

CIVIL JUSTICE

COMMITTEE REPORT

In September 2015, Chief Justice Mark Martin convened the North Carolina Commission on the Administration of Law and Justice (NCCALJ), a sixty-five member, multidisciplinary commission, requesting a comprehensive and independent review of North Carolina's court system and recommendations for improving the administration of justice in North Carolina. The Commission's membership was divided into five Committees: (1) Civil Justice, (2) Criminal Investigation and Adjudication, (3) Legal Professionalism, (4) Public Trust and Confidence, and (5) Technology. Each Committee independently made recommendations within its area of study.

This is the report of the Civil Justice Committee. To access the full report of the NCCALJ, including all five of the Committee reports, visit www.nccalj.org.

CIVIL JUSTICE COMMITTEE REPORT

This report contains recommendations for the future direction of the North Carolina court system as developed independently by citizen volunteers. No part of this report constitutes the official policy of the Supreme Court of North Carolina, of the North Carolina Judicial Branch, or of any other constituent official or entity of North Carolina state government.

A MODERN CIVIL JUSTICE SYSTEM SHOULD BE FAIR, ACCESSIBLE, TRANSPARENT, EFFICIENT, AND EFFECTIVE.

INTRODUCTION

The Civil Justice Committee is one of five Committees constituting the North Carolina Commission on the Administration of Law and Justice (NCCALJ). The Civil Justice Committee is charged with evaluating the civil justice system in North Carolina, identifying areas of concern, and making preliminary recommendations for reform.

Civil justice is the process by which North Carolina's courts resolve or assist in resolving non-criminal disputes between individuals, private entities, and governmental bodies. The North Carolina

civil justice system has many parts, including the Supreme Court, the Court of Appeals, the superior court, the district court, the Industrial Commission, the Office of Administrative Hearings, and the North Carolina Administrative Office of the Courts (NCAOC). Judges, magistrates, clerks, and appointed officials, as well as a support staff that has widely varying duties and skill sets, carry out the responsibilities of this system. Although some courts also have jurisdiction over criminal matters, this Committee's task is to examine only the civil justice system.

GUIDING PRINCIPLES

- The NCCALJ's efforts are focused on how the Judicial Branch can best serve the public, ensuring that the state's court system is one that the public trusts. The Committee developed five guiding principles for our work that are vital to maintaining public trust and confidence in our courts. The Committee believes that a modern civil justice system should be FAIR, ACCESSIBLE, TRANSPARENT, EFFICIENT, and EFFECTIVE.
- A system is EFFICIENT when time and resources expended are proportionate to the needs of the case, and when litigation, lawyers, or courts do not generate unnecessary costs or delay.
- A system is EFFECTIVE when judicial officers have sufficient support, resources, and administrative structures to permit quality and timely decision-making and processing of cases, and when the system generates data to evaluate performance as measured by relevant benchmarks.

What do we mean by these principles?

- A system is FAIR when cases are decided based on the principles of law and justice and the facts and circumstances of the particular case, and not biased by the wealth, political influence, or identity of the parties. Partisanship and prejudice have no place in a fair decision.
- A system is ACCESSIBLE when the courts and court-assisted processes are open and available to all persons who wish to participate, without barriers or costs, financial or otherwise, that are so high as to deter residents from using the courts.
- A system is TRANSPARENT when participants understand how their case will be assigned, processed, and adjudicated, and when records of the proceedings are open and available to the public except when privacy or safety concerns require otherwise.

These are the guiding principles that the Committee believes are essential to a modern civil justice system that is able to meet the needs of and provide justice to the residents of North Carolina. The Committee has used these principles to determine the principal areas of focus for study and improvement, and to develop the recommendations outlined below. Going forward, these principles will inform the relevant benchmarks to be used when assessing progress toward ensuring that all residents of North Carolina have confidence in the civil justice system.

AREAS OF FOCUS

To identify its areas of focus, the Committee held ten public meetings. Among those attending, speaking, or presenting at the meetings were members of the business community; sitting judges on the business court, the superior court, and the district court; court administrators; employees of NCAOC; court executives and judges from other jurisdictions; legal aid professionals; representatives from the North Carolina State Bar; the North Carolina Conference of Clerks of the Superior Court; law students; legislative liaisons; and other members of the public.

