



**Civil Justice Committee
of the NC Commission on the Administration of Law and Justice**

Summary of Public Comments on Interim Report

Prepared by: Emily Portner, NCCALJ Research Associate

Overview of Total Comments Received on All Reports

- Detailed feedback received from **24** judicial branch stakeholder organizations, including:
 - NC Conference of Clerks of Superior Court
 - Equal Justice Alliance
 - NC Equal Access to Justice Commission
 - Legal Services of Southern Piedmont
 - The Criminal Justice Debt Working Group
 - NC State Bar (IOLTA)
 - NC Office of Indigent Defense Services
 - NC Conference of District Attorneys
 - Conference of Superior Court Judges of North Carolina
 - NC Conference of Court Administrators
 - NC Magistrates Association
 - Carolina Justice Policy Center
- **423** total attendees at four public hearings; **131** speakers at those hearings.
- Written comments received from **208** unique individual judicial branch employees and members of the general public.
- Four main areas of public interest include:
 - Raising the age of juvenile jurisdiction from 16 to 18
 - Increased funding for civil legal aid services and the North Carolina Legal Education Assistance Foundation (NC LEAF)
 - Family Court expansion
 - The method of judicial selection

Comments Specific to the Civil Justice Interim Report by Area of Focus

I. TECHNOLOGY/E-FILING

Comments Received Regarding Technology/E-Filing

Online Comments	Verbal Comments	Organizational Comments
6	0	4

Online Comments from the General Public and Judicial Branch Employees

First Name: Diane

Last Name: Wardlow

Email: dianeww5@aol.com

Affiliation: Attorney

Online comments:

Electronic filing would provide more information on hand to help people who need to go to court. People would be able to file court actions without going to the courthouse which would save them time and money. Many people have trouble getting around especially the disabled and elderly and others do not drive so they have to pay someone to take them to court. People could access the courts from home if they have computer access. If they do not understand online forms, they can get assistance from family or friends rather than trying to ask the court personnel. They are more likely to have a better understanding when they can talk with someone and ask simple questions. In addition, some people are more computer-literate and do not navigate paper documents as well.

It would also help the clients because it will save time on the lawyer's behalf. This would help the lawyers that work with low-income clients especially. This is more efficient for legal aid offices since they serve clients in all counties in the state and many times the lawyer is not in the same county as the client. This will be more accessible for many people because many people do not have transportation. I believe this will help to make the court system more accessible for everyone.

Rural areas do not have the same access to computers and Internet. Low-income people may not have smart phones so that they may still have problems using electronic filing. This is still a start toward making the courts more accessible because people in rural areas have to travel so far to get to Court. Using teleconferencing and videoconferencing is a good idea because it provides interactive access. It also makes some parts of the process less intimidating. People would be comfortable with being in their own surroundings and that helps build confidence.

First Name: Perry

Last Name: Evans

Email: Not provided

Affiliation: Attorney

Online comments:

It would help the court be more efficient and would be better for clients. I think it is important that there be a backup in case the technology does not work. In rural areas, it will work well where there are libraries and community colleges where people can find access. Access would also be available at tribal community centers. Kiosks and self-help centers would really be good to help more people. The remote and videoconferencing would help people in rural areas and disabled people save the cost of transportation.

First Name: Geraldine
Last Name: Champion
Email: [just call me a lady2000@yahoo.com](mailto:just_call_me_a_lady2000@yahoo.com)
Affiliation: General Public / Private Citizen

Online comments:

I agree with the recommendations for using more technology to make it easier to use and access the courts. Remote and video conferencing would help people who have transportation issues. It would really be better if these ideas help to reduce some of the process to make it easier for people to use the court system.

First Name: Mike
Last Name: Wimer
Email: mwimer@ashevillelegal.com

Affiliation: Attorney

Online comments:

It is imperative that the Court system be allocated sufficient funds and other resources for immediate design and implementation of an electronic filing system for all state courts. The federal ECF system, with which most litigators should be familiar, would serve as an excellent prototype for the North Carolina system.

