

Court Reform in North Carolina, 1955-75

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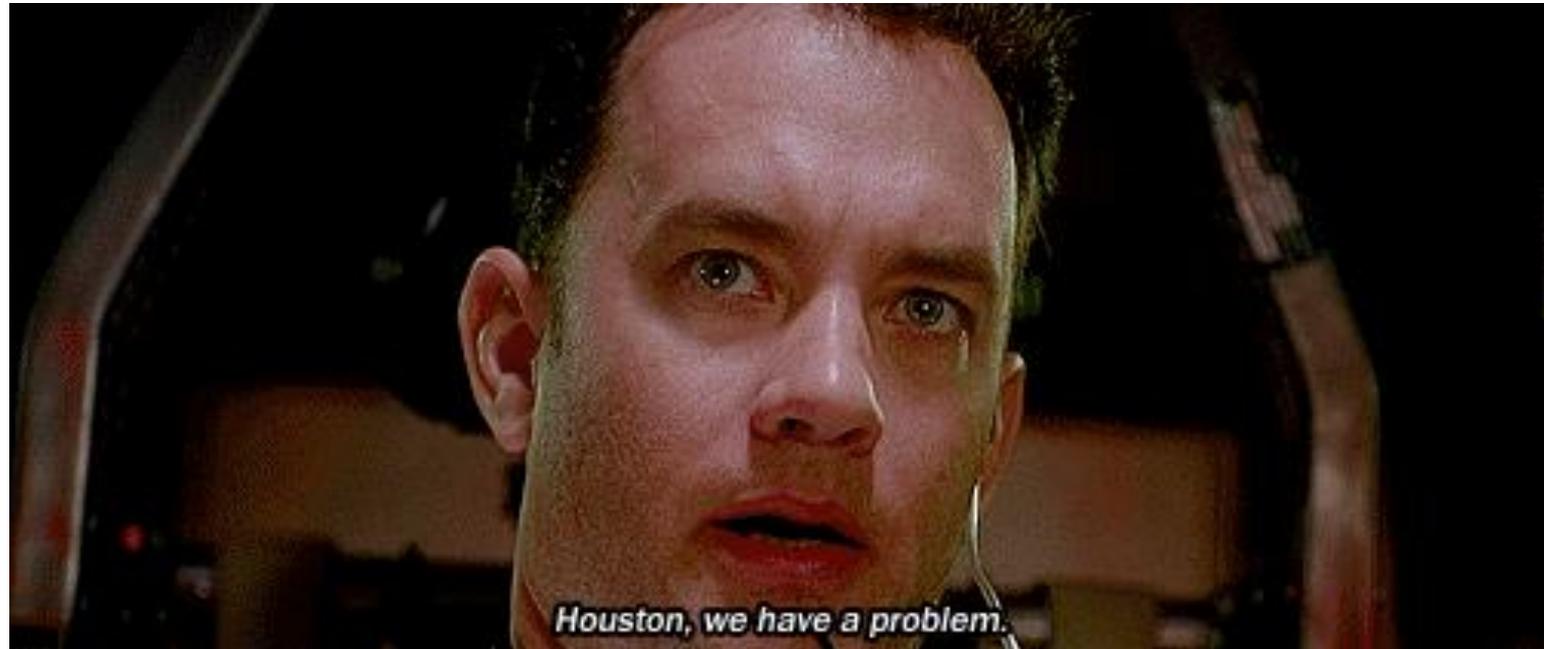
The Ends

