



MEETING MINUTES

FRIDAY, JUNE 10, 2016

NORTH CAROLINA BAR ASSOCIATION

Opening Remarks – Co-Chair Justice Barbara Jackson

Justice Jackson thanked the North Carolina Bar Association for hosting the Commission today. She was excited to hear the committees' reports as the Commission is now at the mid-point of its work. She asked the Commission members to serve as ambassadors in their communities to bring the Commission's vision to fruition.

Welcome Remarks – Chief Justice Mark Martin

Chief Justice Martin thanked all members and guests for attending today's meeting. He remarked on the importance of the work of the Commission and the need for this group to provide leadership and promote the rule of law in our society. The greatest challenges we face are often starting a project and bringing it to a successful completion, but he has full faith that this group, with its varied experiences and education, will achieve closure on this project. Over 40 meetings have been held thus far and 200-plus members of the public have attended. In addition, over 100 presenters from across the state and country have spoken to the committees, including Dan Becker, Director of the Administrative Office of the Courts in Utah. Research support has been provided by Jennifer Lechner, Executive Director of the NC Equal Access to Justice Commission and by the National Center for State Courts, whose President, Mary McQueen, has been very supportive of NCCALJ's work.

The engagement of a variety of stakeholders, especially in the arena of juvenile justice, has been important. The Public Trust and Confidence Committee commissioned a public survey which provided useful information. Assistance from UNC School of Government faculty has been helpful, especially Jim Drennan and Jessica Smith, as has support from the State Justice Institute.

The Medlin Commission accomplished a great deal and this Commission is building on that foundation. Momentum is continuing, even now at the mid-point of the Commission's work. Chief Justice Martin stated that he frequently gets asked how the Commission is doing, symbolizing that people are interested and hopeful that meaningful change will come. The committees' interim reports are being crafted and public hearings throughout the state are coming up in August. He thanked Commission staff Will, Emily, and Roxana for all of

their hard work. He closed by encouraging this group to be an example of how to conduct civil dialogue.

Greetings from the North Carolina Bar Association – Allan Head, Executive Director

Mr. Head welcomed everyone to the facility today and provided a brief history of the origins of the Bar Association.

Committee Updates by Co-Chairs and Reporters

Civil Justice Committee – Professor Darrell Miller, Committee Reporter

- Six public meetings have been held, attended by committee members, members of the legal, public, and private sector communities, as well as staff from the court system and AOC.
- The guiding principles of the committee state that our state’s civil justice system should be: fair, accessible, transparent, efficient. These principles were used to determine areas of focus and benchmarks.
- Areas of focus of the committee:
 - Technology (includes electronic case filing, interpreting services, and general interaction with the court system);
 - Case management and tracking (currently a mix of various local practices, best practice would be to develop tracks for various complexities); judicial assignment system;
 - Legal support staff (need for additional legally-trained support staff, perhaps matching recent law grads or creating a pool of legal clerks);
 - Legal assistance and self-represented litigants (large need in this area, not all people who need/want attorneys get one or can afford one, any case delays negatively impact the broader economic productivity of the state);
 - Fines fees and penalties (a domino effect, a destitution pipeline, a topic worth additional study)
- Preliminary recommendations:
 1. Comprehensive electronic filing and management of cases
 2. Create an efficient rule-making process for implementation of electronic filing and management
 3. Identify and track cases according to categories based on complexity; for example, simple, general, complex
 4. Require use of uniform case management orders in all courts
 5. As necessary, reassign and retrain court support staff and supply judges with research staff
 6. Increase use of teleconferencing and videoconferencing
 7. Restore funding for legal assistance programs including loan repayment relief
 8. Enhanced use of online forms, explore use of self-help kiosks and centers
 9. Study single judge assignment in District Court, and in Superior Court within spirit of rotation required by the North Carolina Constitution
 10. Ensure that laws and procedures respecting fines and fees and penalties do not cause or aggravate poverty and inequality issues

Professor Miller’s presentation has been included as **Appendix A**.