After consulting with these stakeholders, experts, and researchers, the Committee decided to focus on the following areas, recognizing that there may be other areas of concern raised by stakeholders or the public not identified here:

- Technology
- Case management and tracking
- Judicial assignment system
- Legally trained support staff
- Legal assistance and self-represented litigation
- Civil fines, fees, and penalties

TECHNOLOGY

North Carolina was once a leader in using technology in its civil justice system but today lags behind other jurisdictions. The federal government's court system and states such as Utah have adopted a uniform and comprehensive

electronic filing and document management system. In these jurisdictions, litigants, attorneys, the courts, and the public are able to file, monitor, and review cases from the convenience of their offices or homes. By comparison, electronic filing is available only in select courts and jurisdictions in North Carolina, primarily in the Court of Appeals, the Supreme Court, the business court, and certain pilot programs in four of North Carolina's 100 counties. The result is that electronic filing and management of cases is not uniform throughout the North Carolina system and is available for only a fraction of the cases in the system.

For example, more than 200,000 civil cases were filed in the district courts and superior courts in North Carolina in fiscal year 2015-16, and the vast majority of these cases were handled in paper format. Those courts that have electronic filing and case management, such as North Carolina's Business Court and North Carolina's Court of Appeals, together managed approximately 1,800 cases, or one-tenth of the volume of the district and superior courts.

Despite security risks and considerable taxpayer expense in terms of storage and administration, paper filing and documentation remain the norm in most North Carolina courts. An estimated 31,369,840 pages were added to the clerks' case files in 2012-13, or approximately 22,960 linear feet of shelving.¹ Thousands of square feet of space are dedicated for file storage. According to some estimates, a single file room measuring 20 feet by 60 feet can cost \$360,000 to construct and \$18,000 per year to maintain. Multiplied over North Carolina's 100 counties, these costs compound quickly.

This paper system is also prone to inefficiencies and transcription errors when files are processed or converted to other formats, such as for database entry. Members of the legal aid community observed that the lack of uniform, technology-enhanced filing in North Carolina makes representation of indigent clients burdensome both for lawyers and litigants. The Committee also heard speculation that some potential litigants may not file claims at all because of perceived barriers to access, such as the need to visit a courthouse; the need to read, understand, and complete a legal form; or the need to pay other costs that technology could mitigate. There is agreement that over time, if properly implemented, savings would likely exceed the cost of implementing a technology-based, paperless system. The different stakeholder groups largely agreed that increased use of technology has the potential to substantially improve the civil justice system, both as a whole and for all of its participants: businesses, individuals, lawyers, judges, and court staff. This Committee recognizes the Technology Committee's primary role in developing a strategic plan to address the technology-related needs of the Judicial Branch.

CASE MANAGEMENT AND TRACKING

The North Carolina civil justice system currently uses the dollar amount in dispute as a rough estimate for complexity. With some exceptions, whether a case ends up before a magistrate, a clerk, a district court judge, or a superior court judge (including a business court judge) depends largely on how much money is at issue. Once a case is before a certain judicial officer, the case management process, from filing to disposition, depends on a patchwork of statewide rules, local rules, and specific practices of individual courts. For example, cases are managed by agreement of the parties, by court administrators, or by judicial assistants, rather than by a standard

case management order. One court administrator referred to the case management system there as “management by event” or “management by the passage of time.” The lack of uniformity also contributes to the difficulty of gathering reliable data about the performance of the civil justice system across the entire state, as comparisons are often inaccurate or misleading. Without standard measures of evaluation, the performance of the state’s judicial system cannot be accurately assessed.

The National Center for State Courts has designed ten performance measures for state courts, called CourTools. These measures include measurement tools for time to disposition, age of active pending caseload, and clearance rates. The Supreme Court of North Carolina promulgated time-to-disposition benchmarks in 1996, but neither these benchmarks nor the National Center’s performance measures have been widely communicated or used by the court system as a whole.

In the absence of more robust and standard measures of evaluation, the NCAOC supplied the following data regarding case volumes, as well as median days to disposition and median days pending for major case types in the small claims, district, and superior courts. These data points provide some basic information about the current health of the civil justice system in North Carolina.

