



2006—2007

North Carolina Courts Annual Report

July 1, 2006 – June 30, 2007





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## Mission of the North Carolina Judicial Department

To protect and preserve the rights and liberties of all the people, as guaranteed by the Constitutions and laws of the United States and North Carolina, by providing a fair, independent and accessible forum for the just, timely and economical resolution of their legal affairs.

*Prepared by the*  
North Carolina Administrative Office of the Courts

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919 890-1000  
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# Message from the Chief Justice and the AOC Director

Dear Friend of the Court,

We are pleased to provide this Fiscal Year 2006–2007 Annual Report of the North Carolina Judicial Department. We are truly proud of the North Carolina court system. Thank you for this opportunity to share our successes.

The report describes the North Carolina Judicial Department and all of its component offices. It also presents noteworthy accomplishments of the court system during the fiscal year.

Your interest in the North Carolina Judicial Department of government is greatly appreciated.

Sincerely,



*Sarah Parker*

Sarah Parker, Chief Justice  
Supreme Court of North Carolina

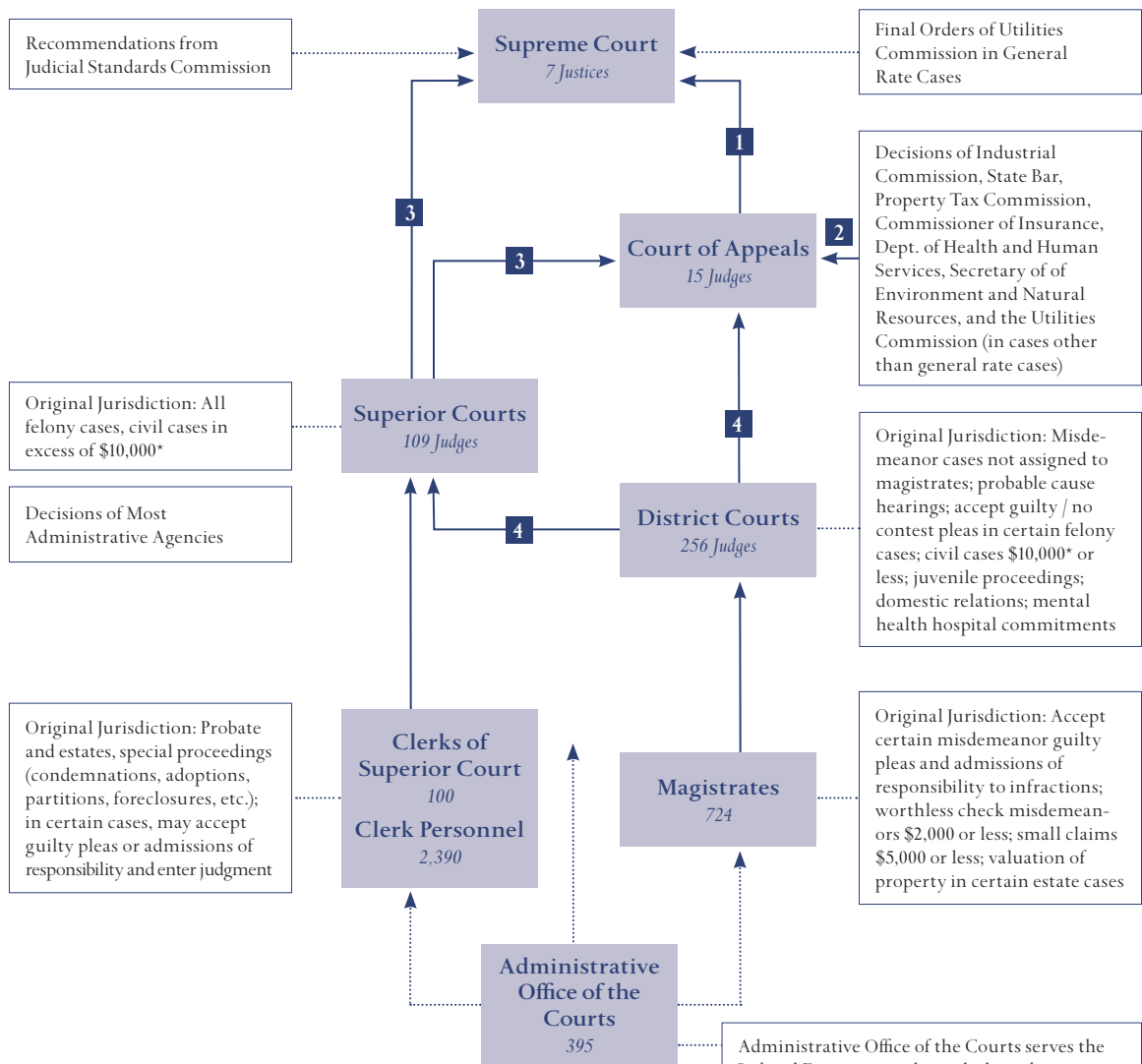


*Ralph A. Walker*

Judge Ralph A. Walker, Director  
Administrative Office of the Courts

# Court Organizational Structure and Routes of Appeal

As of June 30, 2007



- 1** Appeals from the Court of Appeals to the Supreme Court are by right in cases involving constitutional questions, and cases in which there has been dissent in the Court of Appeals. In its discretion, the Supreme Court may review Court of Appeals decisions in cases of significant public interest or cases involving legal principles of major significance.
- 2** Appeals from these agencies go directly to the Court of Appeals.
- 3** As a matter of right, appeals go directly to the Supreme Court in first degree capital murder cases in which the defendant has been sentenced to death, and in Utilities Commission general rate cases. In all other cases appeal as of right is to the Court of Appeals. In its discretion, the Supreme Court may hear appeals directly from the trial courts in cases of significant public interest, in cases involving legal principles of major significance, where delay would cause substantial harm, or when the Court of Appeals docket is unusually full.
- 4** Criminal cases proceed to the superior court for trial de novo. Civil and juvenile cases proceed to the Court of Appeals.

Administrative Office of the Courts serves the Judicial Department through these divisions: Court Programs, Court Services, Financial Services, Guardian ad Litem, Human Resources, Legal and Legislative Services, Purchasing, Research and Planning, Technology Services

\*The district and superior courts have concurrent original jurisdiction in civil actions (G.S. 7A-240). However, the district court division is the proper division for the trial of civil actions in which the amount in controversy is \$10,000 or less; and the superior court division is the proper division for the trial of civil actions in which the amount in controversy exceeds \$10,000 (G.S. 7A-243).



