Assistant Director (1), Deputy Director (3), and Officers (4)	8.00
Staff Personnel	474.50
<b>Commissions and Conferences</b>	
Clerk's of Superior Court Conference	2.00
District Attorney's Conference	10.50
Judicial Standards Commission	4.00
Innocence Inquiry Review Commission	5.00
Chief Justice's Commission on Professionalism	2.00
Dispute Resolution Commission	2.50
Sentencing and Policy Advisory Commission	10.00
<b>Subtotal</b>	<b>6,602.675</b>

**JUDICIAL DEPARTMENT PERSONNEL (as of June 30, 2009)\***  
(includes FTEs for indigent representation)  
(includes all funding sources)

Areas of the Judicial Department	FTEs Authorized
<b>Indigent Representation</b>	
<b>Indigent Defense Services</b>	19.25
<b>Appellate Defender</b>	
Assistant Appellate Defenders	1.00
Secretarial Personnel	15.00
	5.00
<b>Capital Defender</b>	
Assistant Capital Defenders	1.00
Capital Case Investigator	12.00
Secretarial Personnel	3.00
	3.00
<b>Juvenile Defender</b>	
Assistant Juvenile Defender	1.00
Secretarial Personnel	1.00
	1.00
<b>Public Defenders</b>	
Assistant Public Defenders	16.00
Staff Personnel	238.00
Secretarial Personnel	40.00
	92.75
<b>Special Counsel at mental health hospitals</b>	
Assistants to Special Counsel	10.00
Secretarial Personnel	3.00
	5.00
<b>Sentencing Services</b>	11.50
<b>Set-off Debt Collection (Receipt-Funded)</b>	1.00
	1.00
	<b>Subtotal</b>
	<b>479.50</b>
	<b>Grand Total</b>
	<b>7,082.175</b>

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

\* The FTE count includes all funding sources (State appropriations, grant-funded, county/city funded via contract, and receipt supported positions)

## Operating Trends

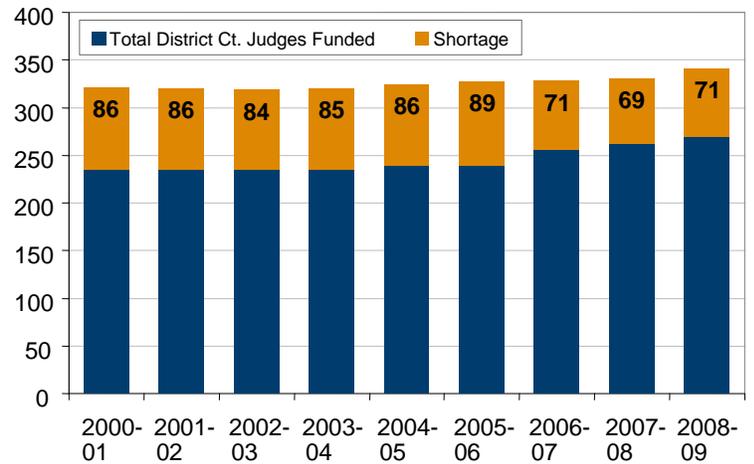
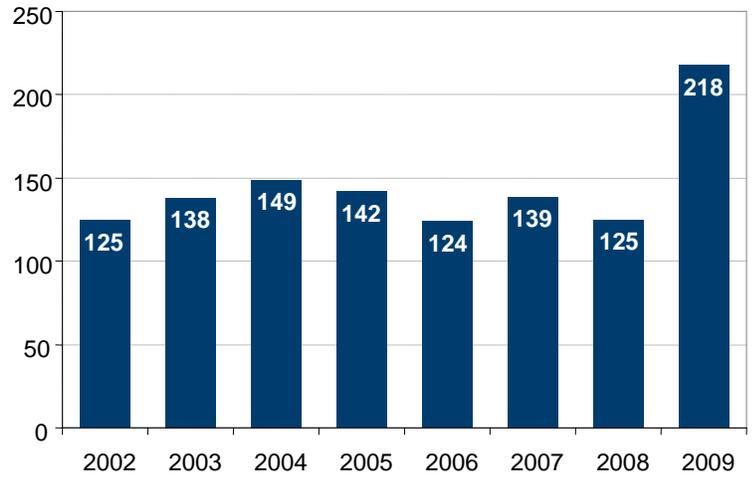
### Vacant Non-Elected Positions

In order to maintain funding for critical operating needs, the NCAOC maintains a certain level of vacant positions at all times. In SFY 2008-2009, with budget reductions instituted by the governor, NCAOC calculated the need to maintain 175 vacancies in order to return the required amount of money to the Governor's office. (Chart shows full time equivalent vacancies as of June 30.)

### Staffing Trends for Select Position Types

In SFY 2008-2009 the court system would have required an additional 71 district court judges and 321 deputy and assistant clerks in order to devote proper time to and dispose of all filings over the course of the year. (Figures assume no vacancies.)

In 2007, the NCAOC commissioned a workload study, conducted by the National Center for State Courts (NCSC). The NCSC study assigned weights to the various types of cases and other activities handled by district court judges and clerk staff, and estimated the number of positions that would be required to adequately handle annual court workload.

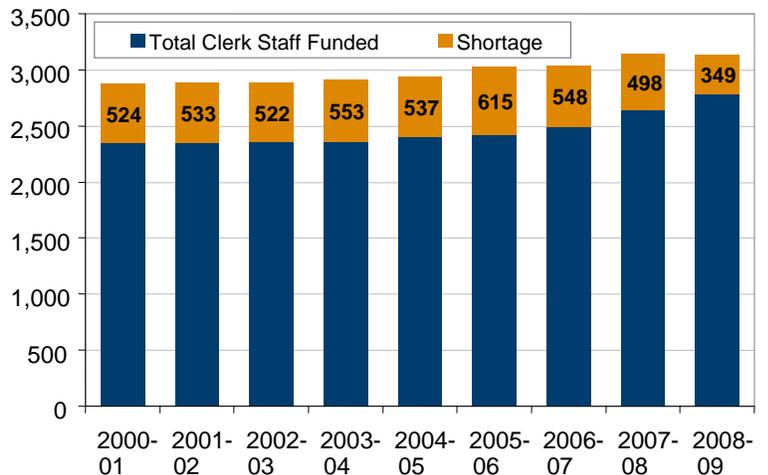


### District Court Judge Shortage Remains Flat

Based on the NCSC workload study, North Carolina's district courts are now operating with 79 percent of the judges required, up from 73 percent in SFY 2000-2001. There has been virtually no change in this percentage in the last three years.

### Decline in Clerk Staffing Shortage

Clerk staffing levels have improved in the past few years, moving from a low of 80 percent in 2005-2006 to the current level of 90 percent. However, clerk staff still lags behind workload needs. In 2008-2009, the clerk staffing levels were still inadequate to handle the 2000-2001 court workload.





# 2008–2009

NORTH CAROLINA COURTS  
Statistical and Operational Report

July 1, 2008 – June 30, 2009

# FINANCIAL REPORT

- 1 Appropriations and expenditures
- 2 Expenditure trends
- 3 Budget reductions
- 4 Budget trends
- 5 Revenue highlights
- 6 Local revenue distribution
- 7 Disbursements
- 8 Distributed fees, fines and forfeitures

## JUDICIAL DEPARTMENT APPROPRIATIONS AND EXPENDITURES

Under the State Constitution, Article IV, Sec. 21, the operating expenses of the Judicial Department, “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 below shows appropriations from the State’s General Fund for the Judicial Department as well as all State agencies combined over the past two bienniums. The second table shows Judicial Department expenditures from all fund sources during the same period.

### APPROPRIATIONS FROM GENERAL FUND\*

Fiscal Year	Judicial Department		All State Agencies		
	Appropriation	% Change over previous year	Appropriation	% Change over previous year	Department % Share
2005-06	\$353,046,078	5.74%	\$17,181,420,791	7.95%	2.05%
2006-07	\$400,159,117	13.34%	\$18,865,960,284	9.80%	2.12%
2007-08	\$450,063,307	12.47%	\$20,658,337,712	9.50%	2.18%
2008-09	\$479,845,767	6.61%	\$21,355,967,434	3.38%	2.25%
<b>AVERAGE ANNUAL INCREASE, 2005-2009</b>		<b>9.54%</b>		<b>7.66%</b>	

### JUDICIAL DEPARTMENT EXPENDITURES (ALL FUND SOURCES)\*

Fiscal Year	Expenditures	% Change over previous year
2005-06	\$364,343,480	5.74%
2006-07	\$410,661,508	12.71%
2007-08	\$467,355,152	13.81%
2008-09	\$487,917,180	3.54%

\*Judicial Department appropriations and expenditures on these tables do not include Indigent Defense Services or State Bar/Civil Justice Act funds.

# N.C. Judicial Branch Budget and Expenditure Trends

Prepared by NCAOC Financial Services Division

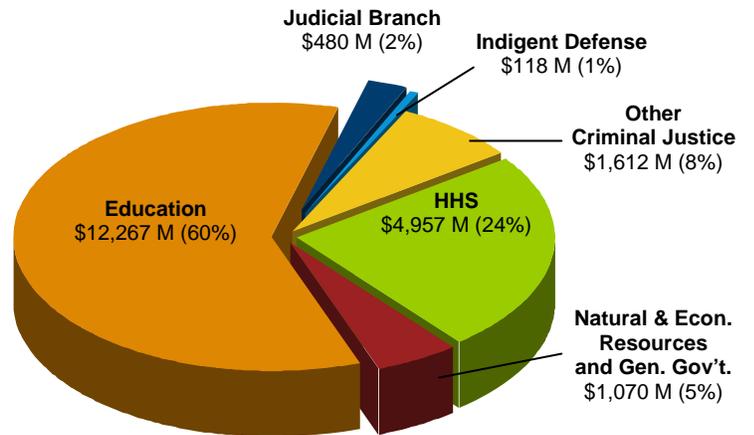
## Fiscal Year 2008-2009 State General Fund Appropriations

(millions of dollars)

In 2008-09, 2.3 percent of the state's General Fund was appropriated for judicial branch operations. This represents a slight increase from 2007-2008 (2.2%).