Examining these disposition data through the lens of case management, it appears that the North Carolina courts do an adequate job of disposing of relatively simple civil cases; however, the median-days-pending metrics suggest that more complex cases often languish. This indicates that the North Carolina civil justice system is ripe for the kind of tiered / track-based case management approach that the Committee recommends, since the system

as managed now could likely benefit from a right-sizing of resources on more complex cases.

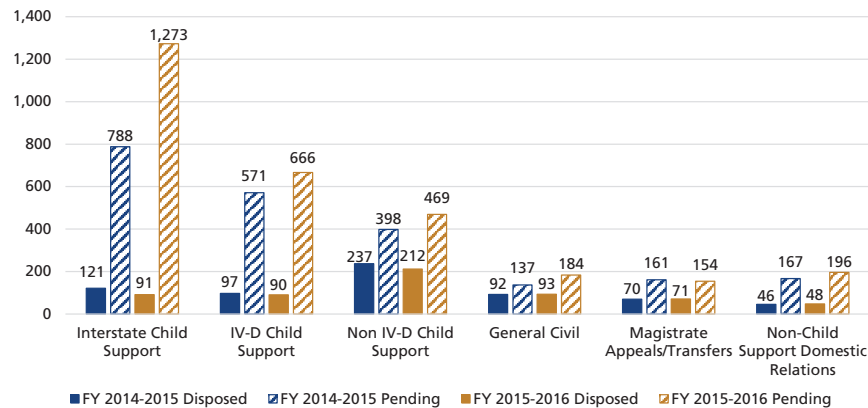
The primary concern expressed by stakeholders was dissatisfaction with the lack of uniformity across judicial districts and the resulting delays that enter into the system, especially at the superior court level. Panelists and researchers suggested that differences in representation, and costs and

time associated with discovery and discovery management, can be drivers of inefficiencies. A recent High Point University survey showed that a majority of North Carolina residents believe that the court system does not resolve cases in a timely manner.² Best practices suggested by the National Center for State Courts, such as “right-sizing” court resources to the complexity of the case, may help resolve some of these issues.

District Court — Cases Filed

Case Type	FY 12-13	FY 13-14	FY 14-15	FY 15-16
Interstate Child Support	227	278	321	230
IV-D Child Support	37,204	33,841	31,085	30,211
Non IV-D Child Support	4,417	4,389	4,133	3,719
General Civil	45,874	48,525	51,565	50,325
Magistrate Appeals / Transfers	3,621	3,704	3,932	3,946
Non-Child Support Domestic Relations	92,492	89,784	92,902	95,968
TOTAL	183,835	180,521	183,938	184,399

District Court Civil Cases Median Days Disposed and Pending

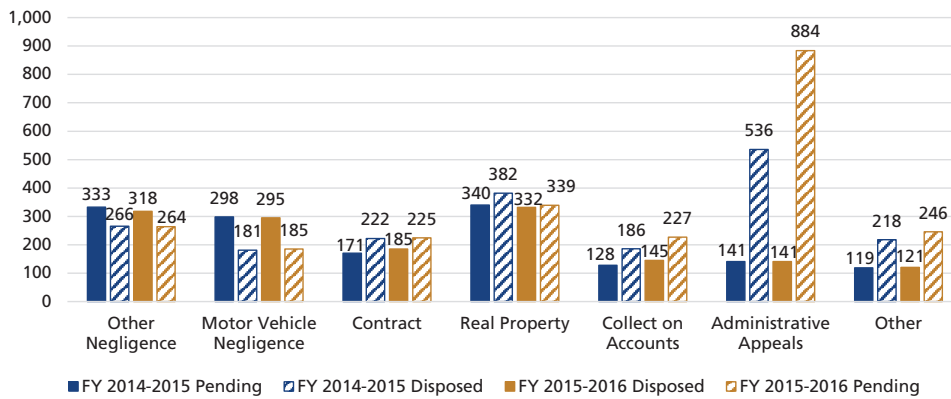


Source: North Carolina Administrative Office of the Courts

Superior Court — Cases Filed

Case Type	FY 12-13	FY 13-14	FY 14-15	FY 15-16
Other Negligence	2,362	2,551	2,068	2,126
Motor Vehicle Negligence	4,497	4,368	4,013	3,874
Contract	4,791	4,373	3,302	3,093
Real Property	1,830	1,830	1,293	1,444
Collect on Accounts	1,386	1,140	781	579
Administrative Appeals	282	285	237	193
Other	6,337	5,877	5,571	5,223
TOTAL	21,485	20,424	17,265	16,532