# North Carolina Judicial Department Fact Sheet

## Judicial Department Personnel

Fiscal Year July 1, 2006–June 30, 2007

Numbers of Justices and Judges	
Supreme Court Justices	7.00
Court of Appeals Judges	15.00
Superior Court Judges	109.00
District Court Judges	256.00
Numbers of Other Authorized Personnel	
District Attorneys	42.00
Assistant District Attorneys	571.00
Public Defenders	14.00
Assistant Public Defenders	200.00
Clerks of Superior Court	100.00
Assistant and Deputy Clerks	2,389.75
IDS and Indigent Support Staff	201.75
Guardian ad Litem Personnel	143.75
Magistrates	724.00
Administrative Office of the Courts	394.75
Court Support Staff	1,074.825
Trial Court Administrators	13.00
Other*	28.50
<b>Total Judicial Department Personnel</b>	<b>6,284.325</b>

\*Judicial Standards Commission, Conference of District Attorneys, Dispute Resolution Commission, Conference of Clerks of Superior Court, Innocence Inquiry Commission, Chief Justice's Commission on Professionalism, and Sentencing and Policy Advisory Commission positions.

## Budget

Total Judicial Department Authorized Appropriations, 2006–2007	\$400,159,117
Percent Increase from 2005–2006	13.34%
Total Judicial Department Authorized Appropriations (not including indigent defense) as a percent of total state general fund appropriations	2.12%

*Budgeted increase funded through increased court costs and fees.*

# The State Judicial Council



The State Judicial Council is an advisory and oversight body for the Judicial Department of government, chaired by the Chief Justice of the Supreme Court of North Carolina and consisting of representatives from every component of the court system, the bar, and non-attorney public members. Its various specific and general duties (in G.S. 7A-409.1) encompass studying and monitoring the operations of the court system and identifying areas for improvement.

The Judicial Council's specific areas of responsibility include:

- Advising the Chief Justice on priorities for funding
- Reviewing and advising the Chief Justice on the budget prepared by the AOC
- Studying and recommending to the General Assembly the salaries of justices and judges and changes in expense allowances, benefits and other compensation for other judicial officials
- Recommending the creation of judgeships
- Studying and recommending to the Chief Justice performance standards for all courts and all judicial officials
- Studying and recommending guidelines for the assignment and management of cases, including monitoring the effectiveness of alternative dispute resolution programs
- Recommending changes in the boundaries of judicial districts or divisions
- Monitoring the administration of justice and assessing the effectiveness of the Judicial Department in serving the public and advising the Chief Justice and the General Assembly on changes needed to assist the General Court of Justice in better fulfilling its mission.

The State Judicial Council has five standing committees:

- Alternative Dispute Resolution
- Court Jurisdiction and Organization
- Performance Standards
- Salaries
- Public Trust

