

Basics of the NC Court System

October 2015

Supreme Court
Court of Appeals
Superior Court
District Court

See routes of appeal at

<http://www.nccourts.org/Courts/Appellate/Supreme/Routes.asp>

District Court

- District Court Judges: 270, elected for 4-year terms, in 40 districts.
- Chief District Court Judge, designated by Chief Justice, in each district. Responsible for assigning judges to sessions of court, supervising magistrate assignment, and assigning small claims cases to magistrates.
- Magistrates: 675, initially appointed by senior resident superior court judge for 2 years, then 4-year terms. No law degree requirement. At least 3 per county.
- No court reporters. Audio recordings of civil and juvenile proceedings.

Magistrate's Jurisdiction

- Try civil “small claims” of \$10,000 or less
- Issue domestic violence protection orders
- Landlord eviction cases
- Only judicial official with authority to conduct marriage ceremonies
- Criminal matters include issuing search and arrest warrants, setting bail, hearing worthless check cases in matters of less than \$2000, and accepting guilty pleas for minor misdemeanors and infractions (traffic, alcohol, boating, fish & game)

District Court Jurisdiction and Issues

- Civil
 - Cases with up to and including \$25,000 at stake
 - All domestic cases, w/o regard to \$ value at stake: divorce, custody, support
 - All juvenile: abuse/ neglect and delinquency
 - Appeals from magistrates
 - Involuntary commitment
- Criminal
 - Misdemeanors
 - Guilty/ no contest pleas in certain felony cases
 - Infractions (non-criminal violations of the law)
 - Appeals from magistrates
- Self-represented Litigants

Specialized District Courts

- **Family court** formally exists in 13 districts. Authorized by legislation. First in 1999. Reaches 45% of NC population, according to AOC.
 - See <http://www.nccourts.org/Citizens/CPrograms/Family/Default.asp?topic=1>
- **Drug treatment court** in 20+ districts. State funding eliminated in 2011.
 - See <http://www.nccourts.org/Citizens/CPrograms/DTC/History.asp>
- **Veterans court**, with grant funding, in Harnett and Cumberland Counties.
- **Mental health and community resource courts**, informally organized in court districts. “Domestic violence” dockets.

Superior Court

- Superior Court
 - Resident Superior Court Judges: 97, elected to 8-yr terms in 45? districts
 - Senior Resident Superior Court Judge, designated by Chief Justice, in each district
 - Special Superior Court Judges (15). New appointees require confirmation by General Assembly.
 - Trial court administrators in many districts. Hired by Senior Resident. May manage civil docket in both the district and superior court.
- Clerk of Superior Court
 - Administrative and judicial decision-making responsibilities
 - Mediation program. See <http://www.nccourts.org/Courts/CRS/Councils/DRC/Clerks/Default.asp>

Civil Jurisdiction

- Civil cases over \$25,000 (except domestic matters)
- Appeals from clerk of superior court
- Appeals from Office of Administrative Hearings
- Appeals from state administrative agencies, generally

Criminal Jurisdiction

- Trial of all felonies. Starting in 2014, waiver of jury trial permitted.
- Misdemeanors and infractions appealed from district court.

Rotation/ Assignment (Const. Art. IV, Sec. 11)

- Resident superior court judges are required to rotate “among the various districts of a division.”
- The General Assembly divides the State into 8 judicial divisions.
- The Chief Justice, acting within rules of the Supreme Court, assigns judges for six-month terms of court.
- Master calendar of commissions and sessions maintained by assistant director of the AOC, under authority of Chief Justice.
- Assigns judges to criminal, civil, or mixed sessions. Adjusts assignments to meet needs.

Commissions, sessions, terms

- Superior court judges have statewide jurisdiction, but gain authority to cases by being assigned by commission to particular terms and sessions and of court.
- Commission comes from assistant director of the AOC
- “Term” refers to six-month assignment
- “Session” refers to typical one-week assignment within the term
- Significant attention to authority to act on a case during sessions and terms. Less important in civil cases than criminal cases
- In-chambers jurisdiction (GS 7A-47.1): judge may hear & decide matters from home district, no matter his or her assignment

Notable

- Rule 2.1 of General Rules of Practice for the Superior and District Courts give Chief Justice discretion to designate a civil case as “exceptional” or “complex business,” which changes how the case is managed.
- Mediated settlement conferences in civil cases. See <http://www.nccourts.org/Citizens/CPrograms/MSC/Default.asp>
- May be jury or bench trial
- Emergency judges are retired judges called back to handle matters
- 2014 legislation requires creation of 3-judge panels to hear facial challenges to the constitutionality of state law in civil cases

Business Court as a Specialized Court

- Special civil superior court for Complex Business Cases involving significant issues of corporate and commercial law
- 3 special superior court judges designated by Chief Justice as Special Superior Court Judges for Complex Business Cases
- 3 business court chambers, though cases may be tried in any county
- Cases come here via Rule 2.1 of General Rules of Practice

Clerk of Superior Court

- A clerk elected in each county. Record keeping and judicial responsibilities.
- Hundreds of assistants and deputies.
- No law degree required.
- Judicial responsibilities include:
 - Probate: wills, administration of estates
 - Incompetency and guardianship
 - Partition of land
 - Foreclosures
 - Adoptions (with appeal to district court)

Court of Appeals

- 15 judges, elected statewide for 8-year terms. New law allows judges to affiliate with party on ballot.
- Hear appeals of decisions from superior and district court, except for death penalty convictions in first-degree murder cases, which go directly to Supreme Court.
- Hear appeals from specific kinds of administrative law decisions, like those from Industrial Commission and Dep't of Health and Human Services
- Hear cases in panels of three.

Supreme Court

- 7 justices elected statewide for 8-year terms. After initial election, may choose retention election.
- Hear cases as an entire group.

Supreme Court Jurisdiction Includes

- Appeals from Court of Appeals cases with legal issues of major significance, constitutional issues, or a dissent.
- Direct appeals from business court decisions and some orders.
- Utilities Comm'n General Rate cases
- May hear other matters upon certification without first being heard in Court of Appeals.
- Appeals in first-degree murder cases in which the defendant was sentenced to death.

Administrative Office of the Courts (1965)

- Handles administrative details of the statewide court system
- Has a director appointed by the Chief Justice
- Based in Raleigh
- Budget, employee issues, statistics, management of special court programs, forms, legal representation, monitoring legislation and being liaison with General Assembly.

Paying for System

- The States pays operating expenses of system. \$469 million budget.
 - Salaries
 - Equipment
 - Fees paid to jurors and witnesses
- Local governments, usually counties, pay for
 - “Adequate” physical facilities for the courts, including space, parking, furniture, and cleaning/ maintenance.
 - The sheriff, a county official, provides courthouse and courtroom security.
- Partially funded by state appropriation and partially by court system user fees (55%)

Fines and Forfeitures

- State Constitution requires transfer of proceeds from fines, penalties, and forfeitures to the public schools in the county where collected.

See additional narrative about NC Court System at
<http://www.nccourts.org/citizens/publications/documents/judicialsystem.pdf>