First Name: Aaron
Last Name: Lindquist
Email: alindquist@ftr-law.com

Affiliation: Attorney

Online comments:

We need a uniform system for case management and electronic case filing. The patchwork system that exists makes it difficult for attorneys to practice law in a "foreign" county, which then inhibits access to justice. Technology can be used to provide the majority of legal services, just short of arguing motions or handling a trial, from any geographic location. However, the reliance on paper files prevents attorneys from accessing files and being able to potentially render services to clients who are not local as they are then forced to travel to another county to simply make copies of a file. That is inefficient and costly, for all parties involved. No one wants to reimburse their attorney \$0.54/mile so that they can go make copies of a case file. Additionally, having a uniform case management system will allow for attorneys to understand and know how each county operates, thus allowing for wider representation. The legal profession, at every level, must embrace technology in order to efficiently deliver legal services and justice.

First Name: Kellie
Last Name: Myers
Email: Not provided
Affiliation: Trial Court Administrator, Wake County

Online comments:

I strongly agree with this recommendation and believe that we can more efficiently manage civil case through a simple, robust civil case filing and management system; court personnel waste valuable time performing duplicative data entry across multiple systems and this can be avoided through a single case filing system.

I would add more emphasis on the fact that not all tasks can be done through technology and I suggest that the Judicial Branch explore expanding the use of trained court managers to provide a specialized approach to each case, as noted by the committee; the recommendations endorsed by the Conference of Chief Justices as set out in the 2016 *Call to Action: Achieving Civil Justice for All* support the position that courts should delegate administrative authority to court administrative staff who have been trained in case management techniques.

Feedback from Judicial Branch Stakeholder Organizations

1. JusticeMatters

- We respectfully recommend that Rules 4 and 5 of the North Carolina Rules of Civil Procedure should be amended to allow service by electronic mail or online publication in certain circumstances.

2. NC Conference of Court Administrators

- The NCCCA is in strong agreement with the Committee’s recommendation for electronic filing. We believe implementing this practice will allow the courts to operate more efficiently and manage cases through a single filing and management system. Currently, we lose valuable time performing duplicative data entry across multiple systems.

3. NC Magistrates Association

- The NCMA advocate for the expanded use of statewide, standardized electronic filing.
- Remote communications have been a wonderful addition for the criminal side of magisterial duties; we fully endorse expanding such technologies to include civil filings as well.
- We also would recommend converting other civil processes to an electronic format such as OFA’s for support and 50B Protective Orders, so there is immediate statewide visibility and serviceability.

4. Conference of Superior Court Judges of North Carolina

- 91% of surveyed Superior Court Judges strongly agreed or agreed that electronic filing should be authorized, funded, and implemented.

II. UNIFORM CASE MANAGEMENT AND CASE “TRACKING”

Comments Received Regarding Uniform Case Management and Case “Tracking”

Online Comments	Verbal Comments	Organizational Comments
3	2	4

Online Comments from the General Public and Judicial Branch Employees

First Name: Diane

Last Name: Wardlow

Email: dianeww5@aol.com

Affiliation: Attorney

Online comments:

We do need to find a system that allows cases to be heard in the right place for that particular case. The money system is not a good one because it does not consider other factors that are important. It places a burden on the staff and the lawyers and time is being wasted. I think the proposal of dividing cases into the three categories will help.

I do think the use of uniform case orders would make the court system more unified. There will be fairness across the board no matter where you are... everything would be uniform. You would not have one to wonder whether you will get different treatment from one city or town to another.

First Name: Perry

Last Name: Evans

Email: Not provided

Affiliation: Attorney

Online comments:

Resources should be allocated based on complexity. It can be costly to clients, attorneys and the court when cases are drawn out for so long. It can involve so many people. Cases can be resolved more quickly and with better results if matched to proper resources. Sometimes the political climate can come into play when cases take so long.

Within counties, depending on government interests, the processes may be different. Sometimes people have problems that cross county lines. When the courts handle things differently, it makes it difficult for people and the lawyers.