## Members of the State Judicial Council

January 2008

### Judicial Department Officials

#### **Honorable Sarah Parker**

Chief Justice  
Supreme Court of North Carolina  
Judicial Council Chair

#### **Honorable John C. Martin**

Chief Judge  
N.C. Court of Appeals

#### **Honorable Robert Hobgood**

Senior Resident  
Superior Court Judge  
District 9

#### **Honorable Beth Keever**

Chief District Court Judge  
District 12

#### **Honorable Peter Gilchrist**

District Attorney  
District 26

#### **Honorable Archie Smith**

Clerk of Superior Court

#### **Mr. Angus Thompson**

Public Defender  
District 16B

#### **Mr. Lionel Gilbert**

Magistrate  
Polk County

### Other Members

#### **Mr. Edwin M. Speas**

Attorney  
Raleigh

#### **Mr. John Medlin**

Winston-Salem

#### **Mr. Don Cowan**

Attorney  
Raleigh

#### **Mr. Dumont Clarke**

Attorney  
Charlotte

#### **Mr. Jack Olsen**

Jackson Spring

#### **Mr. Lonnie Player**

Attorney  
Fayetteville

#### **Ms. Jane Griffin**

Ocracoke

#### **Professor Rhoda Billings**

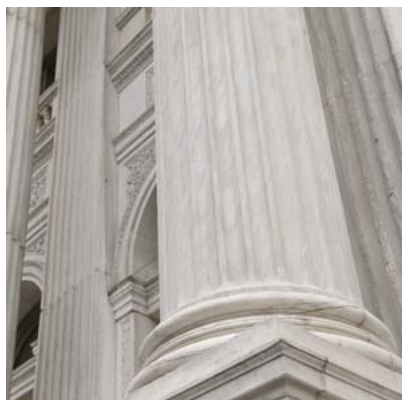
Former Chief Justice, Retired  
Lewisville

#### **Mr. Gary W. Thomas**

Attorney  
Statesville

# The Supreme Court

The Supreme Court of North Carolina is the state's highest court, and there is no further appeal in the state from its decisions. The court is composed of the Chief Justice and six associate justices, each of whom serves an eight-year term. The Supreme Court makes no determination of fact; rather, it considers whether error occurred in trial or in judicial interpretation of the law. The Chief Justice also serves as the head of the Judicial Department because of the numerous administrative duties assigned to the Chief Justice's position in the General Statutes.



## North Carolina Supreme Court Caseload Inventory

July 1, 2006–June 30, 2007

	Pending 7/1/06	Filed	Disposed	Pending 6/30/07
<b>Petitions for Review*</b>				
Civil domestic	0	0	0	0
Juvenile	5	26	19	12
Other civil	49	202	184	67
Criminal	105	310	324	91
Administrative agency decision	2	1	3	0
<b>Total Petitions for Review</b>	<b>161</b>	<b>539</b>	<b>530</b>	<b>170</b>
<b>Appeals**</b>				
Civil domestic	0	0	0	0
Petitions for review granted that became civil domestic appeals	0	0	0	0
Juvenile	3	15	9	9
Petitions for review granted that became juvenile appeals	1	0	1	0
Other civil	31	77	69	39
Petitions for review granted that became other civil appeals	8	13	12	9
Criminal, defendant sentenced to death	5	7	2	10
Other criminal	27	92	82	37
Petitions for review granted that became other criminal appeals	3	41	39	5
Administrative agency decision	0	1	0	1
Petitions for review granted that became appeals of administrative agency decision	0	0	0	0
<b>Total Appeals</b>	<b>78</b>	<b>246</b>	<b>214</b>	<b>110</b>
<b>Other Proceedings</b>				
Rule 16(b) additional issues re dissent		17	16	
Motions		712	674	
<b>Total Other Proceedings</b>		<b>729</b>	<b>690</b>	

\*Petitions for review are cases in which the Court is asked to accept discretionary review of decisions of the Court of Appeals as well as other tribunals.

\*\*The Appeals category is composed of cases within the Court's appellate jurisdiction.

# The Court of Appeals

The court of appeals is this state's intermediate appellate court. There are 15 judges on the court of appeals who serve eight-year terms and hear cases in panels of three. The court of appeals decides only questions of the law in cases appealed from superior and district courts, and from some administrative agencies of the Executive Branch. Appeals can range from infractions to murder cases. If there is dissent in an opinion of the court of appeals, the parties to the case have the right to have the Supreme Court review the decisions. If there is no dissent, the Supreme Court may still review the case upon a party's petition.

These tables summarize filing and disposition activity in the court of appeals.

In addition to trend data for the past 10 years, these tables provide filings and dispositions for cases on appeal, petitions and motions during FY 2006–2007. “Cases on appeal” include cases appealed from district courts, superior courts and administrative agencies. They are counted as appeals only after a record is filed with the clerk's office and a docket number is assigned. The “petition” category includes petitions involving only the four “extraordinary” writs set out in Article V of the Rules of Appellate Procedure: certiorari, mandamus, prohibition and supersedeas. “Motions” encompass any type of relief sought from the court of appeals, either in a case already filed with the court of appeals, or one on its way to the court of appeals but not yet filed.

Cases on appeal represent the largest portion of the court of appeals' workload, since most are disposed by written opinion. The other methods of disposition include the court's dismissal of the appeal and an appealing party's withdrawal of the appeal.