### TOTAL \$20.5 billion JUDICIAL \$480 million

*Note: Total reflects the authorized 2008-2009 state general fund budget for each agency, including appropriations for increases in salaries, retirement system contributions and state health plan premiums. Debt service, capital improvements and other reserves are not included. Budget revisions made by the governor in 2009 are not included.*

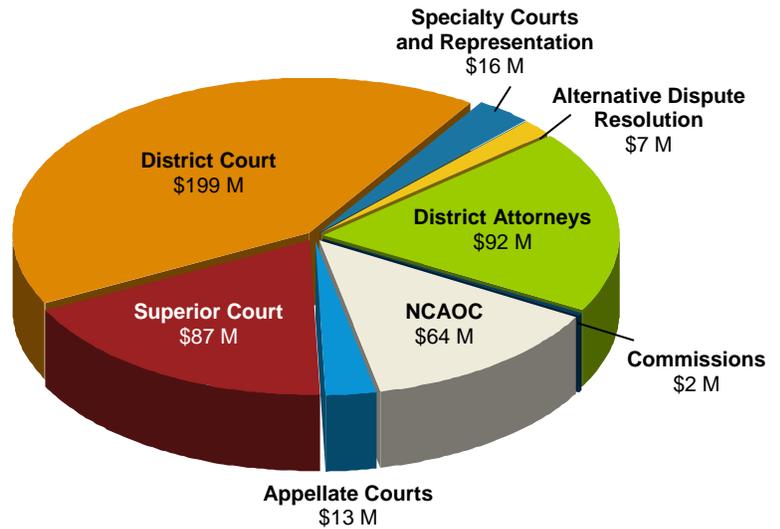


## Fiscal Year 2008-09 Judicial Branch Appropriations

(millions of dollars)

**Total: \$479,845,767**

*Note: NCAOC also includes equipment and supply reserves. Technology Services makes up 70 percent of the NCAOC budget. Does not include Indigent Defense appropriations totaling \$135,927,989.*

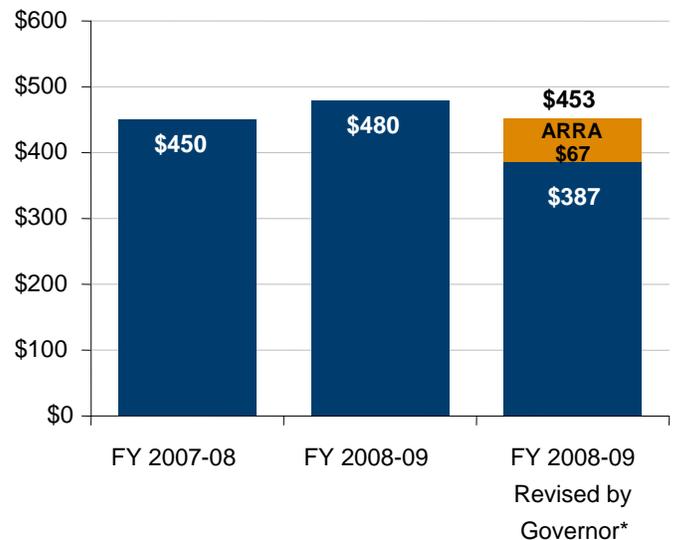


## Judicial Branch Budget Reductions

(millions of dollars)

### Court Employees and Elected Officials Tighten Belts to Ease State Shortfall and Keep Courts Running

- In 2008, the General Assembly authorized 300 new judicial positions to address growing workload issues. However, budget shortfalls in 2008-2009 brought the court's funding – including the new positions – back to 2007-2008 levels.
- Chief Justice Sarah Parker agreed to match the governor's 10-hour furlough of state employees (1.5 percent salary reduction in May and June) for judicial employees.
- At the urging of the chief justice, 95 percent of the state's 395 judges agreed to waive their Constitutional right to not have their salaries reduced and voluntarily agreed to participate in the furlough salary reduction.
- 44 retired judges volunteered their services free of charge to keep the courts running.



\* NCAOC personnel expenditures were funded with federal ARRA money for two months of SFY 2009

# Budget Reductions

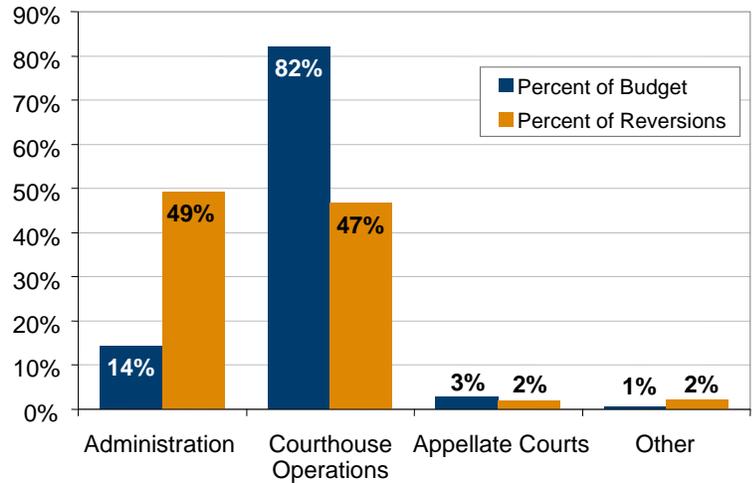
## Source of Budget Reductions

The governor withheld 5.6 percent of the judicial budget due to reduced revenues. NCAOC worked to take these reductions in the areas that would least impact citizens and the administration of justice. Nearly half of the funds reverted by the judicial branch to meet the governor’s target were funds designated for administrative support functions of the NCAOC.

### Total reduction: \$26.7 million

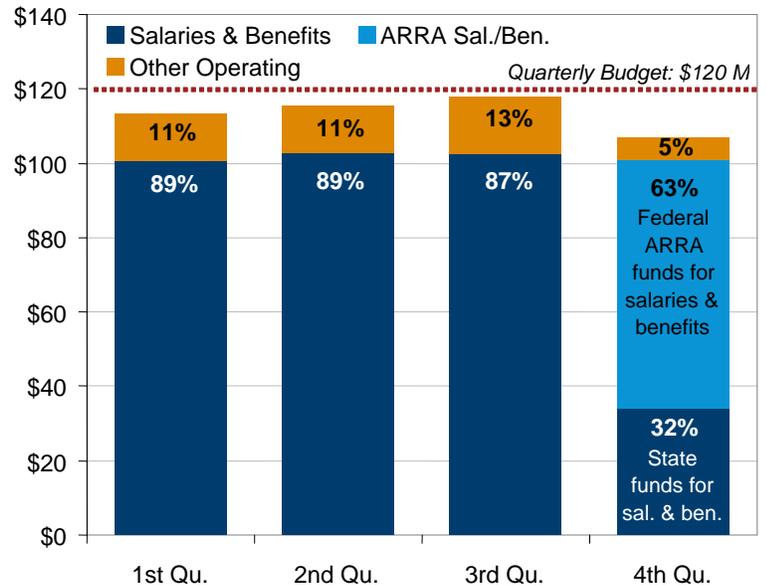
Equal to 5.6% of the judicial authorized budget for SFY 2008-2009.

*Note: “Administration” includes Equipment and Supply Reserves. “Other” includes Commissions and Other Reserves.*



## Timing of Budget Reductions: Quarterly Allotments (millions of dollars)

While the overall reduction to the judicial budget was 5.6 percent, the decrease was not evenly distributed over the fiscal year. In the last 3 months of the fiscal year, the NCAOC was asked to cut its budget by \$5 million, or 13% of its remaining budget. As a result, NCAOC limited its expenditures to payroll and legally-required expenditures for the last quarter of the fiscal year. Travel was curtailed, vacancies were frozen and the use of emergency judges was halted. Mileage reimbursement rates were cut in half and the Constitutionally-required rotation of Superior Court Judges was suspended. In addition, nearly two-thirds of payroll obligations were met with nonrecurring federal ARRA funds rather than state appropriations.

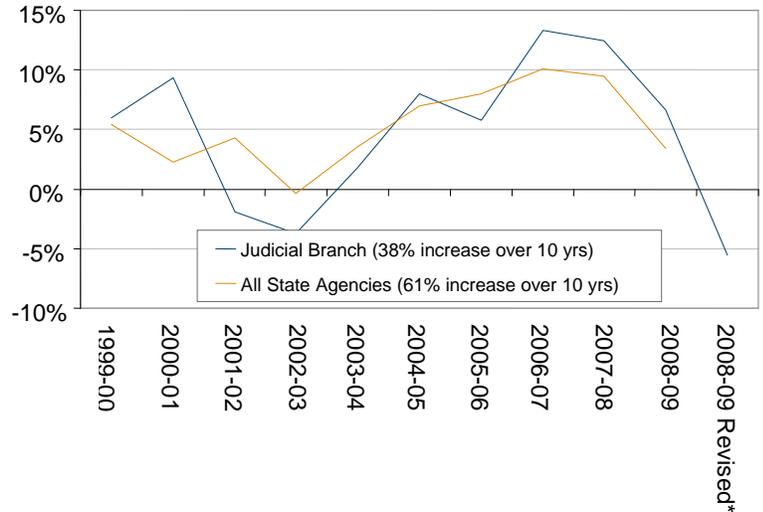


\*FY09 budget revised by governor; includes federal ARRA funds. Revised budget for all agencies not available.

## Budget Trends

### Annual Percentage Change in Appropriations

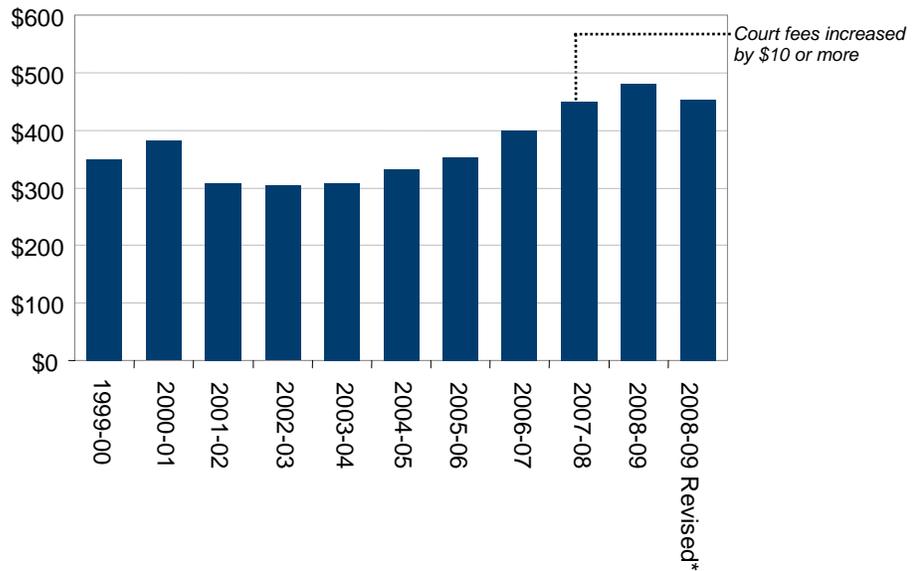
Over the last 10 years, judicial branch funding has been more volatile than overall state funding. One reason is that new judicial positions tend to come in waves. In the 2007-2009 biennium, the General Assembly authorized an increase of nearly 700 judicial positions, compared to an increase of fewer than 300 positions in 2005-2007 and fewer than 100 positions in 2003-2005. Overall, since 1999-2000, judicial branch appropriations have grown 38 percent, while state general fund appropriations for all agencies have grown 61 percent (excludes Governor's 2008-2009 revisions). The increased budget in the 2007-2009 biennium was concurrent with revenue due to newly increased court fees.



### Judicial Branch Annual Appropriations

\*FY09 budget revised by governor; includes federal ARRA funds. Revised budget for all agencies not available.

*Note:* In 2001, the Office of Indigent Defense Services was separated from the rest of the judicial branch for budgeting purposes. Appropriations from 2001-2002 forward do not include funding for Indigent Defense Services. Between 2001-2002 and 2008-2009, the Indigent Defense budget grew from \$70.2 million to \$115.6 million. Including Indigent Defense appropriations, judicial branch appropriations have grown approximately 52 percent since 1999-2000.