First Name: Kellie

Last Name: Myers

Email: Not provided

Affiliation: Trial Court Administrator, Wake County

Online comments:

While I agree with the overall theme of this recommendation, I encourage the Committee and the Chief Justice to consider the recommendations endorsed by the Conference of Chief Justices as set out in the 2016 *Call to Action: Achieving Civil Justice for All*.

I agree that cases in civil Superior Court and civil District Court should be triaged into three levels at the time of filing; however, the assignment process must be flexible to allow for reassignment at a later time, as determined by the court administrator, should the complexity of the case change during the pendency of the action.

While I agree that uniformity is a necessity of we are to provide equal access to the courts, the procedures prescribed to manage cases must be flexible enough to reflect differences between judicial districts because one size does not fit all. If the Chief appoints a Civil Rules Committee, the committee should be charged with identifying best practices and general guidelines, while allowing specifics regarding local procedures to be determined by the local court administrators, local judiciary, and local bar.

Verbal Comments Provided at Public Hearings

First Name: Lynelle

Last Name: Morgan

Public Hearing: Charlotte

Summary of Comments:

Ms. Morgan spoke on professional case management in family law cases. She said that if there isn't effective case management cases age and families stay in crisis. She remarked how self-represented

litigants aren't able to further their case the way attorneys know how to and her staff is required to help self-represented litigants through the process.

First Name: Kenneth

Last Name: Schorr

Public Hearing: Charlotte

Summary of Comments:

Mr. Schorr is concerned about a potential case management system that categorizes cases as simple or complex and assigns resources accordingly. He fears that pro se and/or poor people will get classified as case types that get little resources.

Feedback from Judicial Branch Stakeholder Organizations

1. NC Conference of Clerks of Superior Court

- Jurisdiction amount for magistrates should be the same in every county. There is no uniformity and this frustrates attorneys and the public which adds needless stress to clerk staff.

2. NC Conference of Court Administrators

- After member discussion, we agree a “one size fits all approach” is not beneficial to our differing needs between judicial districts. Our districts are unique and require some variation in how matters are approached and addressed.
- While our Conference can see value in the overall theme of three tracks, we believe the assignment process must remain flexible and allow for reassignment at a later point, as determined by the court administrator. Complexity of cases may change as the case evolves and should not be locked into the initial category determined at the time of filing.

3. NC Magistrates Association

- The dollar amount in question for a particular case does not necessarily define its complexity, which should really be the deciding factor as to what level of civil court a case is assigned.

4. Conference of Superior Court Judges of North Carolina

- More surveyed Superior Court Judges *agreed* than *disagreed* that formulation of a “uniform” case management order for CV cases would be desirable, but comments suggest that a “cookie cutter” approach would not serve well in all cases, and that each district should retain flexibility to fashion orders to address peculiarities of individual cases.
- Specifically, comments included:
 - Preserve discretion for Senior Residents to modify in complex cases.
 - Implement this not at the expense of districts with systems that now work.
 - One size does not “fit all.”
 - More staff would be needed.

III. SYSTEM OF JUDICIAL ASSIGNMENT

Comments Received Regarding the System of Judicial Assignment

Online Comments	Verbal Comments	Organizational Comments
4	1	2

Online Comments from the General Public and Judicial Branch Employees

First Name: Jackie

Last Name: Freeman

Email: jackiefreeman4@gmail.com

Affiliation: Attorney

Online comments:

I would like to comment on judicial assignment. This would be an excellent implementation in the courts. I was living in Chicago were this is already in place and it makes the judicial process work more efficiently for everyone from clerks, attorneys, pro-se petitioners or anyone that has to be in court. In Chicago, each division has its own department, i.e. clerk staff & judges and when you file your case you are assigned a courtroom at that time and every filing, pleading or motion is heard in the courtroom before that assigned judge. This will cut down on attorneys being able to play musical judges (where they file a pleading, then keep continuing it until they get the judge they want to hear their case), this is one reason why courts have 2-4 backlog of cases because the judges allows this behavior. In Chicago, they are given one continuance from then on if the case is on the calendar they better be there prepared for trial or get sanctioned.