## Filings and Dispositions of Appeals and Petitions

1997–1998 to 2006–2007

Fiscal Year	Filings	Dispositions
1997–1998	2,135	2,108
1998–1999	2,352	2,194
1999–2000	2,268	2,057
2000–2001	2,380	2,155
2001–2002	2,388	2,441
2002–2003	2,572	2,496
2003–2004	2,674	2,562
2004–2005	2,719	2,731
2005–2006	2,707	2,973
2006–2007	2,484	2,634

*Filings and dispositions shown here include appealed cases and petitions, but not motions.*

## Filings and Dispositions

July 1, 2006–June 30, 2007

Fiscal Year	Filings	Dispositions
<b>Cases on Appeal</b>		
Civil cases appealed from district courts	379	
Civil cases appealed from superior courts	453	
Civil cases appealed from administrative agencies	140	
Criminal cases appealed from superior courts	651	
<b>Totals</b>	<b>1,623</b>	<b>1,755</b>
<b>Petitions</b>		
Allowed		138
Denied		741
Remanded		0
<b>Totals</b>	<b>861</b>	<b>879</b>
<b>Motions</b>		
Allowed		3,371
Denied		1,199
Remanded		0
<b>Totals</b>	<b>4,106</b>	<b>4,570</b>
<b>Total Cases on Appeals, Petitions and Motions</b>	<b>6,590</b>	<b>7,204</b>



# The Superior Courts

All felony criminal cases, civil cases involving more than \$10,000, and misdemeanor and infraction appeals from district court are tried in superior court. A jury of 12 must decide the case for any criminal defendant who pleads not guilty. In civil cases, a judge generally will decide the case without a jury unless a party to the case requests one.

Superior court is divided into eight divisions and 46 districts across the state. Every six months, superior court judges rotate among the districts within their divisions. The rotation system helps minimize conflicts of interest that might result from having a permanent judge in one district.

*The tables below show median and average ages (in days) of end pending and disposed cases. The end pending age of a case is the number of days from filing until June 30, the end of the fiscal year. Age at disposition is the number of days from filing to disposition for cases disposed during the fiscal year.*

*Half the end pending cases have end pending ages less than the median age shown in each category. In each category, the end pending average age is to sum of all the end pending ages divided by the number of end pending cases. Likewise, half the disposed cases have ages at disposition less than the median age shown in each category. In each category, the disposed average age is to sum of all the disposed ages divided by the number of disposed cases.*

*Criminal cases in superior court are aged from the original filing date, which was the district court filing date if the case originated in district court.*

## The Superior Court caseload Caseload Inventory and Median Ages of Superior Court Cases

July 1, 2006 – June 30, 2007

	Begin Pending	Filed	Disposed	End Pending	Median Ages (in days)*	
					Disposed Cases	Pending Cases
Civil Cases	19,892	27,091	27,762	19,221	193.0	169.0
Estates		62,028	60,306			
Special Proceedings		121,093	107,830			
Criminal Cases	86,971	152,879	146,407	93,443	197.0	249.0
Felonies	65,963	111,059	105,603	71,419	214.0	260.0
Misdemeanors	21,008	41,820	40,804	22,024	151.0	211.0

\* On this table, criminal cases in superior court are aged from their original filing date, which was the district court filing date if the case originated in district court.

(Data in annual reports and supplements prior to FY 1996–1997 aged such cases from their filing date in superior court, and therefore excluded any time prior to transfer of such cases to superior court.)

## Manner of Disposition of Superior Court Cases

July 1, 2006 – June 30, 2007

	Jury Trial	Judge Trial	Voluntary Dismissal	Judgment Without Trial	Clerk	Other
	Jury Trial	Guilty Plea		DA Dismissal		Other
		to Lesser Offense	to Charged Offense	With Leave	Without Leave*	
Criminal Cases	2,535	11,704	59,353	5,630	48,587	18,598
Felonies	1,832	11,330	49,579	3,970	35,837	3,055
Misdemeanors	703	374	9,774	1,660	12,750	15,543

\* "DA Dismissal Without Leave" includes Dismissals after Deferred Prosecution.



LAW AND JUSTICE

# The District Courts

District courts hear cases involving civil, criminal and juvenile matters, as well as appeals from the magistrate. Like superior court, district court sits in the county seat of each county. It may also sit in certain other cities and towns specifically authorized by the General Assembly.

Civil cases such as divorce, custody, child support and cases involving less than \$10,000 are heard in district court, along with criminal cases involving misdemeanors and infractions. Civil cases are heard by a jury if a party requests one, but certain cases are always decided by a judge without a jury, such as child custody disputes. The district court also hears juvenile cases (age 16 and under) involving delinquency issues. It also considers dependency, neglect and abuse cases involving children younger than 18.

## Magistrates

Magistrates are appointed by the senior resident superior court judge from nominations provided by the clerk of superior court. They accept guilty pleas for minor misdemeanors and infractions, such as hunting or fishing violations or for traffic violations, and may accept waivers of trial for certain worthless check cases if authorized by the chief district court judge. In civil cases, the magistrate is authorized to try small claims cases (\$5,000 or less), landlord eviction cases and suits for recovery of personal property and motor vehicle mechanics' liens.