Superior Court Civil Cases Median Days Disposed and Pending



Source: North Carolina Administrative Office of the Courts

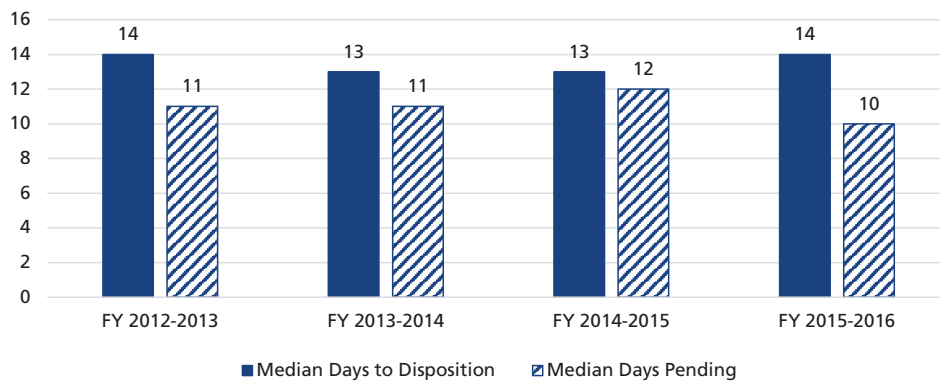
Small Claims / Magistrate's Court—Total Case Filings

	FY 12-13	FY 13-14	FY 14-15	FY 15-16
TOTAL CIVIL SMALL CLAIMS FILINGS	218,908	220,511	212,533	206,682

Small Claims / Magistrate's Court—Case Filings by Issue³

Issue Type	FY 12-13	FY 13-14	FY 14-15	FY 15-16
Money Owed	172,488	159,269	143,648	137,038
Summary Ejectment	174,334	175,567	167,565	162,355
Motor Vehicle Lien	270	284	275	342
Possession of Personal Property	11,198	11,871	10,870	10,759
Other	9,251	13,899	15,665	20,526
TOTAL	367,541	360,890	338,023	331,020

Small Claims Cases Median Days Disposed and Pending



Source: North Carolina Administrative Office of the Courts

JUDICIAL ASSIGNMENT SYSTEM

North Carolina’s judicial assignment process is difficult to navigate, particularly for self-represented litigants and others who do not interact regularly with the court system. District court judges are assigned to dockets on a certain date, typically by the chief district court judge. Exceptions to this can be found in some of the state’s district courts that use single-judge case assignments in managing their domestic relations case dockets. Therefore, a case may not have the same judge from the beginning of the case to the end. Superior court judges rotate according to the North Carolina Constitution, which provides that “[t]he principle of rotating Superior Court Judges among the various districts of a division is a salutary one and shall be observed.”⁴ Currently, there are eight divisions and 50 districts across the state. Superior court judges rotate through the districts in their respective divisions on a six-month cycle. As a result, in superior court, as in district court, a single case may be heard by more than one judge. Though the rotation system is intended to avoid favoritism that could result from having a permanent judge in one district, the system can also lead to inefficiency and judge-shopping. The exceptions to the rotation system are the special superior court judges, including those who make up the business court. Under Rule 2.1 of the North Carolina General Rules of Practice, some cases that are not in the business court can be specially designated as “exceptional” by the Chief Justice and receive a single judge throughout the litigation.

The superior court assignment system is implemented primarily through the North Carolina Administrative Office of Courts, working with the office of the Chief Justice. Each district court’s assignment system is typically administered by the chief district court judge. The personnel in these courts work very hard

to ensure that cases do not linger, that judicial personnel are assigned to cases as necessary, and that all participants adhere to the six-month rotation system when required and to the extent possible, while also emphasizing access and fairness. The assignment system depends on the competence and integrity of just a few individuals and therefore is sensitive to any change in personnel. The Committee heard mixed reviews from many stakeholders about whether the benefits of the judicial assignment system in North Carolina courts justified its complexity, with no clear consensus across different perspectives.