First Name: Diane

Last Name: Wardlow

Email: dianeww5@aol.com

Affiliation: Attorney

Online comments:

One judge should handle a case because when you have more than one judge involved, you lose vital information. When a case goes through too many peoples' hands, it is a major frustration for the client and the lawyers. Sometimes it seems that the judge is being heard but the client is not because so many judges have had their hands on the case. We definitely need a better system.

First Name: Kellie

Last Name: Myers

Email: Not provided

Affiliation: Trial Court Administrator, Wake County

Online comments:

All civil cases filed do not require the assignment of a single judge and doing so would create a waste of valuable judicial time; cases should be triaged and assigned a specific track for case management based on the complexity of the action. Local districts should be encouraged to adopt a local rule or process whereby the court administrator identifies complex cases and the Senior Resident Superior Court Judge may then assign a certain judge; the same process should be replicated in District Court by the Chief District Court Judge.

Judges should not be responsible for case management, instead preserving their time and specialized training for presiding over hearings and trials. Without the full implementation of e-filing, the assignment

of a single judge to every civil action is likely to create more inefficiencies as judges try to chase paper documents between counties.

I encourage the Committee and the Chief Justice to consider the recommendations endorsed by the Conference of Chief Justices as set out in the 2016 *Call to Action: Achieving Civil Justice for All*, specifically that each case is placed on a procedural pathway and is not assigned to a specific judge unless the complexity of the case requires such an assignment.

First Name: Charles

Last Name: Anderson

Email: Not provided

Affiliation: District Court Judge

Online comments:

My experience leads me to believe that the practice of single judge case assignments would enhance the opportunity for judicial investment in case management and lead to efficiencies that are lost during multiple hand offs in trial litigation that routinely exceeds rotations in Superior Court. The Family Court initiative recognized this need/benefit in domestic cases and it has proved a great benefit.

Verbal Comments Provided at Public Hearings

First Name: Daniel

Last Name: Yemiola

Public Hearing: Jamestown

Summary of Comments:

Mr. Yemiola is concerned that judges are not in control of the docket, particularly in civil court. He added that rotation adds to the problem with judge shopping and better control could reduce the time a case is pending. He also commented that judges need an assistant to help with the process of effectively scheduling cases.

Feedback from Judicial Branch Stakeholder Organizations

1. NC Conference of Court Administrators

- We believe this is a great practice for some cases, but not all civil cases require the assignment of a single judge. In fact, doing such may actually delay the case and waste valuable judicial time.
- Alternatively, we agree assigning cases to specific tracks may be a better option and would allow for more complex cases to be identified and properly routed through the system.
- Without e-filing, a strong case management system, and an all-encompassing electronic database, the assignment of a single judge to every action would create logistical problems between counties, resulting in a great deal of “paper chasing”, scheduling issues and delays, and filing concerns.

2. Conference of Superior Court Judges of North Carolina

- A slight majority (52%) of surveyed Superior Court Judges support the concept of single judge assignments (and 35% strongly support it).
- From the comments, many responders are concerned about how the concept could be developed into a workable process, particularly with the current constitutional requirement.

- Other comments included:
 - The process should minimize attorneys’ ability to “judge shop”.
 - Care should be taken to identify judges’ special expertise and experience in particular areas of the law.
 - Allow judges the ability to decline assignment.
 - Assignments should be made by the Senior Resident.

IV. EXPANDING LEGAL SUPPORT STAFF

Comments Received Regarding Expanding Legal Support Staff

Online Comments	Verbal Comments	Organizational Comments
2	1	2

Online Comments from the General Public and Judicial Branch Employees

First Name: Diane

Last Name: Wardlow

Email: dianeww5@aol.com

Affiliation: Attorney

Online comments:

I do think that support staff should definitely be reassigned and retrained to help judges. The more support staff can help the judges, the more help clients will get and the cases can move faster.

First Name: Kellie

Last Name: Myers

Email: Not provided

Affiliation: Trial Court Administrator, Wake County

Online comments:

The Judicial Branch and the NCAOC should invest resources to ensure that professionally-trained court administrators are assigned to each district/group of districts; the number of court administrators and support staff should be determined by data to not only include the number of case filings, but factors such as motions filed and managed, number of judicial officials, size of the local bar, and number of self-represented litigants.