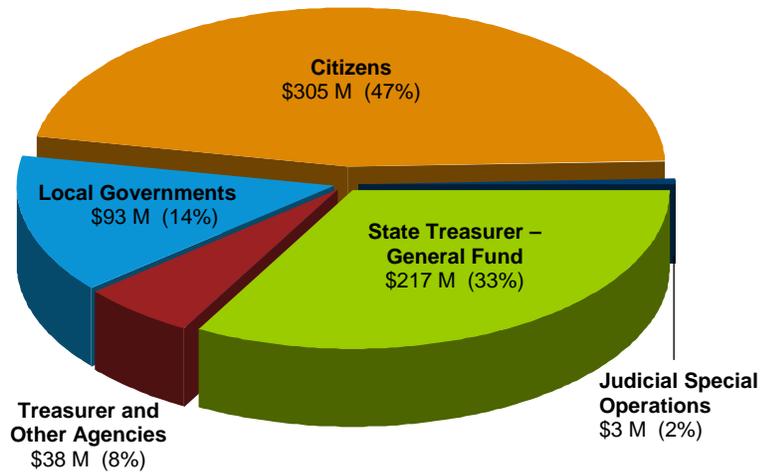


## Revenue Highlights

### \$657 Million Disbursed in 2008-2009

(millions of dollars)

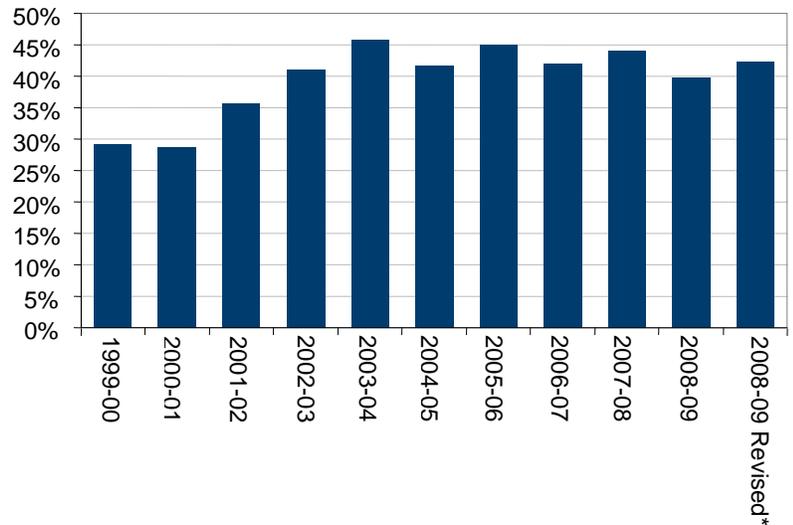
The Clerks of Court distributed \$657 million in 2008-2009, of which nearly half went to citizens and more than a third went to the state treasurer for the support of the General Court of Justice, other state agencies and law enforcement retirement.



### Court Costs Collected as a Percentage of the Judicial Budget

In 2008-2009, General Court of Justice fees collected were equivalent to 42 percent of the judicial branch's state general fund appropriations.

These fees are sent to the state treasurer and included in the money appropriated by the General Assembly to all state agencies.



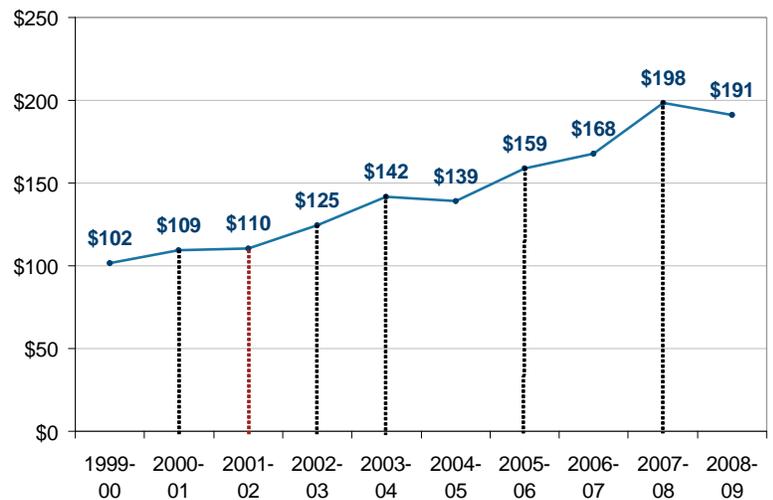
### Collection of General Court of Justice Fees

(millions of dollars)

Revenues from General Court of Justice fees were down slightly in 2008-2009. In 2007-2008, revenue had increased substantially due to fee increases of at least \$10.

Court fees have been raised at least once every biennium in this decade.

The black dotted lines indicate years in which court fees were raised. The red line in 2001-2002 indicates a decrease in general fund court fee revenue - \$1.05 of each court fee was diverted from the general fund to the state bar beginning in that year.

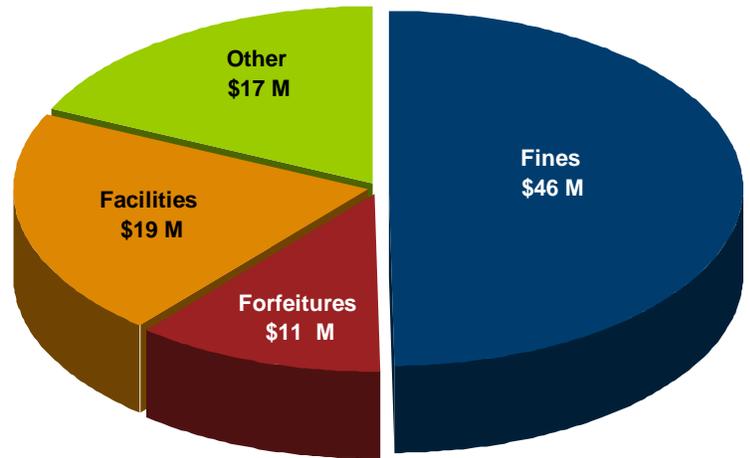


## Local Revenue Distribution by Clerks of Court

### \$93 Million Distributed to Local Governments

(millions of dollars)

Counties and municipalities receive payments for fines, forfeitures (i.e. bond forfeitures), facilities fees, pretrial civil revocation fees, service of process fees and jail fees. City crime labs receive fees paid by offenders for lab work conducted at their facilities. Fines and forfeitures, which are required by the state Constitution to go to local schools, make up the largest sum of money received by counties. Facilities fees, which are paid as part of court costs in both criminal and civil cases, are the next largest source of revenue. In 2008-2009, the court system distributed \$93 million to counties and municipalities, of which \$57 million was fine and forfeiture revenue and \$19 million was facility fee revenue.

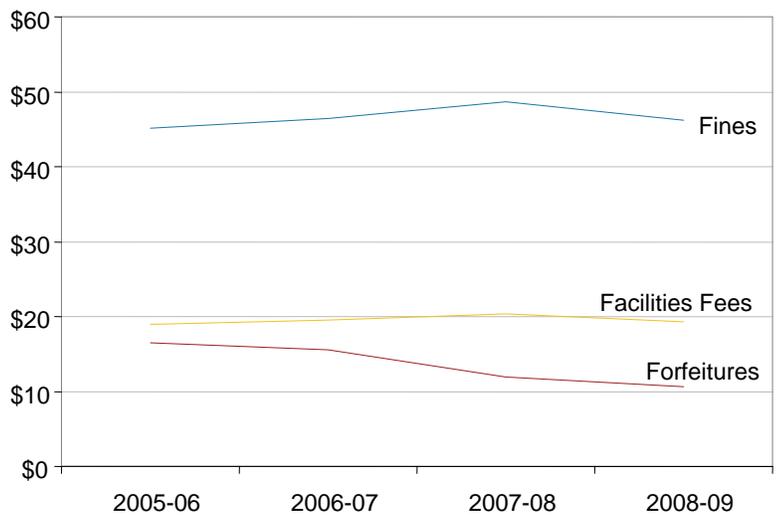


### Fines, Forfeitures and Facilities Fees Distributed

(millions of dollars)

Between 2005-2006 and 2008-2009, the courts distributed \$319 million to local governments in fines, forfeitures, and facilities fees (the three largest sources). Compared to the previous year, local government revenue from these sources was slightly lower in 2008-2009 - \$76 million compared to \$81 million in 2007-2008. Forfeiture revenue in particular – primarily from bond forfeitures – has steadily declined in the last four years. Both fines and facilities fees have remained relatively stable over the four-year period.

*Note: Prior to 2005-2006, a different data source was used for funds disbursed. Therefore, amounts from prior to 2005 should not be compared to present-day funds.*



**Disbursements: Clerk of Superior Court Financial Management System\***  
**July 1, 2008 - June 30, 2009**

Description	Total
<b>Remitted to State Treasurer for General Fund</b>	
General Court of Justice & Other Court Fees	\$184,375,645
Probation/Parole	16,759,565
Community Service Fees	8,567,066
Writ of Executions	1,997,093
License Revocation	1,832,883
Limited Driving Privilege	1,664,389
Copy & Transcript Fees	1,173,998
Arbitration & Dispute Resolution Fees	477,636
Pro Hac Vice	100,031
Electronic Monitoring	84,806
	<b>\$217,033,113</b>
<b>Disbursed for Other Entities</b>	
Escheats, State Treasurer Unclaimed Property Division	12,885,919
LEO Retirement	7,977,277
Office of Indigent Defense - Fee Recovery	7,283,445
N.C. State Bar Fees	4,659,492
License Revocation	916,442
Displaced Homemaker Fund	1,956,005
SBI Lab Fees	957,685
Domestic Violence Center Fund	661,324
Satellite Based Monitoring	2,619
	<b>\$38,216,649</b>
<b>Receipts Collected &amp; Disbursed for Special Operations</b>	
Court Information Technology Fees*	1,497,555
Worthless Check Fees	1,400,759
Miscellaneous Operating Receipts	29,996
Fee/Payment Recovery	80,887
	<b>\$3,009,198</b>
<b>Distributed to Local Governments</b>	
Fines (County)	46,154,896
Forfeitures (County)	10,592,028
County Facility Fees	19,947,984
County Jail Fees, including license revocation	3,373,003
County Officer Fees	7,212,925
County - Other	3,508,006
Municipal Facility Fees	518,750
Municipal Jail Fees	28
Municipal Officer Fees	2,385,686
Municipal Lab Fees	68,895
	<b>\$92,845,759</b>
<b>Distributed to Citizens</b>	
Restitution for Victims; regular and other judgments	64,120,221
Restitution for Worthless Check Victims	3,990,798
Condemnation Awards	72,037,711
Trusts	59,650,994
Cash Bonds	38,681,477
Disbursements of Funds Held, Due to Others	32,558,253
Civil Judgments	26,792,926
Alimony	6,114,906
Rent Bonds	1,311,474
Refunds of Overpayments	229,847
	<b>\$305,488,607</b>
<b>TOTAL</b>	<b><u><u>\$656,593,326</u></u></b>

\*Includes only disbursements of funds received by Clerks of Court through FMS. Prior year reports included disbursements from both FMS and NCAS.