LEGALLY TRAINED SUPPORT STAFF

At the trial level, only the Business Court uses dedicated staff trained to assist the judges in investigating the law and making legal rulings. Although they may confront complex evidentiary or constitutional issues, superior court judges and district court judges have little to no research support. This lack of legally trained support staff takes place in an environment where significant numbers of law graduates are searching for full-time jobs, suggesting a potential opportunity for matching supply with demand.

LEGAL ASSISTANCE AND SELF-REPRESENTED LITIGATION

For those who cannot afford representation, a number of legal aid organizations, as well as private lawyers, offer free legal counsel in North Carolina. In 2014, the North Carolina Equal Access to Justice Commission estimated that private attorneys supplied approximately 18,000 hours of legal services worth more than \$3.6 million on a pro bono basis — that is, for little or no pay for their time and expertise.⁵ Notwithstanding their efforts, one-half of the approximately 70,000 individuals who seek a lawyer are turned away

without one, with 80 percent of the civil legal needs of low-income people in North Carolina going unmet.⁶ Legal aid is supported by private donations, by members of the legal profession, and by federal, state, and local funding. All funding levels have dropped by one-third to one-half since 2008; over the same time period, the need for legal aid has increased by 30 percent, with many clients who present significant literacy and language obstacles to representation. Attorneys working in legal aid face challenges including low wages, high debt burdens from law school, and heavy caseloads.

When litigants do not want, cannot afford, or cannot find a lawyer, they sometimes represent themselves. The number of self-represented litigants has been increasing nationwide. According to *Landscape of Civil Litigation in State Courts*, a 2015 report from the National Center for State Courts, in the early 1990s, both litigants were represented by counsel in 97% of jury trials and in 91% of bench trials. However, that percentage has now fallen to 87% for jury trials and 24% for bench trials. The *Landscape* report went on to note that in more than three-quarters of the nearly one million non-domestic civil cases in the data set, at least one party, typically the defendant, is self-represented.⁷ As in other states, the increase in self-represented litigants is a significant issue in North Carolina.

Because self-represented litigants must navigate complex procedures, they challenge the resources of the court system, which can lead to delays further exacerbated by the same types of literacy and language barriers faced by many legal aid clients. Systemwide data on the number of self-represented litigants, the types of claims most likely to involve self-represented litigants, and comparisons of their cases to others in the system are scarce, partly because of the weaknesses of

the technology and case management process outlined above. County-level analyses in the early 2000s and self-reporting by judges suggest that self-represented litigation is concentrated in areas such as domestic relations, housing, and debt collection. Self-represented litigants can account for up to half of the docket in those matters.

CIVIL FINES, FEES, AND PENALTIES

The use of civil fines, fees, and penalties is an area of concern in North Carolina and nationwide, as reflected in recent reports by government agencies and private organizations. Courts that use fines, fees, and penalties to finance their operations, as well as the potential domino effect of unpaid fines, fees, and penalties on residents, can undermine confidence in the judicial system as a whole and potentially create a “destitution pipeline” and debtors’ prison. In North Carolina, court costs and fees currently go into general state revenues. Fees generated during a criminal proceeding may be turned into civil judgments for which the individual is responsible. In 2015, 11,441 of the 794,989 criminal cases in North Carolina, or just under 1.5 percent, saw the total amount of criminal fees and fines converted into a civil judgment, according to the North Carolina Administrative Office of the Courts.⁸ However, this statistic does not capture the fines and fees that were only partially converted to a civil judgment, or those that are kept as money owed within the criminal, rather than the civil, enforcement mechanism. Although there are constitutional due process prohibitions on jailing persons who are unable to pay debts for their failure to do so, and state constitutional checks on using fees to support local or court budgets, these legal mechanisms are imperfect and not self-executing.

RECOMMENDATIONS

Consistent with the guiding principles and findings outlined above, the Civil Justice Committee offers the following recommendations.

The Committee also observes that, while these recommendations can be debated or adopted separately, some of them may be interlinked with other recommendations from this Committee or from other Committees on the Commission.