Criminal Investigation and Adjudication Committee – Professor Jessica Smith, Committee Reporter

- Juvenile Age – Raising the age of juvenile jurisdiction from 16 to 18, an important topic, subcommittee was formed, included experts and stakeholders from outside the Commission.
 - Professor Smith provided background information on the topic and state of current law, practice, and collateral consequences, as well as implication on possible changes that could result from raising the age ranging from reduced recidivism to economic benefits. She discussed the biology and development research on juveniles
 - The committee’s report recommends raising the age of juvenile jurisdiction to age 18 for low-level felony and misdemeanor offenses
- Indigent Defense – the committee has heard concern about private assigned counsel in the counties that don’t have a public defender (difficulty in getting pre-trial release, etc); and the need for an adequately-funded and well-managed indigent defense system in the state.
 - The committee’s report recommends increasing the oversight and availability of public defenders
- Criminal Case Management – the committee has hired the National Center for State Courts to examine our current system and make recommendations. The report is due to the committee at the end of this summer.
- Pretrial Release – the committee has hired an expert to review how NC can improve the way it measures and manages pretrial risk. The report is due to the committee at the end of this summer.
 - Recent research suggests that defendants who are confined pretrial are more likely to plead or be found guilty and to have longer sentences.

Professor Smith’s presentation has been included as **Appendix B**.

Legal Professionalism Committee – Matthew Sawchak, Committee Reporter

- The role of the committee is to consider and evaluate possible changes in our system of delivery of legal services.
- The committee has heard from deans of law schools, representatives from the NC Bar and NC Board of Law Examiners, and private sector businesses. There have been discussions on declining bar pass rates and an increase in issues with character and fitness within the bar applicant pool.
- Areas for likely recommendations by the committee:
 1. Access to justice (standard forms for pro se litigants, standardized/consolidated local rules, increase training for pro bono lawyers), likely to support the work of the NC Equal Access to Justice Commission
 2. Categories of law-related services (the definition of the practice of law, whether this state should allow, license, and/or certify any other types of providers of law-related services)
 3. Regulatory roles (regulation of entry into the practice of law and regulation of existing lawyers)
 4. Standards and methods for regulating entry, likely to suggest that another appropriate organization study future methods of assessing candidates for the practice of law

Mr. Sawchak's presentation has been included as **Appendix C**.

Public Trust and Confidence Committee – Mildred Spearman, Committee Reporter

- The committee has heard presentations on a wide variety of topics and conducted a survey, in collaboration with Elon University and High Point University in the fall of 2015. Ms. Spearman discussed findings and themes from the public survey, concerns and perceptions of the citizens of North Carolina.
- The committee's role is to identify and evaluate factors that influence public trust and confidence in the judicial system and to recommend actions to enhance this trust and confidence and further the following goals, among others:
 1. Eliminating actual and perceived bias in the courts
 2. Providing for the just, timely, and economical scheduling and disposition of cases
 3. Recommend a selection process that ensures well-qualified and independent judges
 4. Strengthening civics education

Ms. Spearman's presentation has been included as **Appendix D**.

Technology Committee – Doug Rowe, BerryDunn, Consultant to the Committee

- The IT strategic plan fits into the broader goals of the NCCALJ Technology Committee.
- BerryDunn's report is due to the committee at the end of this summer. It will include an initial five-year strategic plan that should continue to evolve over time.
- For these purposes, e-courts should reduce the need to go to physical courthouses, by including e-filing, a document management system, and a financial management system.
- The committee had already reviewed information on updating the court's website, court reporting technology solutions, and wireless access in county courthouses.
- E-courts strategic plan evolution – the end game:
 1. Document the current state (in process)
 2. Document the desired future state (in process)
 3. Conduct a gap analysis (current vs. future aligned with industry best practices (next step)
 4. Develop and prioritize initiatives list (purpose: close the gap)
 5. Determine and document estimated initiative costs
 6. Develop a "budget and timeline matrix"
- E-courts initiative domain areas:
 1. Management and governance
 2. Business environment
 3. Technology

Mr. Rowe's presentation has been included as **Appendix E**.

The meeting of the whole was adjourned to lunch and select committee break-out sessions for the remainder of the afternoon.

Select Committee Break-out Sessions

- Civil Justice Committee – agenda and meeting minutes have been included as **Appendix F**
- Criminal Investigation and Adjudication Committee - agenda and meeting minutes have been included as **Appendix G**
- Technology Committee - agenda and meeting minutes have been included as **Appendix H**