## District Court Caseload

### Caseload Inventory and Median Ages of District Court Cases

July 1, 2006–June 30, 2007

	Begin Pending	Filed	Disposed	End Pending	Median Ages (in days)	
					Disposal Cases	Pending Cases
Civil Cases						
Civil Magistrate (Small Claims)		264,194	262,955			
Civil District	80,843	208,426	202,846	86,423	62.0	134.0
Criminal Cases						
Infractions		1,654,871	1,637,997			
Civil License Revocations		808,384	803,467			
		50,996				

### Manner of Disposition of District Court Cases

July 1, 2006–June 30, 2007

	Jury Trial	Judge Trial	Voluntary Dismissal	Final Order/ Judgment w/o Trial	Clerk		Other
Civil Cases	173	56,225	26,032	46,396	37,122		36,898

Criminal Cases	Waiver	Guilty Plea*	Trial	DA Dismissal		Other	Probable Cause Matters (Felonies)				Total
				With Leave	Without Leave**		Heard and Bound Over	Probable Cause Not Found	Probable Cause Waived	Superceding Indictment	
Non-Motor Vehicle	16,649	175,928	23,305	35,552	249,335	36,44	1,571	1,782	20,364	78,727	102,444
Motor Vehicle	Waiver:	147,756			Non-Waiver:	852,350					
Infractions	Waiver:	393,671			Non-Waiver:	409,796					

\* Guilty Plea includes Guilty Plea Before a Magistrate and Guilty Plea / No Contest Plea.

\*\* DA Dismissal Without Leave includes Dismissals after Deferred Prosecution.

# Court Programs, Conferences and Commissions



## **Guardian ad Litem Program**

In 1983, the General Assembly established the Office of Guardian ad Litem Services (GAL) in the Administrative Office of the Courts, mandating the appointment of an attorney guardian ad litem for juveniles in abuse and neglect court proceedings. The program uses a team of trained attorneys and community volunteers to represent and promote the best interests of children in court and to advocate for children to be in safe and permanent homes. The GAL does an independent investigation to determine the facts, needs and preferences of the child. The GAL also determines the resources appropriate to meet the child's needs. Since 1994, GAL has had staff and volunteers in all judicial court districts. Statistics for FY 2006 – 2007 include:

- A record high of 4,618 GAL volunteers
- More than 100 attorneys represented 17,701 children in a record high of 38,828 scheduled hearings
- An approximate 28 percent increase in volunteers in the past five years
- Volunteer work totaled 886,656 hours of service, a value exceeding \$16.6 million

In advocating for children, GAL volunteers learned about the court system and the needs of vulnerable children in their communities, which helped them make a difference in the lives of the children they represented.

## **Interpreting Services**

The purpose of Interpreting Services is to facilitate access to justice in N.C. courts for non-English-speaking persons, with a particular emphasis on the state's sizeable Hispanic / Latino population. The program strives to meet the needs of the court and non-English speakers statewide by providing an easily accessible online Spanish Foreign Language Registry of AOC-registered court interpreters for Spanish language

interpreting needs, maintaining a registry of foreign language interpreters for languages other than Spanish and providing a link to the regional lists of certified interpreters maintained by the Division of Services for the Deaf and the Hard of Hearing in the N.C. Department of Health and Human Services.

The program is involved in the development of policy and guidelines for interpreters, advising the courts on the proper use of interpreters, training court officials on cultural and interpreting issues, and translating and distributing more than 60 court forms and bilingual brochures on court processes. The program has trained more than 1,000 prospective court interpreters on the code of ethics and professionalism required of the court interpreter has provided skills-building workshops and now includes 57 certified Spanish interpreters working throughout the state.

North Carolina is one of 37 member states of the National Consortium for State Court Interpreter Certification. Interpreting Services administers the CSCIC's oral examination and the N.C. Court Interpreter Certification Examination in Spanish (as well as any other language).

## **Alternative Dispute Resolution Committee**

The Alternative Dispute Resolution Committee, now a committee of the State Judicial Council, was created by order of the Supreme Court of North Carolina in July 2000. Appointed by the Chief Justice to four-year terms, committee members include representatives of all court groups affected by non-trial intervention methods. The Committee's duties are to provide ongoing coordination and policy direction for all court-sponsored dispute resolution programs, to provide a forum for consideration of future development of such programs, to monitor the effectiveness of such programs and to serve as a clearinghouse for rules affecting these programs.

### Alternative Dispute Resolution

- **Court of Appeals Mediation** attempts to resolve cases on appeal by agreement of the parties.
- **Mediated Settlement Conference** facilitates pre-trial court-ordered mediated settlement conferences for civil cases filed in Superior Court.
- **Family Mediation Cases** targets family issues such as divorce that are solved through the help of mediation and that do not become a court case matter.
- **Arbitration** attempts to avoid trial by assigning an arbitrator to consider issues.
- **Custody Mediation** attempts to resolve family issues prior to a hearing.

### Court Performance Standards

The “Trial Court Performance Standards and Measurement System” was adopted in 2004 for the N.C. court system. This nationally recognized standards system, known as CourTools, is designed to help trial courts identify and set guidelines for their operations, measure their performance, manage their caseloads and make improvements to better meet the needs and expectations of the public. The Judicial Department currently is working on additional measures, including improved time standards and a more aggressive monitoring and use of the results.