For more information, contact NCAOC Financial Services Division, Budget Office

**Amounts of Fees, Fines, and Forfeitures Collected by the Courts and  
Distributed to Counties and Municipalities  
July 1, 2008 - June 30, 2009**

County	Distributed to Counties				Distributed to Municipalities			
	Facility Fees	Officer Fees	Jail Fees	Fines and Forfeitures	Facility Fees	Officer Fees	Jail Fees	TOTAL
Alamance	\$ 296,540	\$ 126,786	\$ 80,653	\$ 937,535	\$ -	\$ 38,029	\$ -	\$ 1,479,543
Alexander	\$ 53,034	\$ 15,064	\$ 5,019	\$ 142,341	\$ -	\$ 2,699	\$ -	\$ 218,156
Alleghany	\$ 19,967	\$ 9,139	\$ 6,776	\$ 64,066	\$ -	\$ 963	\$ -	\$ 100,911
Anson	\$ 67,706	\$ 43,793	\$ 6,754	\$ 310,824	\$ -	\$ 879	\$ -	\$ 429,956
Ashe	\$ 43,122	\$ 26,138	\$ 5,367	\$ 108,448	\$ -	\$ 1,743	\$ -	\$ 184,818
Avery	\$ 32,045	\$ 12,587	\$ 1,312	\$ 109,804	\$ -	\$ 1,460	\$ -	\$ 157,208
Beaufort	\$ 114,629	\$ 53,240	\$ 29,363	\$ 524,872	\$ -	\$ 7,571	\$ -	\$ 729,674
Bertie	\$ 74,648	\$ 37,570	\$ 6,042	\$ 178,099	\$ -	\$ 549	\$ -	\$ 296,907
Bladen	\$ 97,907	\$ 43,168	\$ 16,935	\$ 215,625	\$ -	\$ 2,627	\$ -	\$ 376,261
Brunswick	\$ 186,706	\$ 117,891	\$ 32,958	\$ 508,407	\$ -	\$ 53,108	\$ -	\$ 899,069
Buncombe	\$ 395,302	\$ 151,818	\$ 72,083	\$ 1,349,776	\$ -	\$ 23,618	\$ -	\$ 1,992,596
Burke	\$ 195,291	\$ 48,439	\$ 29,227	\$ 688,604	\$ -	\$ 2,203	\$ -	\$ 963,764
Cabarrus	\$ 428,079	\$ 157,803	\$ 68,535	\$ 1,562,848	\$ -	\$ 84,274	\$ -	\$ 2,301,538
Caldwell	\$ 139,932	\$ 34,244	\$ 37,324	\$ 416,199	\$ -	\$ 12,841	\$ -	\$ 640,539
Camden	\$ 33,003	\$ 14,305	\$ 1,875	\$ 101,337	\$ -	\$ -	\$ -	\$ 150,521
Carteret	\$ 172,652	\$ 49,767	\$ 43,458	\$ 530,722	\$ -	\$ 19,218	\$ -	\$ 815,817
Caswell	\$ 55,700	\$ 26,531	\$ 4,027	\$ 135,420	\$ -	\$ 30	\$ -	\$ 221,708
Catawba	\$ 195,055	\$ 45,167	\$ 22,964	\$ 985,475	\$ 134,772	\$ 54,068	\$ -	\$ 1,437,501
Chatham	\$ 86,432	\$ 53,282	\$ 3,753	\$ 350,755	\$ 72,436	\$ 12,858	\$ -	\$ 579,515
Cherokee	\$ 51,181	\$ 25,553	\$ 8,398	\$ 190,152	\$ -	\$ 2,412	\$ -	\$ 277,696
Chowan	\$ 23,265	\$ 11,217	\$ 7,485	\$ 74,234	\$ -	\$ 2,303	\$ -	\$ 118,505
Clay	\$ 24,535	\$ 12,318	\$ 7,103	\$ 86,371	\$ -	\$ -	\$ -	\$ 130,327
Cleveland	\$ 221,605	\$ 103,347	\$ 44,221	\$ 589,131	\$ -	\$ 21,175	\$ -	\$ 979,478
Columbus	\$ 133,879	\$ 70,900	\$ 29,449	\$ 232,778	\$ 3,589	\$ 5,594	\$ -	\$ 476,189
Craven	\$ 221,769	\$ 48,254	\$ 47,894	\$ 522,798	\$ 9,905	\$ 25,875	\$ -	\$ 876,495
Cumberland	\$ 631,085	\$ 58,830	\$ 18,443	\$ 921,060	\$ -	\$ 84,033	\$ -	\$ 1,713,451
Currituck	\$ 92,099	\$ 40,805	\$ 13,212	\$ 329,380	\$ -	\$ -	\$ -	\$ 475,496
Dare	\$ 160,717	\$ 57,753	\$ 12,553	\$ 641,012	\$ -	\$ 18,438	\$ -	\$ 890,472
Davidson	\$ 272,353	\$ 122,234	\$ 65,597	\$ 1,102,448	\$ -	\$ 19,016	\$ -	\$ 1,581,648
Davie	\$ 65,637	\$ 26,994	\$ 11,915	\$ 226,001	\$ -	\$ 3,942	\$ -	\$ 334,489
Duplin	\$ 184,236	\$ 47,910	\$ 17,855	\$ 555,401	\$ -	\$ 14,282	\$ -	\$ 819,684
Durham	\$ 548,724	\$ 335,396	\$ 4,264	\$ 990,007	\$ -	\$ 69,151	\$ -	\$ 1,947,543
Edgecombe	\$ 114,250	\$ 119,289	\$ 26,608	\$ 437,339	\$ 52,910	\$ 19,536	\$ -	\$ 769,932
Forsyth	\$ 827,199	\$ 86,616	\$ 32,099	\$ 2,373,249	\$ 17,854	\$ 140,999	\$ -	\$ 3,478,016
Franklin	\$ 116,009	\$ 92,482	\$ 16,463	\$ 331,434	\$ -	\$ 7,717	\$ -	\$ 564,104
Gaston	\$ 408,631	\$ 196,323	\$ 59,089	\$ 1,030,187	\$ -	\$ 38,399	\$ -	\$ 1,732,630
Gates	\$ 31,501	\$ 15,950	\$ 5,229	\$ 105,739	\$ -	\$ -	\$ -	\$ 158,418
Graham	\$ 14,100	\$ 5,295	\$ 6,124	\$ 60,891	\$ -	\$ -	\$ -	\$ 86,411
Granville	\$ 113,680	\$ 25,982	\$ 13,626	\$ 361,490	\$ -	\$ 9,805	\$ -	\$ 524,582
Greene	\$ 39,842	\$ 17,623	\$ 9,027	\$ 124,032	\$ -	\$ -	\$ -	\$ 190,524
Guilford	\$ 1,102,149	\$ 103,383	\$ 91,371	\$ 2,681,939	\$ -	\$ 154,861	\$ -	\$ 4,133,703
Halifax	\$ 128,846	\$ 69,807	\$ 16,393	\$ 424,364	\$ -	\$ 9,381	\$ -	\$ 648,791
Harnett	\$ 185,072	\$ 83,005	\$ 30,242	\$ 472,069	\$ 5,279	\$ 12,578	\$ -	\$ 788,245
Haywood	\$ 144,508	\$ 59,570	\$ 135	\$ 545,341	\$ 1,575	\$ 5,421	\$ -	\$ 756,550
Henderson	\$ 210,003	\$ 45,852	\$ 30,037	\$ 767,026	\$ -	\$ 18,578	\$ -	\$ 1,071,496
Hertford	\$ 67,841	\$ 30,494	\$ 9,228	\$ 161,174	\$ -	\$ 6,642	\$ -	\$ 275,378
Hoke	\$ 72,589	\$ 29,759	\$ 8,934	\$ 310,341	\$ -	\$ 305	\$ -	\$ 421,928
Hyde	\$ 17,494	\$ 7,558	\$ 987	\$ 80,153	\$ -	\$ -	\$ -	\$ 106,192
Iredell	\$ 373,203	\$ 209,492	\$ 32,832	\$ 1,032,988	\$ -	\$ 60,834	\$ -	\$ 1,709,350
Jackson	\$ 73,745	\$ 36,098	\$ 6,582	\$ 288,821	\$ -	\$ 5,218	\$ -	\$ 410,464
Johnston	\$ 313,586	\$ 144,712	\$ 41,254	\$ 919,353	\$ 13,656	\$ 14,970	\$ -	\$ 1,447,531
Jones	\$ 42,113	\$ 17,215	\$ 3,915	\$ 116,735	\$ -	\$ 1,215	\$ -	\$ 181,193
Lee	\$ 112,223	\$ 46,245	\$ 13,985	\$ 295,295	\$ -	\$ 13,340	\$ -	\$ 481,088
Lenior	\$ 182,930	\$ 41,584	\$ 37,223	\$ 556,600	\$ -	\$ 17,942	\$ -	\$ 836,278
Lincoln	\$ 147,962	\$ 58,465	\$ 35,159	\$ 492,322	\$ -	\$ 6,727	\$ -	\$ 740,635
Macon	\$ 73,324	\$ 36,273	\$ 11,654	\$ 275,777	\$ -	\$ 550	\$ -	\$ 397,579
Madison	\$ 57,215	\$ 21,215	\$ 8,624	\$ 232,920	\$ -	\$ 1,251	\$ -	\$ 321,224
Martin	\$ 102,643	\$ 46,751	\$ 4,304	\$ 257,373	\$ -	\$ 1,505	\$ -	\$ 412,576
McDowell	\$ 123,936	\$ 49,431	\$ 26,484	\$ 340,711	\$ -	\$ 5,140	\$ -	\$ 545,702
Mecklenburg	\$ 1,799,926	\$ 1,084,852	\$ 3,080	\$ 2,897,036	\$ -	\$ 314,647	\$ -	\$ 6,099,541
Mitchell	\$ 22,263	\$ 8,819	\$ 1,394	\$ 120,499	\$ -	\$ 1,127	\$ -	\$ 154,102
Montgomery	\$ 72,659	\$ 30,583	\$ 14,764	\$ 291,810	\$ -	\$ 5,706	\$ -	\$ 415,521
Moore	\$ 201,081	\$ 47,588	\$ 29,511	\$ 833,110	\$ 228	\$ 39,362	\$ -	\$ 1,150,880

**Amounts of Fees, Fines, and Forfeitures Collected by the Courts and  
Distributed to Counties and Municipalities  
July 1, 2008 - June 30, 2009**