- 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 favour, denial or delay

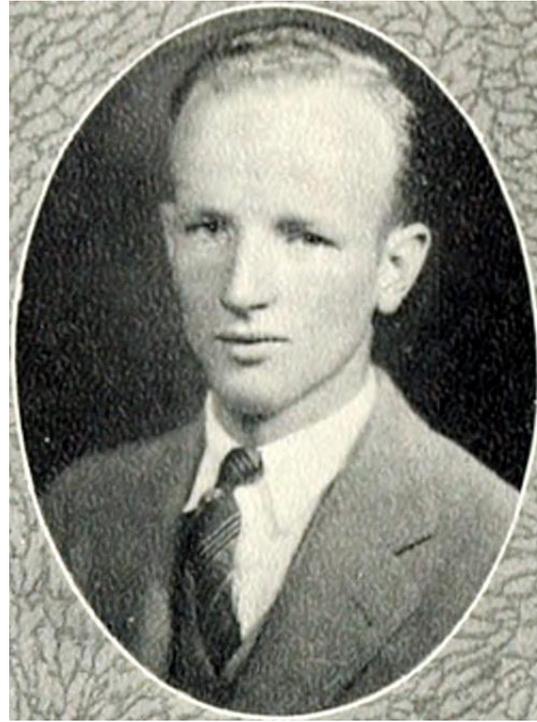
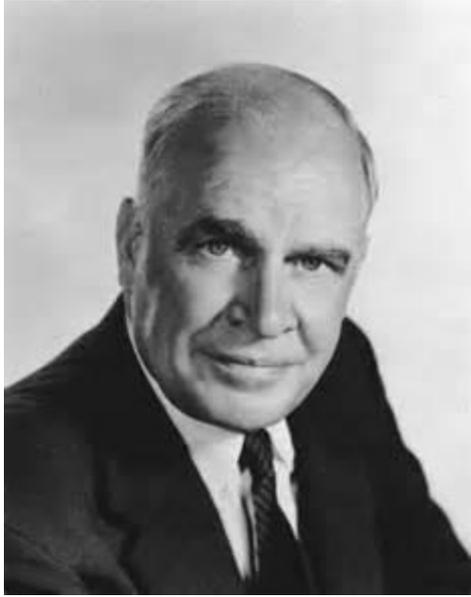
Where We Were

- In 1956 there were 49 superior court judges and 8958 felonies disposed of
- In 2014, there were 112 superior court judges and 121,306 felonies disposed of

- In the 1950's there were 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



North Carolina, we have a
problem.