### Conference of Clerks of Superior Court

The Conference of Clerks of Superior Court (CCSC) was created by the General Assembly in 2006 as under Article 63 of Chapter 7A of the N.C. General Statutes. Pursuant to its enabling legislation, the CCSC seeks to improve the administrative operations of the offices



of the clerks of superior court while increasing public accessibility to the courts. The CCSC serves as a resource for the clerks, the Administrative Office of the Courts (AOC) and other stakeholders in key areas of court administration. The CCSC acts as the primary point of contact between the 100 elected clerks of superior court, the General Assembly, the AOC, and other state, local and public entities to ensure the effective and efficient exchange of information.

During fiscal year 2006–2007, more than three million cases were filed in the courts of North Carolina. Each of these cases originated within the court system through one of the 100 clerks’ offices. During this same time period, clerks of superior court collected almost \$598 million in court costs, fines, restitution and other monies as ordered by the courts. Under state law, clerks of superior court have judicial authority in a variety of cases including foreclosures, guardianships, adoptions and cases involving wills and estates. Clerks also are mandated by state law to assist domestic violence victims in seeking protective orders. The clerks of superior court and their employees number nearly 2,500 and account for 40.2 percent of total personnel within the Judicial Department of government. Thousands of North Carolina citizens access the courts through the clerks’ offices each day.

### Conference of District Attorneys

The Conference of District Attorneys was established as a state agency in 1983 under General Statute 7A-411:

“There is created the Conference of District Attorneys of North Carolina, of which every district attorney in North Carolina is a member. The purpose of the Conference is to assist in improving the administration of justice in North Carolina by coordinating the prosecution efforts of the various district attorneys, by assisting them in the administration of their offices, and by exercising the powers and performing the duties provided for in this article.”

The Conference is governed by the elected district attorneys and assisted by a staff located in Raleigh. Primary responsibilities of the staff include, but are not limited to, training, research, monitoring victims’

# Court Programs, Conferences and Commissions

Continued



rights, producing various publications to assist district attorney personnel and / or the public served by district attorneys.

## **N.C. Innocence Inquiry Commission**

The N.C. Innocence Inquiry Commission was established by the General Assembly in August 2006 to investigate and evaluate post-conviction claims of factual innocence. The Commission only examines new evidence that was not considered at trial. It is the only commission of its kind in the nation.

The Commission is composed of eight members selected by the Chief Justice of the Supreme Court of North Carolina and the chief judge of the N.C. Court of Appeals. Members include a superior court judge, a prosecuting attorney, a defense attorney, a victim advocate, a member of the public, a sheriff and two discretionary members.

## **Technological Advancements**

The Criminal Justice Information System is the hub of the court system. As such, a fully automated repository of all outstanding criminal processes, such as warrants and orders for arrest, is necessary to apprehend known criminal and terrorist elements within the state. For that reason, the Administrative Office of the Courts is developing the N.C. Automated Warrant Repository (NCAWARE). An important part of the NCAWARE project is to provide secure statewide access to all of North Carolina's outstanding summons, warrants and orders for arrest. Several key steps are underway in anticipation of the pilot site testing and rollout of the new system. They include testing new automated verification procedures, hiring extra staff to audit outstanding criminal processes and hiring trainers to prepare for the statewide implementation of this new system.

## **Other Major Technology Projects**

- **eCitation:** a Criminal Justice Information Network (CJIN) initiative that automates the production of criminal and traffic citations so that the citation data is transmitted electronically from the issuing officer's patrol car to the clerks' offices.
- **Civil eFiling:** a system that allows civil court papers to be filed electronically, filing fees to be paid online, court notices to be received and court information to be retrieved via personal computers.
- **ePayment:** a method that provides Internet users with information on their citations and allows the user to pay for waivable offenses online via a credit or debit card.
- **Criminal Court Information Systems (CCIS)**
  - **Clerks Module:** a comprehensive system consisting of integrated criminal applications sharing a single statewide database.
  - **District Attorney Case Management System:** a tool used by district attorneys and their staffs to manage their felony and impaired driving caseload.
- **Discovery Automation for District Attorneys:** a system that provides a means to automate the discovery process in felony cases and provide an audit mechanism to serve as proof of notification and distribution of discovery documents in these cases.
- **Casewise / Jwise:** a system that provides case management services for family court workers, trial court administrators and judges' staff. Jwise is a juvenile record system used by court clerks and family court Casewise workers.

# Judicial Department Appropriations and Expenditures

Under the State Constitution, Article IV, Section 20, the operating expenses of the Judicial Department, “other than compensation to process servers and other locally paid non-judicial officers,” are required to be paid from State funds. It is customary legislative practice for the General Assembly to include appropriations for the operating expenses of all three branches of State government in a single budget bill that covers a two-year period ending on June 30 of the odd-numbered years. The budget for the second year of the biennium is generally modified during the even-year legislative sessions.

Facilities for the appellate courts are provided by State funds but, by statute, the county governments are required to use county funds to provide adequate facilities for the trial courts within each of the 100 counties.