County	Distributed to Counties				Distributed to Municipalities			
	Facility Fees	Officer Fees	Jail Fees	Fines and Forfeitures	Facility Fees	Officer Fees	Jail Fees	TOTAL
Nash	\$ 203,554	\$ 200,083	\$ 40,251	\$ 787,217	\$ 80,115	\$ 19,483	\$ 10	\$ 1,330,713
New Hanover	\$ 436,277	\$ 59,020	\$ 95,785	\$ 1,546,821	\$ -	\$ 48,936	\$ -	\$ 2,186,839
Northampton	\$ 48,221	\$ 28,778	\$ 3,457	\$ 148,646	\$ -	\$ 1,683	\$ -	\$ 230,784
Onslow	\$ 404,714	\$ 189,902	\$ 71,913	\$ 1,027,753	\$ -	\$ 66,542	\$ -	\$ 1,760,824
Orange	\$ 164,014	\$ 63,722	\$ 1,773	\$ 633,178	\$ 32,170	\$ 28,392	\$ -	\$ 923,248
Pamlico	\$ 23,949	\$ 8,001	\$ 8,252	\$ 51,995	\$ -	\$ 5	\$ -	\$ 92,202
Pasquotank	\$ 93,106	\$ 19,677	\$ 17,618	\$ 354,330	\$ -	\$ 13,793	\$ -	\$ 498,524
Pender	\$ 111,447	\$ 45,410	\$ 25,218	\$ 346,801	\$ -	\$ 2,444	\$ -	\$ 531,320
Perquimans	\$ 48,096	\$ 20,609	\$ 4,318	\$ 128,035	\$ -	\$ 1,829	\$ -	\$ 202,887
Person	\$ 82,742	\$ 60,755	\$ 8,385	\$ 171,353	\$ -	\$ 7,800	\$ -	\$ 331,035
Pitt	\$ 318,667	\$ 39,465	\$ 60,115	\$ 612,355	\$ 39,540	\$ 56,043	\$ 8	\$ 1,126,191
Polk	\$ 47,050	\$ 18,061	\$ 4,209	\$ 171,730	\$ -	\$ 1,295	\$ -	\$ 242,345
Randolph	\$ 309,928	\$ 107,649	\$ 101,638	\$ 1,277,405	\$ -	\$ 45,800	\$ -	\$ 1,842,421
Richmond	\$ 119,837	\$ 25,883	\$ 19,114	\$ 608,330	\$ -	\$ 10,067	\$ -	\$ 783,230
Robeson	\$ 254,308	\$ 77,419	\$ 11,068	\$ 1,180,021	\$ 38,595	\$ 17,329	\$ -	\$ 1,578,740
Rockingham	\$ 168,233	\$ 37,350	\$ 34,487	\$ 407,629	\$ 48	\$ 16,281	\$ -	\$ 664,029
Rowan	\$ 294,413	\$ 134,875	\$ 53,588	\$ 1,111,197	\$ -	\$ 48,266	\$ -	\$ 1,642,338
Rutherford	\$ 128,987	\$ 52,835	\$ 47,772	\$ 347,823	\$ -	\$ 11,890	\$ -	\$ 589,307
Sampson	\$ 177,873	\$ 80,817	\$ 26,473	\$ 594,506	\$ -	\$ 5,023	\$ -	\$ 884,691
Scotland	\$ 91,471	\$ 44,731	\$ 16,154	\$ 387,581	\$ -	\$ 8,743	\$ -	\$ 548,680
Stanly	\$ 134,238	\$ 16,832	\$ 19,307	\$ 536,359	\$ -	\$ 22,079	\$ -	\$ 728,815
Stokes	\$ 88,063	\$ 29,415	\$ 22,484	\$ 301,132	\$ -	\$ 3,907	\$ -	\$ 445,000
Surry	\$ 160,052	\$ 69,502	\$ 39,389	\$ 593,778	\$ -	\$ 17,058	\$ -	\$ 879,779
Swain	\$ 34,865	\$ 18,323	\$ 5,784	\$ 149,997	\$ -	\$ 1,667	\$ -	\$ 210,636
Transylvania	\$ 52,482	\$ 35,249	\$ 11,876	\$ 174,354	\$ -	\$ 4,984	\$ -	\$ 278,944
Tyrrell	\$ 38,722	\$ 16,597	\$ 1,019	\$ 109,357	\$ -	\$ -	\$ -	\$ 165,695
Union	\$ 252,132	\$ 97,830	\$ 12,546	\$ 808,705	\$ -	\$ 26,084	\$ -	\$ 1,197,297
Vance	\$ 152,166	\$ 29,311	\$ 11,704	\$ 501,218	\$ -	\$ 20,665	\$ -	\$ 715,064
Wake	\$ 1,955,144	\$ 154,755	\$ 202,001	\$ 3,920,664	\$ 13,475	\$ 297,872	\$ 10	\$ 6,543,921
Warren	\$ 59,507	\$ 22,244	\$ 5,120	\$ 163,275	\$ -	\$ 2,250	\$ -	\$ 252,396
Washington	\$ 35,449	\$ 15,991	\$ 3,978	\$ 109,660	\$ -	\$ 3,698	\$ -	\$ 168,776
Watauga	\$ 123,288	\$ 41,812	\$ 20,838	\$ 371,627	\$ -	\$ 16,465	\$ -	\$ 574,030
Wayne	\$ 252,350	\$ 117,540	\$ 38,294	\$ 953,754	\$ 2,603	\$ 32,189	\$ -	\$ 1,396,730
Wilkes	\$ 160,422	\$ 51,701	\$ 21,369	\$ 418,449	\$ -	\$ 7,465	\$ -	\$ 659,406
Wilson	\$ 198,763	\$ 172,713	\$ 12,500	\$ 383,090	\$ -	\$ 15,846	\$ -	\$ 782,913
Yadkin	\$ 91,300	\$ 37,877	\$ 21,567	\$ 351,568	\$ -	\$ 2,519	\$ -	\$ 504,831
Yancey	\$ 20,797	\$ 7,814	\$ 563	\$ 105,183	\$ -	\$ 584	\$ -	\$ 134,941
<b>State Totals</b>	<b>\$ 19,947,984</b>	<b>\$ 7,147,099</b>	<b>\$ 2,491,096</b>	<b>\$ 56,746,924</b>	<b>\$ 518,750</b>	<b>\$ 2,385,686</b>	<b>\$ 28</b>	<b>\$ 89,237,566</b>

For more information, contact NCAOC Financial Services Division, Budget Office



**2008–2009**

NORTH CAROLINA COURTS  
Statistical and Operational Report

July 1, 2008 – June 30, 2009

# APPELLATE COURTS REPORT

- 1 Supreme Court
- 6 Court of Appeals

## NORTH CAROLINA 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.

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 SFY 2008-09, 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), 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. For more information on the Supreme Court, see the summary on page 3 of this report.

### APPEALS DOCKETED AND DISPOSED DURING SFY 1999-00 – 2008-09

	Appeals Docketed	Appeals Disposed
1999-00	96	137
2000-01	130	89
2001-02	144	131
2002-03	138	142
2003-04	182	192
2004-05	234	239
2005-06	204	196
2006-07	246	214
2007-08	204	204
2008-09	147	118

### PETITIONS DOCKETED AND ALLOWED DURING SFY 1999-00 – 2008-09

	Petitions Docketed	Petitions Allowed
1999-00	577	39
2000-01	634	39
2001-02	662	37
2002-03	677	26
2003-04	678	30
2004-05	547	35
2005-06	672	25
2006-07	539	54
2007-08	569	590
2008-09	589	618

**NORTH CAROLINA SUPREME COURT  
Caseload Inventory  
July 1, 2008 – June 30, 2009**

	Begin Pending	Filed	Disposed	End Pending
<b>Petitions for Review*</b>				
Civil domestic	0	4	2	2
Juvenile	11	17	21	7
Other civil	97	251	269	79
Criminal (death sentence)	2	11	5	8
Other Criminal	92	302	317	77
Administrative agency decision	0	4	4	0
<b>Total Petitions for Review</b>	<b>202</b>	<b>589</b>	<b>618</b>	<b>173</b>
<b>Appeals**</b>				
Civil domestic	0	1	1	0
Petitions for review granted that became civil domestic appeals	0	0	0	0
Juvenile	1	6	6	1
Petitions for review granted that became juvenile appeals	0	4	2	2
Other civil	25	38	37	26
Petitions for review granted that became other civil appeals	0	18	12	6
Criminal, defendant sentenced to death	5	13	7	11
Other criminal	19	51	51	19
Petitions for review granted that became other criminal appeals	0	15	2	13
Administrative agency decision	0	1	0	1
Petitions for review granted that became appeals of administrative agency decision	0	0	0	0
<b>Total Appeals</b>	<b>50</b>	<b>147</b>	<b>118</b>	<b>79</b>
<b>Other Proceedings</b>				
Rule 16(b) additional issues re dissent		11	16	
Motions		482	483	
<b>Total Other Proceedings</b>		<b>493</b>	<b>499</b>	

\*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 other tribunals.

\*\*The Appeals category comprises cases within the Court's appellate jurisdiction.

**NORTH CAROLINA SUPREME COURT  
July 1, 2008 – June 30, 2009**

**Submission of Cases Reaching Decision Stage**

Types of Cases Argued	Number of Cases
Civil domestic	0
Juvenile	8
Other civil	44
Criminal (death sentence)	5
Other criminal	21
Administrative agency decision	0
<b>Total cases argued</b>	<b>78</b>
Submissions Without Argument	
By motion of the parties (Appellate Rule 30(d))	2
By order of the Court (Appellate Rule 30(f))	0
<b>Total submissions without argument</b>	<b>2</b>
<b>Total Cases Reaching Decision Stage</b>	<b>80</b>

**Disposition of Petitions**

Petitions for Review	Granted*	Denied	Dismissed/ Withdrawn	Other	Total Disposed
Civil domestic	0	1	1	0	2
Juvenile	4	14	3	0	21
Other civil	18	205	45	1	269
Criminal (death sentence)	0	6	0	1	7
Other Criminal	15	217	85	0	317
Administrative agency decision	0	4	0	0	4
<b>Total Petitions for Review</b>	<b>37</b>	<b>447</b>	<b>134</b>	<b>2</b>	<b>620</b>

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

**NORTH CAROLINA SUPREME COURT  
Disposition of Appeals  
July 1, 2008 – June 30, 2009**

**Disposition by Signed Opinion**

Case Types	Affirmed	Affirmed in Part; Reversed in Part	Affirmed in Part; Reversed in Part;	Reversed	New Sentencing Hearing	Reversed and Remanded	New Trial	No Error	Other	Total Disposed
			Remanded							
Civil domestic	0	0	0	0	0	0	0	0	0	0
Juvenile	0	0	0	0	0	2	0	0	0	3
Other civil	3	1	1	2	0	4	0	0	1	13
Criminal (death sentence)	0	0	0	0	0	0	0	4	0	4
Other criminal	3	1	1	4	0	3	0	0	0	12
Administrative agency decision	0	0	0	0	0	0	0	0	0	0
<b>Totals</b>	<b>6</b>	<b>2</b>	<b>2</b>	<b>6</b>	<b>0</b>	<b>9</b>	<b>0</b>	<b>4</b>	<b>1</b>	<b>32</b>

**Disposition by Per Curiam Opinion**

Case Types	Affirmed	Affirmed in Part; Remanded in Part	Affirmed in Part; Reversed in Part;	Reversed	New Sentencing Hearing	Reversed and Remanded	New Trial		Other	Total Disposed
			Remanded							
Civil domestic	0	0	0	0	0	0	0	0	0	0
Juvenile	4	0	0	0	0	1	0	0	0	5
Other civil	21	0	0	2	0	4	0	0	1	28
Criminal (death sentence)	0	0	0	0	0	0	0	0	0	0
Other criminal	4	0	0	2	0	0	0	0	0	6
Administrative agency decision	0	0	0	0	0	0	0	0	0	0
<b>Totals</b>	<b>29</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>39</b>

**Disposition Appeals Summary by Case Type**

	Dismissed or Withdrawn
Civil domestic	2
Juvenile	0
Other civil	38
Criminal (death sentence)	0
Other criminal	158
Administrative agency decision	0
<b>Totals</b>	<b>198</b>

**NORTH CAROLINA SUPREME COURT**  
**Processing Time for Appeals Disposed by Opinion\***  
**July 1, 2008 – June 30, 2009**

(Total time in days from docketing to opinion)

	Number of Cases	(Days) Median	(Days) Mean
Civil Domestic	0	0	0
Petitions for review granted that became civil domestic appeals	0	0	0
Juvenile	7	186	208
Petitions for review granted that became juvenile appeals	1	304	304
Other civil	33	275	281
Petitions for review granted that became other civil appeals	11	625	572
Criminal, defendant sentenced to death	4	613	600
Other criminal	16	239	261
Petitions for review granted that became other criminal appeals	5	376	437
Administrative agency decision	0	0	0
Petitions for review granted that became appeals of administrative agency decision	0	0	0
<b>Total appeals disposed by opinion</b>	<b>77</b>	<b>--</b>	<b>339</b>

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

## NORTH CAROLINA 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.

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 2008-09. "Cases on appeal" include cases appealed from district courts, superior courts, and administrative agencies. They are counted as appeals only after a record is filed with the Clerk's office and a docket number is assigned. The "petition" category includes petitions involving only the four "extraordinary" writs set out in Article V of the Rules of Appellate Procedure: certiorari, mandamus, prohibition, and supersedeas. "Motions" encompass any type of relief sought from the Court of Appeals, either in a case already filed with the Court of Appeals, or one on its way to the Court of Appeals, but not yet filed.