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

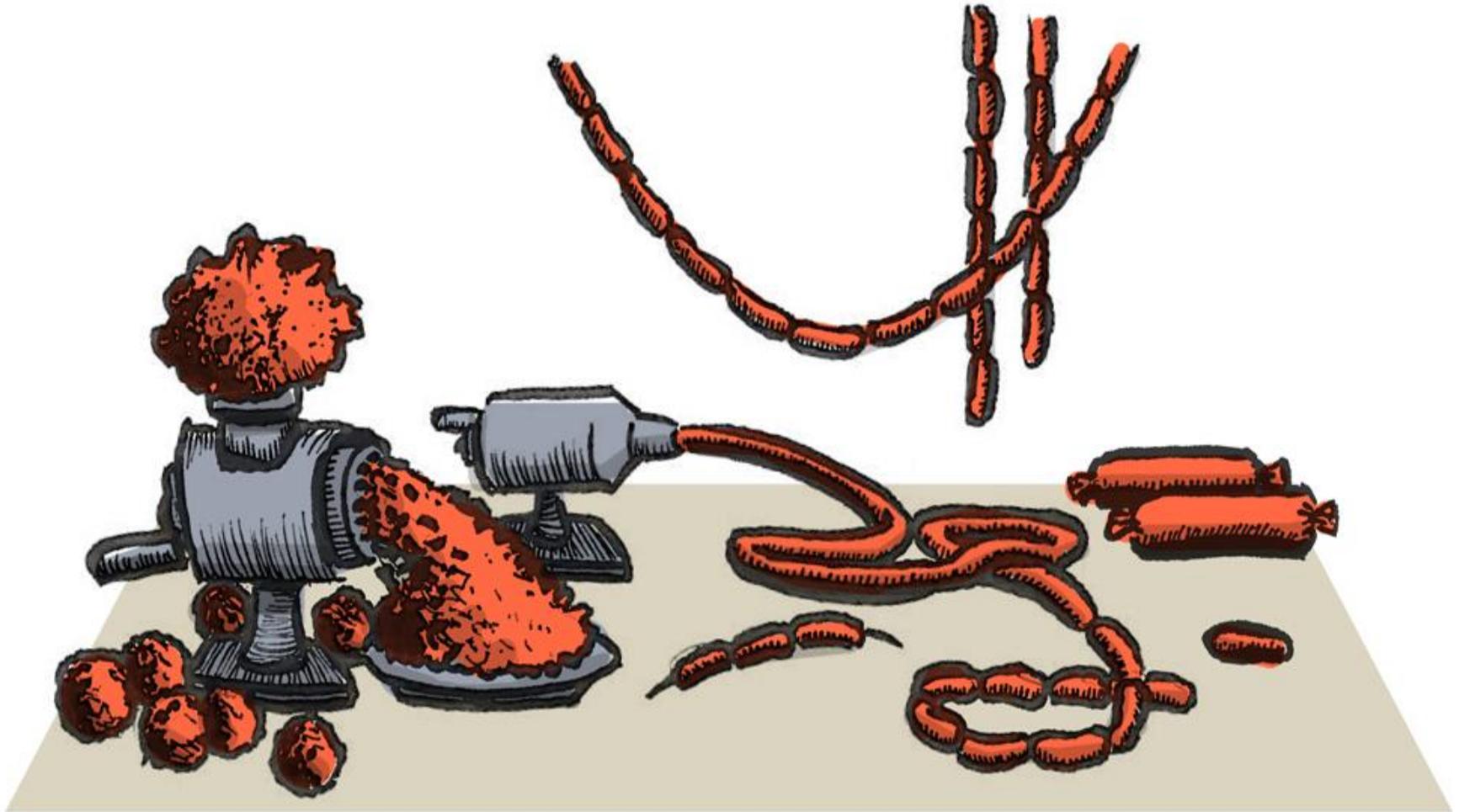
- **Unification**
- **Flexibility**
- **Conservation of Judicial Power**
- **Responsibility**

Roscoe Pound, 1958

Bell Commission Recommendations

- Uniformity
 - Jurisdiction
 - Fees
 - State funding, including salaries
 - District lines
- Flexibility
 - Unified General Court of Justice
 - Power in Supreme Court to make rules, change districts,
 - Appointment and assignment of judges
- Accountability
 - Courts have authority over budgets, district lines, rules
 - Centralized administration in chief justice and AOC

Let's Make Some Sausages—1958-61



NC Constitutional Amendment

Constitutional amendment providing that a person accused of any criminal offense for which the State is not seeking a sentence of death in superior court may, in writing or on the record in court and with the consent of the trial judge, waive the person's right to a trial by jury.



For

1962 Constitutional Amendment

In

- Unified court
- Uniform jurisdiction and fees
- State funding
- District court
- Assignment of judges

Out

- Appointment of judges
- Rule making by supreme court
- Authority to draw districts
- Budget flexibility



NC Courts Commission (no.1)—1963-75

- District court system
 - Magistrates and judges
 - Set jurisdiction levels
- Uniform fees
- Uniform districts
- Single clerk's office
- Court of Appeals
- Jury system
- District Attorneys
- Public Defenders/Indigent Defense
- Judicial Standards Commission
- Judicial Retirement
- Judicial Selection (not successful)

1964

- "In the 1660's the English Crown instructed the Lord Proprietors to build a system of courts 'to do equal justice to all men to the best of their skill and judgment, without corruption, favor or affection'. It is our devout hope that the recommendations of the Courts Commission will adhere to this high principle."
- *Address of Senator Lindsay C. Warren, Jr. Chairman, North Carolina Courts Commission, to the Annual Meeting of the North Carolina Bar Association, June 18, 1964.*

The End of the Story



Defining Characteristics of 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; many strains on the concept**
- **Increasingly small units of administration**

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