*The first table shows expenditures for operating expenses of the Judicial Department during the same period. The second table below shows appropriations from the State’s General Fund for operating expenses of the Judicial Department as well as all State agencies combined over the past four fiscal years.*

## Judicial Department Expenditures

Fiscal Year	Expenditures	% Change over previous year
2003–2004	\$ 320,896,469	4.19%
2004–2005	344,569,130	7.38%
2005–2006	364,343,480	5.74%
2006–2007	\$ 410,661,508	12.71%

*Judicial Department appropriations and expenditures on these tables do not include Indigent Defense Services or State Bar | Civil Justice Act funds.*

## Appropriations from General Fund for Operating Expenses

Fiscal Year	Judicial Department		All State Agencies		Judicial Branch % Share*
	Appropriation	% Change over previous year	Appropriation	% Change over previous year	
2003–2004	\$ 309,192,569	1.79%	\$ 14,835,621,783	3.57%	2.08%
2004–2005	333,885,323	7.99%	15,873,167,528	6.99%	2.10%
2005–2006	353,046,078	5.74%	17,141,460,791	7.99%	2.06%
2006–2007	\$ 400,159,117	13.34%	\$ 18,865,960,284	10.06%	2.12%
<b>Average Annual Increase, 2004–2007</b>		<b>7.22%</b>	<b>7.15%</b>		

\* Of the 49 states and the District of Columbia, North Carolina ranks ninth in the nation for funding received from overall state budget funds allocated to state government. The national average is 1.7%. Reference: Table 16. Rottman, David B. and Shauna M. Strickland, *State Court Organization, 2004*, U.S. Department of Justice, Bureau of Justice Statistics, Washington, D.C. USGPO, 2006.



# Receipts Collected by the Judicial Department

The Judicial Department collects and distributes a variety of amounts of revenue on a daily basis. As noted in the table on the following pages, these amounts are distributed to, among others, the State Treasurer, all 100 counties, crime victims and other citizens, and other State agencies.

- Examples of amounts collected and distributed to the State Treasurer include the General Court of Justice fees collected as part of court costs (see G.S. 7A-304 *et seq.*), the supervision fees paid by criminal defendants who are placed on supervised probation (see G.S. 15A-1343(c1)) and the fees assessed against persons who fail to appear to answer a criminal charge (see G.S. 7A-304(a)(6)).
- Examples of amounts collected and distributed to the counties include fines and forfeitures (see N.C. Const. Art. IX, § 7), facilities fees collected as part of court costs (see G.S. 7A-304 *et seq.*), jail fees (see G.S. 7A-313) and a portion of the impaired driving civil revocation fee (see G.S. 20-16.5(j)).
- Examples of amounts collected and distributed to citizens include victim restitution paid by a defendant in a criminal case (see G.S. 15A-1340.34 *et seq.*), amounts paid by persons against whom a civil judgment has been entered and child support.
- Examples of amounts collected and distributed to other State agencies include a portion of the impaired driving civil revocation fee, which is distributed to the Department of Health and Human Services (see G.S. 20-16.5(j)); the fee paid by a criminal defendant for services performed by the SBI Lab, which is distributed to the Department of Justice (see G.S. 7A-304(a)(7)); the Displaced Homemakers Fee, which is collected in divorce actions and ultimately distributed to the Department of Administration (see G.S. 7A-305(a2)); and a portion of court costs, which is ultimately distributed to the State Bar for the support of various civil legal services programs (see G.S. 7A-304 *et seq.*).

The Judicial Department also retains certain of the amounts it collects for use to support Judicial Department services and programs. Examples include funds collected for remote (i.e., Internet) access to court records (see G.S. 7A-343.2) and funds collected through the Worthless Check Program (see G.S. 7A-308(c)).

## Judicial Department Receipts

2006–2007

Fiscal Year	Receipts
2006–2007	\$597,883,607.00





## Judicial Department Receipts

July 1, 2006 – June 30, 2007

<b>Remitted to State Treasurer</b>		
Supreme Court Fees	\$ 8,501	0.001%
Court of Appeals Fees	18,016	0.003%
Sales of Appellate Division Reports	117,293	0.020%
Arbitration Appeal Filing Fees	141,522	0.024%
Law Enforcement Officers' Benefit Fees	8,280,336	1.385%
Twenty-Day Failure Fees*	8,203,442	1.372%
Pro Hac Vice Fee**	57,855	0.010%
Pretrial Civil Revocation Fees	989,136	0.165%
General Court of Justice Fees	159,093,691	26.609%
Probation / Parole Supervision Fees	16,631,910	2.782%
DWI Community Service Fees	7,906,795	1.322%
Escheats, Unclaimed Property Division	8,859,572	1.482%
Miscellaneous Fees	1,239,689	0.207%
<b>Total to State Treasurer</b>	<b>\$ 210,308,069</b>	<b>35.18%</b>
<b>Distributed to Counties</b>		
Fines and Forfeitures (distributed to public schools)	61,977,143	10.366%
Judicial Facilities Fees	20,598,555	3.445%
Officer Fees	7,025,209	1.175%
Jail Fees	2,396,273	0.401%
Pretrial Civil Revocation Fees	989,136	0.165%
<b>Total to Counties</b>	<b>\$ 92,986,316</b>	<b>15.55%</b>
<b>Distributed to Municipalities</b>		
Judicial Facilities Fees	463,778	0.078%
Officer Fees	2,611,583	0.437%
Jail Fees	82	0.000%
<b>Total to Municipalities</b>	<b>\$ 3,075,443</b>	<b>0.51%</b>
<b>Receipts Received to be Held in Trusts / Investments</b>		
Cash Bonds	46,078,037	7.707%
Rent Bonds	979,057	0.164%
Trusts	229,393,330	3.837%
Judgement Support Payments	27,187,308	4.547%
<b>Total to be Held in Trusts / Investments</b>	<b>\$ 97,183,732</b>	<b>16.25%</b>

