

# Calendaring in North Carolina

# Previous Concerns

- Getting a motion heard before a judge.
- Defendants forced to sit in court too long awaiting trial.
- Defendants whose cases are dismissed still sit in jail.
- No process to address unnecessary delays.

# Legislative Response

- **7A-49.4 - Superior Court Criminal Case Docketing**
  - DA no longer has complete control of the calendaring process
  - Hybrid process
  - Docket plans
    - Developed by the District Attorney
    - Consultation with the Superior Court Judge & local bar
  - **Administrative Courts**
    - Motions, orders, scheduling
    - Superior Court Judge presides

# 7A-49.4 Criminal Case Docketing

- **Provides mechanisms to ensure**
  - **Fairness**
    - Collaboration statutorily required
  - **Efficiency**
    - Administrative settings statutorily required
  - **Certainty**
    - Trial Date statutorily provided
    - Trial Order required and safeguarded

# Calendaring Considerations

- **Defendants**
  - Custody Status
  - Pending Charges
- **Defense Attorney**
  - Caseload & Schedule
  - Multi-county Caseload
- **Court Capacity**
  - Available Sessions
  - Available Courtrooms
  - Judge's Calendar
- **Prosecutor**
  - Caseload & Schedule
- **Witness**
  - Victims
  - Lay Witness
  - Expert Witnesses
  - Lab Analysts
    - MOU
  - Other State Agencies
- **Law Enforcement**
  - Caseload & Scheduling

# Challenges

- **Current Challenges**
  - **No statistics or management information available**
  - **Need more court time and personnel**
- **Challenges to Change**
  - **Costs Implications**
    - **Trial Court Administrator & Staff**
  - **Superior Court Judge**
    - **Rotation Modification**

# Current Advantages

- **No cost implications**
- **Provides Consistency**
- **Provides Efficiency**
- **District Attorney compelled to move cases forward**
- **Majority of prosecutorial districts work well**
- **Statutory remedies exist to customize and improve**