- **IMPLEMENT
ELECTRONIC FILING
AND CASE
MANAGEMENT**

Electronic filing and case management holds the potential to make the civil justice system more fair, accessible, and efficient. For example, the implementation of electronic case filing and management in Utah led to 30,000 fewer visits to the courthouse and millions of dollars saved in storage and paper.⁹ Court employees were better compensated and enjoyed increased job satisfaction. In addition, electronic filing and case management can generate data that will better enable evaluation of the performance of the entire system according to benchmarks designed to measure progress toward each of the guiding principles outlined above. Adoption of comprehensive electronic filing and case management in Utah and in the federal system can serve as a model for North Carolina. Personnel currently managing a paper system in the judicial system may then be reassigned and retrained, where appropriate, to spend time and resources on other important case management tasks not well

suited for automation. The Committee supports the Technology Committee's work in developing a strategic plan for implementing electronic workflows in the state's courts and clerk of court offices, including e-filing and a fully integrated, centralized case management system.

- **CREATE AN
EFFICIENT, ONGOING
RULE-MAKING
PROCESS FOR
IMPLEMENTATION
OF ELECTRONIC
FILING AND
MANAGEMENT**

The rule-making process for civil litigation must be suitably flexible to capture fully the substantial cost savings of electronic filing and case management. As the experience of other jurisdictions has shown, adopting an electronic filing and case management system without rules that offer certainty about the legal significance of the electronic filing can generate expense without a corresponding benefit to the civil justice system.¹⁰ Every aspect of civil procedure is affected by the introduction of electronic filing and management. The General Assembly has already provided the courts with rule-making authority in the area of electronic filing, and this authority should extend to developing the rules necessary to integrate technology fully and comprehensively into the civil justice system.¹¹

- **INCREASE USE OF TECHNOLOGY FOR REMOTE COMMUNICATIONS**

Travel to and from courthouses is difficult for litigants with limited resources and especially burdensome for those who are self-represented. These litigants must take time off from work, find childcare, and secure transportation to come to the courthouse. For judges, travel can be expensive and takes away from time better spent on the study and adjudication of cases. With remote communication technology, in addition to electronic filing and management, the case can be delivered to the judge, rather than the judge having to travel to the case. Use of technology for remote communication (including teleconferencing and videoconferencing) in civil cases, but especially for arbitration, mediation, custody, and domestic relations matters, can be used to reduce travel and expense and make the proceedings more accessible and efficient for everyone.

- **CREATE A RULES COMMITTEE TO PROPOSE RULES OF CIVIL PROCEDURE, TO BE ADOPTED BY THE SUPREME COURT OF NORTH CAROLINA, AND SUBJECT TO REVIEW BY THE GENERAL ASSEMBLY**

The Chief Justice should appoint a rules committee modeled on civil rules committees in the federal judiciary and in other states. This committee should have representatives of the bench, bar, and staff of the courts. An academic expert in procedure may be appointed as a reporter for the committee. This committee should examine the civil rules at every level of the civil justice docket, including small claims court and all areas of domestic relations law, to ensure that the rules enable litigants and court officials to dispose of cases efficiently, fairly, and transparently. This committee should propose rules of procedure, including rules concerning the use of communication technology and electronic filing and management. The rules proposed by the committee should then be reviewed for adoption by the Supreme Court and made binding, unless the General Assembly votes to defer, alter, or reject those rules.

- **IDENTIFY AND TRACK CASES ACCORDING TO THREE CATEGORIES: SIMPLE, GENERAL, AND COMPLEX**

Cases at every level of the civil justice system should be identified early and designated as simple, general, or complex. Allocated resources should match the complexity of the case, and metrics in addition to the amount in dispute should be used to determine which track a case should be in. This “right-sizing” in case management will increase efficiencies throughout the system and ultimately should contribute to greater access as cases and claims are disposed of without expending unnecessary time or resources. “Right-sizing” cases acknowledges the unique

nature, complexity, and sensitivity of some types of cases and recognizes that not all cases require the same kind of system resources.