# Receipts Collected by the Judicial Department

Continued

## Judicial Department Receipts, continued

July 1, 2006–June 30, 2007

<b>Operating Budget and Receipts</b>		
Certification Fees for Mediators	\$ 146,807	0.025%
Indigent Defense Service Appointment Fee	586,797	0.098%
Indigent Attorney Fee Judgements	8,347,012	1.396%
Interpreter Fee Judgements	84,819	0.014%
SBI Lab Fees	843,461	0.141%
Department of Administration for Displaced Homemakers	2,037,540	0.341%
North Carolina State Bar Fees	3,112,368	0.521%
Department of Crime Control and Public Safety Grants	3,030,680	0.507%
Other Grants	4,948,195	0.828%
Miscellaneous Operating Receipts	350,692	0.059%
Worthless Check Fees and Interest	1,156,069	0.193%
Court Information Technology Fees and Interest	7,793,337	1.303%
Appellate Court Printing and Computer Operations	519,308	0.087%
<b>Total Operating Receipts</b>	<b>\$ 32,957,085</b>	<b>5.51%</b>
<b>Distributed to Citizens</b>		
Restitution for Victims	20,211,512	3.381%
Judgements; Small Claims, Other Civil Judgements	51,046,083	8.538%
Condemnation Awards	62,695,289	10.486%
Child Support and Alimony	7,024,446	1.175%
Restitution for Worthless Check Victims	2,946,554	0.493%
Miscellaneous Operating Receipts	17,449,078	2.918%
<b>Total Distributed to Citizens</b>	<b>\$ 161,372,962</b>	<b>26.99%</b>
<b>Grand Total</b>	<b>\$ 597,883,607</b>	<b>100%</b>

\* Defendants who fail to appear in court to answer a criminal charge and do not correct that failure within 20 days are assessed a fee of \$100, also paid to the State Treasurer.

\*\* Attorneys from outside North Carolina who appear in the state's courts temporarily for a single case (called appearing "pro hac vice") must pay a special fee of \$225 to appear in a N.C. case. Of that fee, \$200 is paid to the State Treasurer, and \$25 is paid to the State Bar.



# Significant Highlights

July 31, 2006–June 30, 2007

## 2007

- Administrative Office of the Courts celebrates 40th anniversary
- Administrative Office of the Courts moves into its first centralized location on a 17-acre campus in west Raleigh

## April 2007

- Conference of the Clerks of Superior Court established
- Innocence Inquiry Commission established

## May 2007

- Renovations of the Supreme Court Justice Building completed

# New Court Programs

## Custody Mediation

Custody Mediation expanded statewide

## Drug Treatment Court (DTC)

Gaston County, District 27A, Family DTC, implemented in August 2006

Union County, District 20B, Family DTC, implemented in August 2006

Lenoir County, District 8, Family DTC, implemented in February 2007

Burke County, District 25, Adult DTC implemented in March 2007

# New Courthouses

Clay County Courthouse  
Mecklenburg County Courthouse

# New Staff Positions

New Positions Effective during FY 2006–2007

Position Type	Number of Positions
Deputy Clerks	75.00
District Court Judges	17.00
District Court Judicial Assistants	5.00
Magistrates	6.00
Guardian ad Litem Staff	13.00
Custody Mediation Program Staff	7.75
Family Court Program Staff	5.00
Drug Treatment Court Program Staff	3.00
Wake Business Court	2.00
Prosecutorial Split of District 19B	4.00
Assistant District Attorneys	90.00
DA Victim Witness Legal Assistants	9.00
Court of Appeals Positions	2.00
Innocence Claim Review Commission Positions	3.00
Technology Initiative Positions	30.00
	<b>271.75</b>

*During the 2005 Session of the General Assembly, the split of Judicial Districts 20 and 29 was authorized. The prosecutorial split was effective January 1, 2007, adding an additional 5.00 full-time employees during FY 2006–2007.*

## Cost statement

1,200 copies of this public document were printed at a cost of \$1,947.60 total, or about \$1.623 per copy. This annual report was printed in house by the Administrative Office of the Courts' Print Shop.



North Carolina Judicial Department  
Administrative Office of the Courts

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