

A QUICK TOUR OF NC COURTS

NORTH CAROLINA JUDICIAL
COUNCIL

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UNC SCHOOL OF GOVERNMENT

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The Fundamentals

- To no one will we sell, to no one deny or delay right or justice.
- All courts shall be open; every person . . . shall have remedy by due course of law, and right and justice shall be administered without favor, denial or delay

A Court Should

- Meet the state's needs
- Make courts responsible for their work
- Give court authority over internal matters
- Provide adequate administrative machinery
- Be served by best qualified people
- Assure accountability to public

Spencer Bell, 1958

Principles of a Modern Court

- Unification
- Flexibility
- Conservation of Judicial Power
- Responsibility

Roscoe Pound, 1958

SOME THINGS DON'T CHANGE

The court system should be:

- Independent
- Accountable
- Flexible
- Uniform

NC COURTS 1776-2019

- Colonial courts, appointed by Royal Governor
- Early Statehood—Superior court only, legislative selection for life, no other courts until Supreme Court established in 1818
- Clerk of court elected, starting in 1835
- Justice of the peace

NC COURTS 1776-2019

- Reconstruction constitution and later 1875 amendments
- Judges elected, partisan elections
- Rotation of judges eliminated, then restored
- Local courts authorized

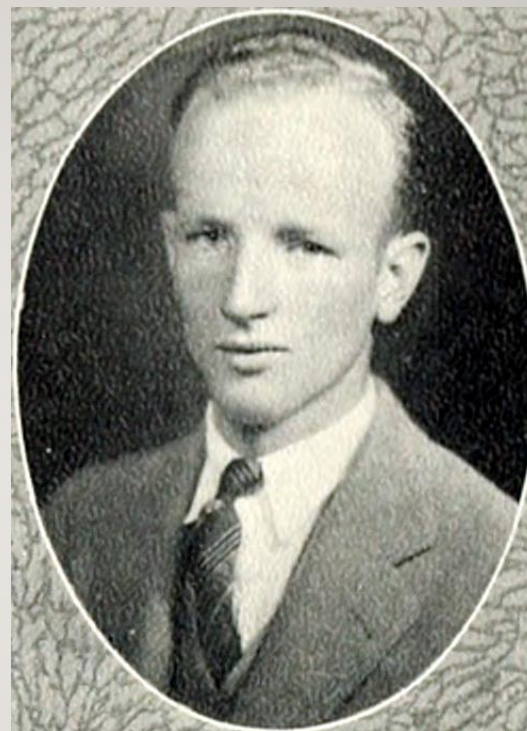


North Carolina, we have a problem.



IN THE 1950'S

- Over 250 local courts (city, county, mayor's, recorder's, domestic relations, juvenile, etc.)
- Hundreds of justices of the peace, most part-time, most paid by fees
- No uniform fee structure
- Multiple levels of clerk's offices



Defining Characteristics--Current Court System

- State funded and for many purposes, state administered
- Heavy use of elected officials for managerial positions
- Broad scope of authority in one administrative umbrella
- Uniformity as constitutional standard
- Increasingly small units of administration

JUDICIAL DISTRICTS, 1955-2019

- 1955

- Thirty for superior court; in 1967, for all purposes
- Six one-county districts, two seven-county districts

- 2019

- Superior Court--73 for elections, 48 for administration
- District Court—56 for elections, 40 for administration
- District Attorneys—43 for all purposes
- 21 one-county S.Ct. districts; two seven-county Dist. Ct. and DA districts
- Five districts are the same as they were in 1967

TODAY, WHO'S MINDING THE STORE?

- Appellate Judges—8 year terms (partisan elections)
- Superior Court Judges—8 year terms, circuit riders (partisan elections)
- District Court Judges—4 year terms, homebodies (partisan elections)
- Clerk of Court—4 year terms (partisan elections)
- DA—4 year terms (partisan elections)
- Magistrates—mostly 4 year terms (appointment by a system we don't have time to explain)

WHO HEARS WHAT?

- S. Ct.--Felonies and large civil matters
- D. Ct.—Misdemeanors, juveniles, family law, IVC
- Clerk of Court—Probate and administration of estates, special proceedings
- Magistrates—Preliminary criminal matters, waivers of trial and small claims

SOME LESSONS

- Not for the “short-winded”
- Allocation of responsibility between branches is complicated and contentious
- Ends generally remain the same, but the means don't
- It's a journey, not a destination