For example, domestic relations cases may require different forms of processing and management than other types of cases, particularly since mandatory mediation is often a part of these cases. Cases with particular features could be referred for alternative dispute resolution processes such as mediation, arbitration, and collaborative law. Data gathered from such a tracking system could also be used for future evaluation of performance of specific tracks and other measures.

- **REQUIRE USE OF UNIFORM CASE MANAGEMENT ORDERS IN ALL COURTS**

One of the principles and achievements of the Bell Commission of the 1950s was the establishment of a unified court system throughout the state of North Carolina. However, local rules and practice still vary considerably across the different judicial districts and in different levels of court, from magistrate's court to superior court. The Committee believes that efficiency, fairness, and transparency may be furthered by the use of uniform case management procedures and civil rules that are based on best practices. A case assignment system that matches the conduct of the case to the needs of the case will require new rules and case management orders, depending on whether the case is simple, general, or complex. The rules and orders will require modification over time as cases and best practices change. A civil rules committee can help supply the necessary uniformity in and flexibility of case

management orders, as one does in the federal system.

- **REASSIGN AND RETRAIN AS NECESSARY COURT SUPPORT STAFF, AND SUPPLY JUDGES WITH RESEARCH STAFF**

Some of the anticipated savings that the system generates through improved technology and streamlined procedures can be directed to improving the quality of justice delivered in the system as a whole.

The Committee suggests that some portion of expected savings from the transition to technology be used to reassign, retrain, or reinvest in judicial system support staff, including trial court administrators, clerks of court, and pools of research support personnel, so that a more precise, accurate, and efficient disposition can occur in every case.

- **RESTORE FUNDING FOR LEGAL ASSISTANCE PROGRAMS, INCLUDING LOAN REPAYMENT RELIEF**

Resources are at the heart of access to justice. Since the 2008 economic downturn, civil legal

aid funding has decreased from virtually every source while the number of North Carolinians living in poverty has increased.¹² When individuals are represented by legal aid, they are able to meaningfully access the court system, and their interests are protected regardless of how much money they have. And with skilled advocates who pursue only meritorious cases and settle many matters outside of court, legal aid conserves judicial resources.

Civil legal aid is an excellent investment of state resources that generates more than two dollars in economic benefits for each dollar in funding.¹³ The value of stopping domestic abuse, preventing unnecessary homelessness, and blocking illegal and predatory consumer practices is incalculable. The Committee recommends restoring state legal aid funding, including programs such as NCLEAF, which provides loan repayment assistance for lawyers who serve North Carolinians in need.

- **ENHANCE USE OF ONLINE FORMS; EXPLORE USE OF SELF-HELP KIOSKS AND CENTERS**

To assist self-represented litigants, forms and instructions should be improved and made available online. These online resources would help streamline common and non-technical matters such as small claims, simple divorces, or simple landlord-tenant cases. Self-help kiosks or centers, online court assistance, and online dispute resolution mechanisms should be explored as a way to match appropriate judicial resources with self-represented litigants. The Committee

agrees, however, that none of these resources should be viewed as a substitute for trained, competent counsel in appropriate cases. Through technology-enhanced tools as well as case management orders, self-represented litigants should be notified as early as practicable of the availability of legal services and how to obtain those services. Such a system should be designed to better distribute and designate the limited legal aid and pro bono attorney resources to litigants who are most in need of, and would most benefit from, their services.

- **STUDY SINGLE JUDGE ASSIGNMENT IN DISTRICT COURT, AND IN SUPERIOR COURT WITHIN SPIRIT OF ROTATION REQUIRED BY THE NORTH CAROLINA CONSTITUTION**

Some specialized courts in North Carolina, such as the Business Court and some family courts, and some specialized procedures, such as Rule 2.1, allow a single judge to be assigned to a case and to preside over that case from its beginning to its conclusion. The cases handled by single-judge assignment typically involve multiple hearings, discovery and discovery motions, motions to dismiss and for summary judgment, and numerous court dates. Single-judge-assigned cases can be complex commercial business matters or difficult and sensitive matters such as domestic relations. In the specialized cases to which it currently applies, litigants, lawyers, and judges are generally satisfied with single-judge case assignment. The

Committee believes that the judiciary should further study a method that would identify those disputes, outside of the specialized courts and the procedures currently available, for which single-judge assignment is most efficient, and create a transparent, neutral, and reliable method for making single-judge case assignments. Such a method could comply with the spirit of the state constitutional requirement that superior court judges rotate through districts by assigning such cases on a rotating basis so that the assigned superior court judge has cases from different districts.