Cases on appeal represent the largest portion of the Court of Appeals' workload, since most are disposed by written opinion. The other methods of disposition, 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.

### FILINGS AND DISPOSITIONS OF APPEALS AND PETITIONS DURING SFY 1999-00 -- 2008-09\*

Fiscal Year	Filings	Dispositions
1999-00	2,268	2,057
2000-01	2,380	2,155
2001-02	2,388	2,441
2002-03	2,572	2,496
2003-04	2,674	2,562
2004-05	2,719	2,731
2005-06	2,707	2,973
2006-07	2,484	2,634
2007-08	2,424	2,567
2008-09	2,502	2,307

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

### CASES FILED July 1, 2008 -- June 30, 2009

		Filings
<b>Cases on appeal</b>	Civil cases appealed from district courts	351
	Civil cases appealed from superior courts	470
	Civil cases appealed from administrative agencies	134
	Criminal cases appealed from superior courts	718
	<b>Total</b>	<b>1673</b>
		<b>Dispositions</b>
<b>Petitions</b>	Allowed	82
	Denied	635
	<b>Total</b>	<b>717</b>
<b>Motions</b>	Allowed	3097
	Denied	455
	<b>Total</b>	<b>3552</b>

### MANNER OF CASE DISPOSITIONS - OPINIONS ONLY July 1, 2008 -- June 30, 2009

Cases Disposed by Written Opinion					Total Cases
Affirmed	Reversed	Affirmed in Part, Reversed in Part	Other Cases Disposed		
930	161	298	201	1590	



# 2008–2009

NORTH CAROLINA COURTS  
Statistical and Operational Report

July 1, 2008 – June 30, 2009

# TRIAL COURTS REPORT

- 1 Superior court caseload inventory
- 2 Superior court manner of disposition
- 3 District court caseload inventory
- 4 District court manner of disposition
- 5 Matters alleged in juvenile petitions
- 6 Juvenile adjudicatory hearings
- 7 Mental health hospital commitment hearings

**NORTH CAROLINA SUPERIOR COURT  
CASELOAD INVENTORY AND MEDIAN AGES OF CASES  
July 1, 2008 — June 30, 2009**

	Begin Pending	Filed	Disposed	End Pending	Median Ages (in days)*	
					Disposed Cases	Pending Cases
<b>Civil Cases</b>	<b>19,352</b>	<b>29,908</b>	<b>28,374</b>	<b>20,886</b>	<b>178</b>	<b>160</b>
Contract	4,488	8,298	7,381	5,405	147	145
Collect on Accounts	1,135	3,186	2,770	1,551	121	99
Motor Vehicle Negligence	5,111	5,717	6,069	4,759	286	173
Other Negligence	2,730	2,632	2,656	2,709	318	217
Real Property	1,441	1,420	1,272	1,589	294	256
Administrative Appeal	171	233	244	160	153	132
Other	4,273	8,422	7,982	4,713	121	146
<b>Estates</b>	—	<b>64,540</b>	<b>62,462</b>	—	—	—
<b>Special Proceedings</b>	—	<b>125,866</b>	<b>111,101</b>	—	—	—
<b>Criminal Cases</b>	<b>94,957</b>	<b>150,502</b>	<b>152,005</b>	<b>93,454</b>	<b>203</b>	<b>264</b>
<b>Felonies</b>	<b>73,637</b>	<b>110,347</b>	<b>112,013</b>	<b>71,971</b>	<b>217</b>	<b>272</b>
Murder	1,151	699	688	1,162	514	441
Manslaughter	68	63	73	58	253	388
Rape and First Degree Sex Offense	1,821	1,656	1,705	1,772	318	312
Other Sex Offenses	2,491	2,299	2,649	2,141	295	278
Robbery	4,168	5,827	5,965	4,030	225	246
Assault	2,216	2,527	2,682	2,061	257	317
Burglary and Breaking or Entering	8,823	17,966	17,306	9,483	186	243
Larceny	5,620	10,098	10,020	5,698	208	263
Arson and Burnings	272	378	385	265	216	265
Forgery and Utterings	886	1,247	1,274	859	200	300
Fraudulent Activity	6,864	9,386	9,813	6,437	229	309
Controlled Substances	21,215	31,264	32,137	20,342	234	267
Other	18,042	26,937	27,316	17,663	202	272
<b>Misdemeanors</b>	<b>21,320</b>	<b>40,155</b>	<b>39,992</b>	<b>21,483</b>	<b>158</b>	<b>227</b>
Impaired Driving Appeals	1,947	3,778	3,431	2,294	141	126
Other Motor Vehicle Appeals	3,160	5,124	5,149	3,135	147	145
Non-Motor Vehicle Appeals	6,582	11,630	11,556	6,656	205	301
Cases Originating in Superior Court	9,631	19,623	19,856	9,398	136	220

\*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.)



**NORTH CAROLINA DISTRICT COURT  
CASELOAD INVENTORY AND MEDIAN AGES OF CASES  
July 1, 2008 — June 30, 2009**

	Begin Pending	Filed	Disposed	End Pending	Median Ages (in days)	
					Disposed Cases	Pending Cases
<b>Civil Cases</b>	—	501,526	502,166	—	—	—
<b>Civil Magistrate (Small Claims)</b>	—	262,126	262,071	—	—	—
<b>Civil District</b>	96,292	239,400	240,095	95,597	70.0	124.0
URESAs/UIFSAs	156	310	259	207	121.0	130.0
Child Support (IV-D)	16,448	40,154	39,414	17,188	69.0	148.0
Child Support (Non IV-D)	6,338	5,071	5,381	6,028	220.0	389.0
Other Domestic Relations	27,486	91,661	90,648	28,499	43.0	131.0
<i>Subtotal Domestic Relations</i>	50,428	137,196	135,702	51,922	70.0	131.0
General Civil	44,114	98,500	100,728	41,886	104.0	106.0
Magistrate Appeal/Transfer	1,750	3,704	3,665	1,789	90.0	118.0
<i>Subtotal General Civil and         Magistrate Appeal/Transfer</i>	45,864	102,204	104,393	43,675	97.0	112.0
<b>Criminal Cases</b>	—	1,675,210	1,692,218	—	—	—
Non-Motor Vehicle	240,336	626,763	641,048	226,051	88.0	83.0
Motor Vehicle	—	1,048,447	1,051,170	—	—	—
<b>Infractions</b>	—	768,922	773,173	—	—	—

**NORTH CAROLINA DISTRICT COURT  
MANNER OF DISPOSITION  
July 1, 2008 — June 30, 2009**

	Jury Trial	Judge Trial	Voluntary Dismissal	Final Order/ Judgment w/o Trial	Clerk	Other
<b>Civil Cases</b>	<b>153</b>	<b>61,079</b>	<b>32,319</b>	<b>49,411</b>	<b>54,809</b>	<b>42,324</b>
URES/EIFSA	0	35	18	86	0	120
Child Support (IV-D)	12	10,566	3,060	16,496	68	9,212
Child Support (Non IV-D)	2	1,765	584	1,845	42	1,143
Other Domestic Relations	51	40,955	8,098	19,866	5,263	16,415
<i>Subtotal Domestic Relations</i>						
General Civil	63	6,415	19,740	10,345	49,215	14,950
Magistrate Appeal/Transfer	25	1,343	819	773	221	484
<i>Subtotal General Civil and Magistrate Appeal/Transfer</i>						

Criminal Cases	Waiver	Guilty Plea*	Trial	DA Dismissal		Other	Probable Cause Matters (Felonies)				Total
				With Leave	Without Leave**		Heard and Bound Over	Probable Cause Not Found	Probable Cause Waived	Super- ceding Indictment	
Non-Motor Vehicle	11,555	159,675	21,648	33,844	278,019	36,192	1,097	1,578	15,824	81,616	641,048
Motor Vehicle	<u>Waiver:</u>	160,737			<u>Non-Waiver:</u>	890,433					
Infractions	<u>Waiver:</u>	371,514			<u>Non-Waiver:</u>	361,659					
Civil License Revocations	49,836										

\*Guilty Plea includes Guilty Plea Before a Magistrate and Guilty Plea/No Contest.

\*\*DA Dismissal Without Leave includes Dismissals after Deferred Prosecution.

**NORTH CAROLINA DISTRICT COURT  
MATTERS ALLEGED IN JUVENILE PETITIONS  
DURING SFY 2004-05 — 2008-09**

	SFY 2004-05	2005-06	2006-07	2007-08	2008-09
<b>Delinquent Offenses</b>	<b>25,652</b>	<b>25,232</b>	<b>25,537</b>	<b>23,662</b>	<b>22,161</b>
Capital	13	8	12	12	12
Other Felony	7,203	7,181	7,298	7,301	6,629
Misdemeanor	18,436	18,043	18,227	16,349	15,520
<b>Undisciplined Offenses</b>	<b>4,686</b>	<b>4,742</b>	<b>4,509</b>	<b>4,783</b>	<b>4,851</b>
Truancy	701	747	715	765	777
Other*	3,985	3,995	3,794	4,018	4,074
<b>Juvenile Conditions</b>	<b>13,970</b>	<b>14,022</b>	<b>13,495</b>	<b>12,501</b>	<b>10,166</b>
Dependent	3,841	3,931	3,736	3,495	3,158
Neglected	6,510	6,770	6,452	5,905	4,938
Abused	1,343	1,149	1,030	984	1,035
Parental Rights Petition	2,276	2,172	2,277	2,117	1,305
<b>Total Petitions</b>	<b>44,308</b>	<b>43,996</b>	<b>43,541</b>	<b>40,946</b>	<b>38,399</b>
<b>Children before Court for First Time</b>	<b>18,006</b>	<b>17,843</b>	<b>17,525</b>	<b>15,790</b>	<b>15,028</b>

\*Some examples of other undisciplined offenses include regular disobedience beyond parental control, regular presence in places where it is unlawful for juveniles to be, and running away from home.