The Judicial Branch and the NCAOC should invest resources to provide for continued training of court administrators on effective case management, through professional groups such as the National Center for State Courts.

Verbal Comments Provided at Public Hearings

First Name: Todd

Last Name: Nuccio

Public Hearing: Charlotte

Summary of Comments:

Mr. Nuccio feels that implementation of professional court management should be expanded throughout the system. Mr. Nuccio is giving the NCCALJ a report that was given to the Medlin Commission from Judge Collier in 1972. He closed by saying that we need the best and the brightest in the court administrator and judge area.

Feedback from Judicial Branch Stakeholder Organizations

1. NC Conference of Clerks of Superior Court

- NCAOC needs to provide better timely and proficient assistance to Clerks in assimilating new processes and policies as legislation changes and new laws are passed.

2. NC Conference of Court Administrators

- We applaud the Commission’s recognition of the need to reinvest in judicial support staff, TCA’s and clerks. Continued training for court administrators on effective and changing case management processes is of great importance.
- However, we also believe greater emphasis should be given to the need for professionally trained court managers to perform the planning, organizing and directing of court operations.
- If there is a desire to move beyond outputs to outcomes, the intervention of a professionally trained manager who is knowledgeable about organizational dynamics and evidence-based practices is needed. Professional managers take the actions needed and achieve the results desired. We do ourselves a disservice if a competence-based approach to system management is not taken.

V. METHODS OF LEGAL ASSISTANCE FOR SELF-REPRESENTED LITIGANTS

Comments Received Regarding Innovative Methods of Legal Assistance for Self-Represented Litigants

Online Comments	Verbal Comments	Organizational Comments
3	0	3

Online Comments from the General Public and Judicial Branch Employees

First Name: Ali

Last Name: Paksoy

Email: ali.b.paksoy@nccourts.org

Affiliation: District Court Judge

Online comments:

I think the recommendations for helping self-represented individuals are good-more money needs to go to civil legal services. We see quite a few self-represented clients in court, especially trying to get divorces, and trying to handle custody cases and other types of cases. Has there been any thought to somehow using third year law students to help out, maybe with clinics or assistance for court?

First Name: Kathleen

Last Name: Lynch

Email: klynch@kliplaw.com

Affiliation: Attorney

Online comments:

As you may know, about 80% of people in North Carolina in need of an attorney do not have access to one. As a member of the NC Bar, I think this is a shameful statistic. I believe that we need to work towards a voluntary goal of at least 8 hours of pro bono work per active attorney admitted here in North

Carolina. Legal Aid and other organizations are only scratching the surface of the needs of the poor and working poor. As attorneys we are duty bound to help those who cannot help themselves. The least we can do is to actively encourage each member to work one day a year in advancing the legal causes of those less fortunate. I hope that your commission will come up with some constructive guidelines on how the NC Bar can decrease this shameful statistic. Thank you.

First Name: William

Last Name: Cannon

Email: bcannon@cannonlawpc.net

Affiliation: Attorney

Online comments:

I believe the recommendation to make it easier for court personnel to assist pro se litigants is ill advised. As long as the Clerk of Superior Court has judicial responsibilities as well as administrative responsibilities, the proposal would permit ex parte communication by a pro se litigant that is not permitted by an attorney. We certainly would not want a judge's assistant to provide assistance to a litigant and there is basically no difference in that situation and the proposal. If a pro se party takes action with the assistance of court personnel and then I have to challenge that action, I believe it will be difficult to persuade the Clerk of Court to rule against a party who took action based on the recommendation of someone in the Clerk's office. I am sympathetic to the need to improve access to judgment but this specific proposal is flawed.

Feedback from Judicial Branch Stakeholder Organizations

1. NC Conference of Clerks of Superior Court

- Language is a huge barrier. There are not enough certified translators and scheduling these is an issue.
- Provide better information for pro-se litigants (more "how to's" on NC Courts Website and or pamphlets to be made available).

2. JusticeMatters

- Regarding Access to Courtroom Interpreters
 - To help address this problem, we respectfully recommend the use of an online database through which attorneys and individuals representing themselves may request an interpreter and to confirm that the request has been processed and filled.