The Chief Justice may encourage experimentation and pilot projects in the different districts and divisions to determine what method of assignment is most appropriate to satisfy the guiding principles of fairness, accessibility, transparency, efficiency, and effectiveness. Such pilot projects could build upon the experience of the business court and permit cases to be randomly or otherwise assigned to superior court judges from filing through judgment. Pilot projects should also permit cases to be assigned from filing on a geographical rotation system, permitting the judge to handle cases from different locations on a periodic basis. The pilot projects should include both rural and urban counties and be evaluated after a reasonable and sufficient period of time. Because of their high volume and number of unrepresented litigants, domestic relations cases and other matters related to family law might be an area deserving

of special consideration and further study with respect to electronic filing, case management, and tracking.

- **ENSURE THAT LAWS AND PROCEDURES RESPECTING CIVIL FINES, FEES, AND PENALTIES DO NOT CAUSE OR AGGRAVATE POVERTY OR INEQUALITY**

The Committee believes that further study of the effects of the way in which the civil justice system interacts with problems of inequality and integration into society is necessary. Such a study should be aimed at ensuring that the civil side of the justice system, alone or in combination with the criminal side, is not permitting an inequitable system to take root in North Carolina. This study may include, but is not limited to, a cost-benefit analysis of the practice of converting criminal fines or penalties into civil judgments, the use of fee waivers as an incentive to complete diversionary programs, the process and mechanisms of criminal expungements, and the effect of penalties such as suspension of licenses and criminal sanctions for failure to pay child support.

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1. Comments of Bradley D. Fowler, NCAOC Planning and Organizational Development officer, in his presentation, "Estimating the Amount of Paper in Court Files and an Overview of Data in the North Carolina State Courts," NCCALJ Technology Committee Meeting (Raleigh, NC), December 15, 2015. Presentation materials available at <http://bit.ly/2jINE1a>. Accessed January 20, 2017.
 2. 2015 survey of the High Point University Survey Research Center. A summary of the results of this survey is available at <http://bit.ly/2hWGgLW>. Published December 15, 2015. Accessed December 20, 2016.

3. A single small claims case can have multiple issues, which accounts for the difference between the “Total Civil Small Claims Filings” in the first table, and the totals of each type of case in the second table.
4. North Carolina Constitution, Art. 4, Sec. 2.
5. North Carolina Equal Access to Justice Commission, *2014 Impact Report*, 2015. Available at <http://bit.ly/2h9LLtV>. Accessed December 20, 2016.
6. *Id.*
7. National Center for State Courts, *The Landscape of Civil Litigation in State Courts*, 2015. Available at <http://bit.ly/2i7rEFS>. Accessed December 20, 2016.
8. NCAOC Research and Planning Division.
9. Comments of Dan Becker, State Court Administrator, Utah Administrative Office of the Courts, in his presentation, “Utah Court System Civil Case Management Initiatives,” NCCALJ Civil Justice Committee Meeting (Durham, NC), March 30, 2016. Presentation materials available at <http://bit.ly/2k9FCep>. Accessed January 20, 2017.
10. In Ohio, for example, electronic filing of a notice of appeal in trial court under local rules may not perfect an appeal in the appellate court without such rules. This gives rise to a wasteful “belt and suspenders” approach to filing. See *Louden v. A.O. Smith Co.*, 121 Ohio St.3d 95 (2009).
11. G.S. 7A-49.5.
12. Comments of Celia Pistolis and Rick Glazier, in their presentation, “Civil Legal Aid in North Carolina,” NCCALJ Civil Justice Committee Meeting (Durham, NC), November 6, 2015. Presentation materials available at <http://bit.ly/2jWrXbn>. Accessed January 20, 2017.
13. North Carolina Equal Access to Justice Commission, *A 108% Return on Investment: The Economic Impact to the State of North Carolina of Civil Legal Services in 2012*, 2015. Available at <http://bit.ly/2jI2DYX>. Accessed January 20, 2017.

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