**NORTH CAROLINA DISTRICT COURT  
ADJUDICATORY HEARINGS FOR JUVENILE MATTERS  
DURING SFY 2004-05 — 2008-09**

	Retained					Dismissed						Total				
	2004-05	2005-06	2006-07	2007-08	2008-09	2004-05	2005-06	2006-07	2007-08	2002-03	2008-09	2004-05	2005-06	2006-07	2007-08	2008-09
<b>Delinquency Hearings</b>	17,246	15,803	16,134	14,854	14,181	10,510	10,734	11,544	11,169	24,581	10,752	27,756	26,537	27,678	26,023	24,933
<b>Undisciplined Hearings</b>	2,446	2,304	2,262	2,533	2,776	1,082	1,127	969	977	3,412	1,034	3,528	3,431	3,231	3,510	3,810
<b>Dependency Hearings</b>	4,435	4,794	4,183	4,046	3,816	745	943	920	698	4,289	679	5,180	5,737	5,103	4,744	4,495
<b>Neglect Hearings</b>	6,443	7,444	6,659	6,294	5,826	1,287	1,422	1,488	1,304	6,894	1,179	7,730	8,866	8,147	7,598	7,005
<b>Abuse Hearings</b>	1,009	991	965	916	961	360	409	330	367	1,126	318	1,369	1,400	1,295	1,283	1,279
	<b>2004-05</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>											
<b>Parental Rights Terminated</b>	1,806	1,781	2,012	1,821	1,926											
<b>Parental Rights Not Terminated</b>	356	347	341	472	366											
<b>Total</b>	2,162	2,128	2,353	2,293	2,292											
	<b>2004-05</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>											
<b>Total Adjudicatory Hearings for Juvenile Matters</b>	47,725	48,099	47,807	45,451	43,814											

**STATE MENTAL HEALTH HOSPITAL COMMITMENT HEARINGS**  
**July 1, 2008 – June 30, 2009**

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	Central Regional	Totals
<b>Voluntary minors:</b> Mentally ill or substance abusers (G.S.122C, Art.5, Part 3)					
<b>Total Hearings</b>	<b>65</b>	<b>3</b>	<b>1,305</b>	<b>33</b>	<b>1,406</b>
Commitment to hospital	41	2	289	32	364
Dismissal/discharge	24	1	1,016	1	1,042
Of total, number that were:					
Initial hearings	51	2	1,182	10	1,245
Contested hearings	0	0	3	0	3
<b>Voluntary incompetent adults:</b> Mentally ill or substance abusers (G.S.122C, Art.5, Part.4)					
<b>Total Hearings</b>	<b>362</b>	<b>11</b>	<b>86</b>	<b>2</b>	<b>461</b>
Commitment to hospital	314	10	67	2	393
Dismissal/discharge	48	1	19	0	68
Of total, number that were:					
Initial hearings	160	4	39	0	203
Contested hearings	2	0	14	0	16
<b>Involuntary minors and adults:</b> Mentally ill or mentally retarded with behavior disorder (G.S.122C, Art.5, Part.7)					
<b>Total Hearings</b>	<b>2,357</b>	<b>2,125</b>	<b>5,351</b>	<b>3,271</b>	<b>13,104</b>
Commitment to hospital	472	567	502	841	2,382
Commitment to outpatient clinic	291	337	428	712	1,768
Split commitment	800	657	487	961	2,905
Dismissal/discharge	794	564	3,935	757	6,050
Of total, number that were:					
Initial hearings	1,857	1,539	4,855	2,307	10,558
Contested hearings	97	102	158	241	598
<b>Involuntary minors and adults:</b> Substance abusers (G.S.122C, Art.5, Part.8)					
<b>Total Hearings</b>	<b>131</b>	<b>112</b>	<b>266</b>	<b>485</b>	<b>994</b>
Commitment to area authority	67	112	100	318	597
Dismissal/discharge	64	0	0	167	231
Of total, number that were:					
Initial hearings	131	111	100	481	823
Contested hearings	1	0	0	8	9
<b>Grand Total Hearings</b>	<b>2,915</b>	<b>2,251</b>	<b>6,842</b>	<b>3,791</b>	<b>15,799</b>
Of total, number that were:					
Initial hearings	2,199	1,656	6,176	2,798	12,829
Contested hearings	100	102	175	249	626

\*Dorothea Dix hospital hearing data has included the addition of Holly Hill cases since March 2003.



**2008–2009**

NORTH CAROLINA COURTS  
Statistical and Operational Report

July 1, 2008 – June 30, 2009

# SPECIAL PROGRAMS REPORT

- 2 Arbitration
- 4 Child custody and visitation mediation
- 5 Mediation settlement conferences
- 6 Family financial settlement procedures
- 7 Drug treatment court

## SPECIAL PROGRAMS DATA

This section presents data on five special programs of the N.C. Judicial Department. The cases reported in these tables do not represent cases *in addition* to those reported in the trial courts section, but rather special programs (mostly alternative dispute resolution programs) for how certain types of cases are disposed or handled. 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 drug treatment court -- all of which are discussed in more detail in the description of the present court system in Part I of this report.

**ARBITRATION ACTIVITY**  
**July 1, 2008 – June 30, 2009**

District	Begin Pending	Cases Ordered to Arbitration		Total	Cases Exiting from Arbitration						Completed Process	End Pending
		District Court Cases Ordered to Arbitration	Superior Court Cases Ordered to Arbitration		Scheduled for Hearing	Exempt from Arbitration	Arbitrated	Dismissed Prior to Hearing	Dismissed Prior to Entry of Judgment			
1*	5	21	0	26	23	0	14	3	0	17	9	
3A	0	31	0	31	34	0	18	8	3	26	5	
3B	15	55	0	70	53	1	42	10	2	53	17	
5	71	177	0	248	183	12	94	78	14	184	64	
6A	1	20	0	21	19	0	14	5	3	19	2	
8	0	71	0	71	59	1	36	22	4	59	12	
10	89	491	0	580	526	10	310	134	61	454	126	
12	53	1,599	0	1,652	1,050	28	336	1,217	25	1,581	71	
13	0	155		155	201	0	103	7	1	110	45	
14	0	245	0	245	244	0	116	48	13	164	81	
15A	4	37	0	41	51	0	33	3	0	36	5	
16A	0	12	0	12	9	4	5	1	2	10	2	
16B	0	6	0	6	4	0	1	5	0	6	0	
17A	2	25	0	27	22	2	15	4	0	21	6	
18	12	206	0	218	212	0	149	41	9	190	28	
19B	23	97	0	120	53	0	23	30	0	53	67	
19C	8	60	0	68	60	2	48	13	5	63	5	
20A	38	91	0	129	89	1	49	23	1	73	56	
20B	2	181	0	183	118	9	66	40	4	115	68	
21	0	344	0	344	280	0	150	105	0	255	89	
22	2	84	0	86	83	1	63	12	3	76	10	
23	0	35	0	35	35	2	23	8	3	33	2	
24	0	58	0	58	53	1	25	14	0	40	18	
25	134	485	0	619	289	5	197	282	9	484	135	
26	78	630	0	708	782	20	452	159	89	631	77	
27A	41	68	0	109	99	1	57	26	5	84	25	
27B	0	82	0	82	62	4	38	28	6	70	12	
29A	0	3	0	3	3	0	0	0	0	0	3	
30	0	48	0	48	20	0	27	0	0	27	21	
<b>Total</b>	<b>578</b>	<b>5,417</b>	<b>0</b>	<b>5,995</b>	<b>4,716</b>	<b>104</b>	<b>2,504</b>	<b>2,326</b>	<b>262</b>	<b>4,934</b>	<b>1,061</b>	

\* Reflects date from July 1, 2008 to April 30, 2008, due to program suspension by the Chief District Court Judge

**ARBITRATION ACTIVITY**  
**July 1, 2008 June 30, 2009**

Trial De Novo Activity

District	Begin Pending	Appeals Filed	Trial by Jury	Trial by Judge	Dismissal/Other	End Pending
1*	0	6	0	0	1	5
3A	1	8	0	2	0	7
3B	16	14	3	2	5	20
5	11	22	21	0	7	5
6A	1	5	2	1	2	1
8	0	10	2	0	2	6
10	16	59	21	2	39	13
12	17	25	7	0	11	24
13	0	11	5	0	5	1
14	5	17	11	4	7	0
15A	0	4	0	0	0	4
16A	0	2	1	0	0	1
16B	0	0	0	0	0	0
17A	0	2	0	0	0	2
18	17	11	12	1	7	8
19B	5	2	2	2	0	2
19C	6	19	11	8	3	3
20A	0	5	0	0	1	4
20B	0	19	2	0	3	14
21	0	33	10	0	16	7
22	6	22	2	3	1	22
23	0	6	0	0	0	6
24	0	9	2	1	1	5
25	9	3	1	0	1	10
26	15	146	35	26	52	48
27A	9	20	2	4	10	13
27B	1	9	3	0	2	5
29A	0	1	1	0	0	0
30	0	4	0	0	0	4
<b>Total</b>	<b>135</b>	<b>494</b>	<b>156</b>	<b>56</b>	<b>176</b>	<b>240</b>

**CHILD CUSTODY AND VISITATION MEDIATION ACTIVITY  
July 1, 2008 – June 30, 2009**

District	Begin Pending	Referred to Mediation	Total	Parenting Agreement Drafted <sup>1</sup>	Parenting Agreement Signed	Mediated <sup>2</sup>	Not Mediated <sup>3</sup>	Total Disposed Through Mediation Office	End Pending
1	0	91	91	51	28	54	16	70	21
2	0	75	75	45	16	45	22	38	37
3A	38	202	240	110	37	157	47	204	36
4	87	303	390	122	55	231	56	287	103
5	77	553	630	159	77	332	243	575	55
6A	8	81	89	41	34	59	22	81	8
6B	24	75	99	28	23	41	41	82	17
7	20	268	288	207	106	240	44	264	24
8	13	173	186	133	83	169	17	186	0
9	0	158	158	61	37	118	23	141	17
9A	7	55	62	17	12	48	7	55	7
10	252	1,287	1,539	493	347	816	507	1,323	216
114	71	526	597	107	-	246	311	557	40
12	202	1,176	1,378	280	218	474	627	1,101	277
13	9	490	499	407	145	469	30	499	0
14	51	420	471	86	60	233	197	430	41
15A	59	174	233	111	84	169	33	202	31
15B	2	157	159	119	87	152	4	156	3
16A	0	43	43	20	11	34	9	43	0
16B	4	211	215	119	94	167	43	210	5
17A	9	91	100	36	31	70	18	88	12
17B	14	166	180	60	53	125	22	147	33
18	118	790	908	428	300	665	153	818	90
19A	57	191	248	113	86	154	35	189	59
19B	15	389	404	166	130	281	107	388	16
19C	67	271	338	129	105	208	50	258	80
20A	20	182	202	80	42	132	31	163	39
20B	26	241	267	101	79	166	90	256	11
21	38	391	429	171	102	277	92	369	60
22A	8	72	80	23	8	30	14	44	36
22B	3	84	87	40	19	58	8	66	21
23	34	212	246	107	85	169	52	221	25
24	0	118	118	74	17	53	15	68	50
25	59	678	737	266	166	460	227	687	50
26	268	1,384	1,652	515	349	848	650	1,498	154
27A	88	213	301	92	62	168	20	188	113
27B	105	168	273	40	39	136	29	165	108
28	291	569	860	285	175	448	196	644	216
29A	20	146	166	86	47	91	65	156	10
29B	0	230	230	75	30	140	87	227	3
30	41	267	308	79	36	163	85	121	187
<b>Total</b>	<b>2,205</b>	<b>13,371</b>	<b>15,576</b>	<b>5,682</b>	<b>3,515</b>	<b>9,096</b>	<b>4,345</b>	<b>13,265</b>	<b>2,311</b>

<sup>1</sup> Parenting Agreement drafted includes complete parenting agreements, temporary agreements, partial agreements, or modified agreements. An unknown percentage of parenting agreements are drafted by the Mediators and are not signed, but are included in consent orders submitted to the court by private attorneys. An unknown percentage of agreements are drafted by the mediator and the parent decides not to continue the court proceedings but uses the mutual agreement with the other parent to structure their custody and visitation arrangements.

<sup>2</sup> Cases mediated includes at least one face to face session with both parties.

Cases mediated result in full permanent parenting agreements, temporary agreements, partial agreements or modified agreements.

<sup>3</sup> Cases not mediated includes a party's failure to appear, a voluntary dismissal, court exemption, inappropriate cases (domestic violence, serious substance abuse, etc.), or consent order signed in lieu of a parenting agreement. In most districts, parties living 50 miles or more from the district are exempt from mediation.

<sup>4</sup> District 11 Agreements are generally signed in the attorney's offices, not in the mediation office. Therefore, the mediation staff cannot capture accurate numbers of signed agreements.