3. Conference of Superior Court Judges of North Carolina

- 50% of surveyed Superior Court Judges recognized that self-represented litigants substantially and adversely affect the ability to manage caseload, and a more substantial majority (72%) strongly agree or agree that more opportunities to receive legal assistance should be provided.
- Most also support providing training in how to better interact with *pro se* litigants for judges and court personnel.

VI. CIVIL FINES, FEES, AND PENALTIES

Comments Received Regarding Fines, Fees, and Penalties

Online Comments	Verbal Comments	Organizational Comments
2	0	2

Online Comments from the General Public and Judicial Branch Employees

First Name: Diane

Last Name: Wardlow

Email: dianeww5@aol.com

Affiliation: Attorney

Online comments:

We do not need this “debtors’ prison” system because we are not accomplishing anything. The system should not add fees and penalties for people who cannot pay them. Adding a judgment hurts the debtors’ ability to get other services. If you want to be fair, you cannot immobilize the people by taking their ability to do better.

First Name: Perry

Last Name: Evans

Email: Not provided

Affiliation: Attorney

Online comments:

There should be more considerations for people who cannot pay. The interest and fees mean the system is being abuse. There should be more awareness of what is going on with the person who owes the money and figure out what is best to help them.

Feedback from Judicial Branch Stakeholder Organizations

1. Criminal Justice Debt Working Group

- Comments of the Criminal Justice Debt Working Group have been provided in full as an attachment to this summary.

2. NC Magistrates Association

- On the topic of civil fines, fees and penalties we take the same position that the court system should not be concerned with funding itself – we are a separate equal branch of government and should be funded as such without regard to how much or little is deposited in the general fund and subject to the financial scrutiny that is often blanketed over the Judicial Branch along with individual departments and funding codes.

VII. FUNDING FOR CIVIL LEGAL AID AND LOAN FORGIVENESS PROGRAMS

Comments Received Regarding Funding for Civil Legal Aid and Loan Forgiveness Programs

Online Comments	Verbal Comments	Organizational Comments
24	23	6

Online Comments from the General Public and Judicial Branch Employees

NCCALJ Staff Summary: Staff received written comments from several attorneys and members of the general public urging increased funding for civil legal aid organizations. Consistent themes among these comments included that the demand for civil legal aid services is so large that existing organizations are not able to represent a large portion of the population that needs these services. Advocates for increased funding pointed out that although there is no threat to one's liberty in a civil case as there is in a criminal case, the situations and circumstances of many legal aid cases are no less life-changing; these are cases about meeting one's basic needs to survive and provide for their family and loved ones.

There were several online comments received urging for full funding of the North Carolina Legal Education Assistance Foundation (NC LEAF). Many of these comments came from NC LEAF fund recipients themselves and discussed their personal struggles with wanting to practice law in a way that serves the public while at the same time managing overwhelming law school debt and everyday life expenses. Many of these recipients noted that NC LEAF is the only reason they are able to continue the job they love and to improve the lives of the public.

Notable quotes from online comments have been excerpted below.

"Funding for non-profit legal support must increase in North Carolina. As a volunteer at Pisgah I see how many people that we do help and how many we turn away because we do not have the staff to assist them. When we can't help we send them to the Lawyer Referral Service which is like sending them into a black hole because that resource is also overwhelmed." - Deborah Wagner, Private Citizen

"I fully support restoration of funding for NC LEAF. Without the program, many cannot meet the financial burdens inherent in obtaining an adequate legal education, while working and remaining in the public sector. The gap between the size of the unavoidable debt necessary to enter the legal profession and the limited income opportunities in the public sector forces high skilled lawyers out of public service, or, in the alternative discourages skilled professionals from ever entering the field." – Tim Sielaff, Assistant District Attorney