**MEDIATED SETTLEMENT CONFERENCES CASES**  
**July 1, 2008 – June 30, 2009**

District	Begin Pending	Ordered to MSC	Voluntarily Submitted to Mediation	Total Number of Cases	Submitted to Mediation	Total	Ordered Removed	Disposed without Session	Resolved through Conference	Not Resolved through Conference	End Pending
1	128	182	10	320	121	256	16	28	74	37	101
2	85	45	0	130	99	184	10	45	14	25	90
3A	-	146	0	146	-	-	-	-	-	-	-
3B	463	168	0	631	130	593	0	41	66	54	432
4A	262	56	2	320	97	359	0	10	25	13	311
4B	74	45	8	127	119	193	0	60	39	31	63
5	913	364	0	1,277	484	1,397	1	223	71	41	1,061
6A	23	34	3	60	44	67	2	7	25	15	18
6B	33	79	1	113	48	81	9	12	13	8	39
7A	114	117	37	268	122	247	13	8	12	19	180
7B	112	206	1	319	183	295	7	92	41	41	114
7C	46	67	1	114	92	150	4	31	18	15	82
8A	43	88	0	131	59	102	1	36	31	15	18
8B	95	105	0	200	104	200	3	18	4	8	157
9	287	185	5	477	158	445	1	177	113	76	78
9A	23	0	0	23	65	91	1	7	18	13	52
10	473	1,032	33	1,538	966	1,442	27	536	301	214	355
11A	86	208	2	296	199	287	1	75	64	59	88
11B	356	439	0	795	433	790	6	358	66	46	314
12	82	424	0	506	421	503	67	165	108	96	65
13A	386	247	4	637	135	521	2	0	43	27	449
13B	0				88	88	0	3	16	30	37
14	261	441	0	702	364	625	3	63	114	56	383
15A	71	166	0	237	154	225	5	33	36	37	111
15B	95	134	4	233	206	304	12	56	48	37	151
16A	33	21	12	66	60	93	5	23	20	14	31
16B	0				47	47	0	3	36	14	-8
17A	53	76	0	129	65	119	4	32	26	21	36
17B	62	119	1	182	98	164	5	19	36	36	68
18	742	753	0	1,495	1,466	2,208	105	171	310	299	1,323
19A	96	160	0	256	194	291	9	42	56	62	117
19B	59	123	0	182	125	184	6	46	49	43	38
19C	0	162	5	167	113	113	0	37	33	43	0
19D	271	0	0	271	99	370	1	31	29	34	275
20A	103	86	0	189	123	226	4	59	53	51	59
20B	89	109	5	203	139	228	0	16	121	50	41
21	788	415	2	1,205	395	1,191	1	42	121	119	894
22A	571	332	3	906	251	833	2	63	87	50	626
22B	456	136	0	592	24	480	0	2	22	26	430
23	52	0	0	52	133	185	6	41	47	24	54
24	0	142	10	152	64	64	0	1	0	4	59
25A	55	276	0	331	124	183	3	44	48	42	44
25B	195	1,741	45	1,981	250	446	9	98	67	53	219
26	388	0	0	388	1,567	1,975	48	528	450	473	454
27A	307	181	4	492	323	634	0	68	71	111	384
27B	0	0	0	0	81	81	0	19	26	16	20
28	282	129	7	418	203	492	5	13	89	20	348
29A	122	86	1	209	118	240	0	21	33	22	164
29B	116	114	0	230	77	196	5	21	15	23	132
30A	108	87	6	201	140	248	7	88	13	18	122
30B	87	10,226	212	19,897	133	220	2	66	32	26	92
<b>Total</b>	<b>9,546</b>	<b>20,452</b>	<b>424</b>	<b>39,794</b>	<b>11,303</b>	<b>20,956</b>	<b>418</b>	<b>3,678</b>	<b>3,250</b>	<b>2,707</b>	<b>10,771</b>

\* Partial year data:  
8B from Jan09-Jun09  
13B from Feb09-Jun09  
19C from Oct08-Jun09  
24 from Mar09-Jun09  
27B from Jan09-Jun09

**FAMILY FINANCIAL SETTLEMENT PROCEDURES CASES**  
**July 1, 2008 – June 30, 2009**

District	Begin Pending	Ordered to Mediation Settlement Conference	Ordered to Judicial Settlement Conference	Submitted to other Settle. Proced.	Total	Ordered Exempt from Settle. Proced.	Settled or Disposed without Settle. Proced.	Resolved through Settle. Procedure	Partially Resolved through Settle. Proced.	Not Resolved through Settle. Proced.	Cases Completing Settlement Procedure	End Pending
1	0	0	0	0	0	0	0	0	0	0	0	0
3A	68	75	0	0	143	3	59	25	2	21	110	33
3B	270	380	0	0	650	4	62	22	4	15	107	543
4	27	154	0	0	181	13	27	32	2	10	84	97
5	0	235	0	0	235	0	26	17	1	17	61	174
6A	4	21	5	0	30	1	7	11	0	3	22	8
8	19	40	0	0	59	1	23	7	2	5	38	21
9	13	23	0	0	36	0	1	19	3	1	24	12
10	182	117	0	1	300	3	10	14	1	18	46	254
11	13	28	0	0	41	5	9	9	3	5	31	10
12	118	314	170	0	602	58	184	61	29	87	419	183
14	6	20	31	13	70	8	38	14	2	6	68	2
16A	21	24	0	0	45	1	22	0	0	3	26	19
17A	25	25	0	0	50	1	5	16	0	19	41	9
18	139	133	0	0	272	8	80	53	9	11	161	111
19A	89	182	0	1	272	11	105	31	8	38	193	79
19B	0	69	19	1	89	0	11	20	3	7	41	48
19C	17	48	0	0	65	3	8	20	4	12	47	18
20A	16	57	0	0	73	2	17	31	2	6	58	15
20B	97	93	0	0	190	0	23	64	0	3	90	100
21	237	7	0	2	246	4	63	12	22	15	116	130
23	51	69	0	0	120	9	31	25	2	13	80	40
24	20	50	0	0	70	4	23	13	2	4	46	24
25	147	152	0	0	299	24	73	29	3	28	157	142
26	310	4	215	0	529	0	0	63	6	37	106	423
27A	28	88	0	0	116	5	19	22	0	2	48	68
28	13	137	0	4	154	1	80	39	6	8	134	20
30	29	53	0	0	82	0	1	21	3	21	46	36
<b>Total</b>	<b>1,959</b>	<b>2,598</b>	<b>440</b>	<b>22</b>	<b>5,019</b>	<b>169</b>	<b>1,007</b>	<b>690</b>	<b>119</b>	<b>415</b>	<b>2,400</b>	<b>2,619</b>

**DRUG TREATMENT COURT ACTIVITY**  
**July 1, 2008 – June 30, 2009**

District/County	Number Served <sup>1</sup>	Type of Drug Treatment Court (DTC)	Number of Exits <sup>2</sup>	Of Exits, Percent Graduated	Of Exits, Percent Accessed More than Six Months of Treatment
<b>3A</b>					
Pitt	50	Post-Sentence Adult DTC	22	36%	64%
<b>3B</b>					
Carteret	20	Post-Sentence Adult Superior DTC	10	40%	60%
Craven	15	Post-Sentence Adult Superior DTC	6	83%	100%
<b>5</b>					
New Hanover	107	Post-Sentence Adult DTC	52	37%	75%
<b>6A</b>					
Halifax	8	Family DTC	5	60%	60%
<b>8</b>					
Lenoir	19	Family DTC	8	50%	88%
Wayne	23	Family DTC	14	57%	57%
<b>9A</b>					
Person/Caswell	70	Pre-plea and post-Sentence Adult DTC	35	23%	66%
<b>10</b>					
Wake	93	Post-Sentence Adult DTC	39	36%	74%
	36	Post Adjudication Youth DTC	14	21%	71%
<b>12</b>					
Cumberland	73	Pre-plea and post-Sentence Adult DTC	41	27%	85%
	35	Family DTC	14	29%	79%
<b>13B</b>					
Brunswick**	35	Post -Sentence Adult Superior DTC	9	0%	22%
<b>14</b>					
Durham	51	Post-Sentence Adult DTC	20	45%	65%
	30	Post-Adjudication Youth DTC	14	50%	86%
	33	Family DTC	18	28%	89%
<b>15B</b>					
Orange	47	Post-Sentence Adult DTC	30	43%	77%
	26	Family DTC	15	33%	87%
Chatham**	10	Family DTC	4	0%	75%
<b>16B</b>					
Robeson*	19	Family DTC	8	0%	38%
<b>18</b>					
Güilford	57	Pre-plea and post-Sentence Adult DTC	30	63%	77%
High Point*	34	Pre-plea and post-Sentence Adult DTC	14	7%	29%
<b>19B</b>					
Randolph	47	Post-Sentence Adult DTC	25	40%	80%
<b>19C</b>					
Rowan <sup>3</sup>	9	Post-Adjudication Youth DTC	3	67%	67%
<b>20B</b>					
Union	10	Family DTC	7	43%	86%
<b>21</b>					
Forsyth	60	Post-Sentence Adult DTC	33	27%	55%
	26	Post-Adjudication Youth DTC	16	44%	88%
<b>24</b>					
Avery/Watauga	54	Post-Sentence Adult DTC	23	22%	65%
<b>25</b>					
Burke <sup>4</sup>		Post-Sentence Adult DTC			
Catawba	53	Post-Sentence Adult DTC	30	23%	67%
<b>26</b>					
Mecklenburg	78	Post-Sentence (District A)	43	42%	60%
	80	Pre-Sentence (District B)	37	38%	62%
	72	Post-Sentence (DWIC)	38	68%	87%
	73	Post-Sentence (DWID)	44	70%	75%
	46	Post-Sentence Superior	29	24%	66%
	163	Family DTC Level 1	120	28%	43%
	76	Family DTC	40	38%	57%
	61	Post-Adjudication Youth DTC	40	40%	65%

**DRUG TREATMENT COURT ACTIVITY**  
**July 1, 2008 – June 30, 2009**

District/County	Number Served <sup>1</sup>	Type of Drug Treatment Court (DTC)	Number of Exits <sup>2</sup>	Of Exits, Percent Graduated	Of Exits, Percent Accessed More than Six Months of Treatment
<b>27A</b>					
Gaston <sup>5</sup>	17	Family DTC	8	25%	75%
<b>28</b>					
Buncombe	62	Post -Sentence Adult Superior DTC	28	29%	75%
	38	Family DTC	16	31%	75%
<b>29A</b>					
McDowell*	42	Post -Sentence Adult Superior DTC	16	38%	81%
Rutherford*	37	Post -Sentence Adult Superior DTC	19	21%	68%

	Total Number Served	Total Number of Exits
<b>Adult</b>	886	673
<b>Youth</b>	154	87
<b>Family</b>	472	277
<b>Total</b>	1512	1,037

1 The "Number Served" represents the number of participants who were active in court, or receiving court-ordered treatment for at least one day during the fiscal year.

2 The "Number of Exits" represents participants who successfully graduated or who terminated from the program as "unsuccessful" during the fiscal year.

3 This court closed April 2009

4 This court closed March 2009

5 This court closed June 2009

\* Court began in Fiscal Year 2007-2008

\*\*Court began in Fiscal Year 2008-2009

## Mission of the North Carolina Judicial Department

To protect and preserve the rights and liberties of all the people, as guaranteed by the Constitutions and laws of the United States and North Carolina, by providing a fair, independent and accessible forum for the just, timely and economical resolution of their legal affairs.

Prepared by the



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### Cost Statement

20 copies of this public document were printed at a cost of \$33.46 total, or about \$1.673 per copy. This annual report was printed inhouse by the Administrative Office of the Courts' Print Shop.



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