"I have been an NC LEAF Loan Assistance Program recipient for the past three years. The funding that I have received to assist with my student loans is the sole reason I am able to continue working as a prosecutor for the State of North Carolina. Being a public servant has been my life's passion. Prior to attending law school, I was not aware of the true burden law school loans add to one's life. During my first year as a prosecutor, making my loan payments every month was difficult and sometimes impossible. There were often times when I had to strongly consider changing jobs in order to make ends meet. Receiving my loan assistance was a true gift, and has allowed me to continue working in a sector that strives to serve the public. If funding is lost, I will once again be in the position where I have to give up my passion in order to pay the bills. I do not look forward to that sad and unfortunate day." – Regina Hinson, Assistant District Attorney

Verbal Comments Provided at Public Hearings

NCCALJ Staff Summary: The public hearings included several comments from current legal aid attorneys and NC LEAF recipients. Clients of legal aid services also delivered powerful comments about their personal experiences and how legal aid organizations were critical to the improvement of their lives. Executive Directors of legal aid organizations spoke of the sadness of losing well-qualified attorneys to better paying private sector jobs. Attorneys spoke of their overwhelming and never-ending caseload, but nevertheless their desire to continue to do this type of work. NC LEAF recipients delivered powerful

comments about the amount of debt they entered the workforce with, and their ability to keep the jobs they are passionate about while still paying down that debt with the assistance of the Foundation.

Feedback from Judicial Branch Stakeholder Organizations

1. North Carolina Equal Access to Justice Commission

- Comments of the North Carolina Equal Access to Justice Commission have been provided in full as an attachment to this summary.

2. Equal Justice Alliance

- Comments of the Equal Justice Alliance have been provided in full as an attachment to this summary.

3. North Carolina Conference of District Attorneys

- The Conference of District Attorneys strongly supports the recommendation to restore funding for legal assistance programs including loan repayment relief. Public interest law is especially vulnerable to the effects of crippling law school debt. The Conference recommends the Chief's Commission support funding debt relief organizations like the North Carolina Legal Education Assistance Foundation (NC LEAF). Only through this kind of support organization can public interest lawyers, like assistant district attorneys and assistant public defenders afford to concentrate and continue careers in public interest law. It is critical to both District Attorneys and Public Defenders that they can attract and maintain quality attorneys to handle cases within the criminal courts.
- *The Conference's submittal also included an appendix containing quotes from roughly 15 Assistant District Attorneys outlining their support for NC LEAF.*

4. North Carolina Office of Indigent Defense Services

- "I am writing on behalf of IDS to support the recommendation of the Civil Justice Committee of NCCALJ regarding the restoration of funding for NC LEAF. Lawyers who wish to pursue a career as an Assistant Public Defender, Assistant District Attorney, Legal Aid attorney or other public service work are often burdened with large law school loans. Lawyers who wish to serve their communities in this fashion face modest pay and pressing caseloads, and the risk that they will eventually decide to leave the public service field is very real. Loan repayment assistance is one, very important way to relieving the stress of working as a public service lawyer. As Director of IDS I know how valuable loan repayment assistance is in helping us attract and keep qualified lawyers working in the field of public defense. IDS strongly endorses the recommendation that NC LEAF be fully funded." – Tom Maher, IDS Executive Director

5. Legal Services of Southern Piedmont

- Comments of Legal Services of Southern Piedmont have been provided in full as an attachment to this summary.

6. NC State Bar IOLTA

- Comments of the NC State Bar IOLTA plan have been provided in full as an attachment to this summary.

VIII. FAMILY COURT / DOMESTIC CASES

Comments Received Regarding Family Court / Domestic Cases

Online Comments	Verbal Comments	Organizational Comments
14	11	3

Online Comments from the General Public and Judicial Branch Employees

NCCALJ Staff Summary: Attorneys and judicial support staff wrote comments supporting the expansion of the Family Court model. Proponents of Family Court argued that many of the principles articulated in the Committee’s interim report are already the tenets of the Family Court model: effective case management, “one family, one judge”, pro se assistance, and timely disposition of cases. Attorneys with multi-county practices noted the significant difference between practicing in Family Court and non-Family Court districts, and the superiority of the former. Both attorneys and judicial support staff noted that domestic cases represent a significant portion of civil case volume and that improving the administration of these cases would help families significantly.

Notable quotes from online comments have been excerpted below.

“Your reports exemplify many of the concepts already utilized in Family Court (case management, pro se assistance, providing legal information vs. legal advice, timely disposition of cases. Other courts would be wise to adopt your principals and one of the best ways to do this to model the success of these ideals through the expansion of Family Court. Expansion efforts were stopped in 2007 and there have been districts waiting to being family court to their communities since before this time. The expansion of family court can represent a renewed commitment to these principles and once people see what can be done they will be more likely to accept the changes to other courts. I have seen non-family court districts and family district courts in operation and there is a night and day difference. Family Courts provide accountability for all parties involved. Judges maintain their own caseload and have less incentive to continue cases, attorneys can be assured that their case will be reached and allow them to take on more clients because their cases are moving quickly, and pro se litigants are given the tools they need to make their own decisions. This creates efficiency, accountability, and allows for knowledgeable professionals to manage these sensitive cases and return stability to families in a timely way. This Commission, through its objectives, believes in family court. A recommendation that Family Court be expanded would send a signal that the Commission is serious about making real change in the North Carolina court system.” - David Lambert, Judicial Support Staff

“As a practicing family law attorney in Cumberland County for over 33 years it is important for the Commission to understand how effective Family Court has been in our jurisdiction. It has created a method of continuity in dealing with cases that involve much emotion. A client knowing they will be having the same Judge hear all substantive matters helps alleviate the anxiety they experience. Also prior to the implementation of Family Court, cases would become lost in the process. Having cases tracked has been such an effective tool for insuring cases flow through the system as quickly as possible based on the current caseload and court time available.” – Robin Hurmence, Attorney

Verbal Comments Provided at Public Hearings

NCCALJ Staff Summary: Judges (including Chief District Court Judges), and Family Court Administrators spoke at the public hearings in support of expanding the Family Court model statewide. Their reasons for supporting this model include that it is accessible, efficient, provides case management, assists pro se litigants, and provides timely disposition of cases. Some judges provided evidence of

increased efficiency by pointing out that the time to disposition of cases and average age of pending cases decreased when their district switched to the Family Court model. Judges also expressed their beliefs that Family Court jurisdictions do a good job of guiding families through cases with many intersecting lines between children, parents, family units, and varying ways of life.

Feedback from Judicial Branch Stakeholder Organizations

1. NC Conference of Clerks of Superior Court

- Domestic Violence - 50(b) and 50(c)'s Motions and Ex Parte Orders inundate and utilize a huge amount of resources in a clerk's office daily.
- Magistrate Ex Parte orders for 50(b) and 50(c)'s should be sufficient until the next regularly scheduled district court day. The current practice is irrational and causes much stress on citizens, in addition to extensive additional work for clerk staff and law enforcement.

2. JusticeMatters

- Regarding Abuse, Neglect, Dependency, and Custody Proceedings
 - The work of JusticeMatters frequently intersects with Abuse, Neglect, and Dependency (A/N/D) proceedings under Chapter 7B-100 et seq. of the General Statutes and custody proceedings under Chapter 50 of the General Statutes, and even special proceedings under Chapters 48 and 49. Each of these courtrooms is very important to the preventive services that JusticeMatters provides to help reduce the risk that our state's vulnerable youth will be exploited by human traffickers, gangs, and other perpetrators.
 - We are concerned about the severe workload imposed on attorneys and judges who serve these courtrooms and the strain on resources, particularly in the Abuse, Neglect, and Dependency courtrooms.
 - We respectfully recommend that the Commission should gather input from personnel in these courtrooms and explore options to provide these courtrooms with the resources they need to reduce turnover and operate efficiently.

3. NC Conference of Court Administrators

- The Conference supports the Family Court model. Expanding case management in domestic matters using the Family Court model, which has proven to be effective throughout the state, would provide equal access to justice in a more uniform manner. Family Court integrates resources and uses specially trained judges and court personnel to monitor and manage cases involving families and children.
- The NCCCA supports Family Court expansion in accordance with requests made from the Chief District Court Judges in their respective districts. However, at this point in time, we are not in support of mandating the Family Court model for every district.