

PUBLIC TRUST AND CONFIDENCE

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 Public Trust and Confidence Committee. To access the full report of the NCCALJ, including all five of the Committee reports, visit www.nccalj.org.

PUBLIC TRUST AND CONFIDENCE

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.

“OUR STATE’S CONSTITUTION REQUIRES THAT JUSTICE ‘BE ADMINISTERED WITHOUT FAVOR, DENIAL, OR DELAY.’”
North Carolina Constitution, Article I, Section 18

INTRODUCTION

North Carolina’s Judicial Branch serves a unique and distinctive role in the state’s system of government and in our society. The Judicial Branch’s courts interpret laws, settle disputes between citizens, and conduct criminal proceedings. Our state’s constitution requires that this duty to administer justice be exercised “without favor, denial, or delay.”¹

It is vitally important that the Judicial Branch maintain the public’s trust and confidence in our court system’s ability to provide justice for all.

According to *Court Review* in 1999: “A court that does not have the trust or confidence of the public cannot expect to function for long as an effective resolver of disputes, a respected issuer of punishments, or a valued deliberative body.”² If the people of North Carolina lose faith in the courts of our state, where else can they turn for impartial and timely justice?

As articulated in Part One of this Final Report, the ultimate goal of the North Carolina Commission on the Administration of Law and Justice (NCCALJ)

has been to improve our court system’s ability to achieve just outcomes and, in so doing, to increase the trust and confidence that North Carolinians have in their courts. To that end, the recommendations of the NCCALJ’s Public Trust

and Confidence Committee articulate broad policy aims for the Judicial Branch, many of which are echoed in greater detail within the more limited scope of the final reports of the NCCALJ’s other four Committees.

MISSION STATEMENT AND GUIDING PRINCIPLES

The mission of the NCCALJ is to address how North Carolina courts can best meet 21st century legal needs and public expectations. The role of the Committee is to identify and evaluate factors that influence public trust and confidence in the judicial system and to recommend actions that enhance this trust and confidence.

The Committee began its work by endeavoring to understand the current state of public perception of the state courts. Through a partnership with Elon University Poll and High Point University Survey Research Center, the Committee sanctioned live-caller public opinion phone surveys in October and November 2015.

After delving into the results of the surveys, the Committee identified a number of foundational principles that our state courts must abide by to enhance the trust and confidence of the public that they serve. Those principles describe a state court system that must:

- Be ACCESSIBLE to the people;
- Be an EFFICIENT user of the public’s most precious commodity, its time;
- Ensure outcomes that are both FAIR and IMPARTIAL;

- Be ACCOUNTABLE to the public as the ultimate stakeholder group; and
- Engage in regular and ongoing SELF-EVALUATION to make improvements where needed.

These guiding principles led the Committee to focus on the following goals aimed at increasing public trust and confidence in the courts of North Carolina, listed here and discussed in greater detail within this report: **conducting recurring public opinion surveys; promoting fair and equal access to the courts; eliminating actual and perceived bias in the courts; providing for the just, timely, and economical scheduling and disposition of cases; enhancing access to information and court records; recommending a selection process that ensures well-qualified and independent judges; and strengthening civics education.**

These goals are discussed in the body of this report, followed by a set of specific action items recommended by the Committee to meet these goals, organized by goal and by principle. Pursuit of these goals will foster the reform and commitment necessary for the North Carolina judicial system to promote the utmost public trust and confidence.

Throughout its work, the Committee held ten public meetings during which experts and judicial stakeholders gave presentations related to public perceptions, court performance, judicial selection, access, and fairness. The information shared in

these presentations educated the commissioners and provided a launching point for further inquiry, discussion, and consideration. A list of the presentations and presenters is available on the NCCALJ website at www.nccalj.org.

GOALS

ENSURING WELL-QUALIFIED AND INDEPENDENT JUDGES

Nothing is more fundamental to our system of justice than having qualified, independent judges to settle disputes. While 60% of respondents in the 2015 surveys agree that judges make decisions based on facts, 76% do not believe that courts are free from political influence. Respondents generally believe that judges' decisions are influenced by political parties (76%) and by the fact that they must run for election (75%). Moreover, judges' salaries often lag behind the salaries of their attorney counterparts with equivalent years of experience in the legal profession, and inadequate salaries threaten the Judicial Branch's ability to attract and retain qualified judges.³

In order to enhance and preserve the highest degree of judicial integrity, fairness, and impartiality, the Committee recommends that the General Assembly take steps to minimize the perceived impact of judicial elections on our system of justice by changing how judges and justices are selected and retained. The Committee further recommends that the General Assembly take action to secure sufficient funding for the Judicial Branch to ensure that judges and justices are provided competitive compensation packages to attract and retain qualified judges.⁴

The Committee also urges the General Assembly to tie the number of judges and justices on a given court to the workload of the relevant court. The use of other non-empirically based considerations to determine the number of judges and justices threatens public trust and confidence.

CONDUCTING A RECURRING PUBLIC OPINION SURVEY

To more effectively serve the public and to maintain and increase public trust and confidence, the Judicial Branch must periodically gauge how the public perceives North Carolina's courts. The best source of the public's perception of the Judicial Branch is the public itself. The 2015 surveys conducted by Elon University Poll and High Point University Survey Research Center have been instrumental in shaping the work of the Committee.⁵

The Committee recommends that the Judicial Branch establish and conduct a survey once every two years to measure public opinion regarding the operation of the courts. The survey should seek to measure the public's perception of fairness, timeliness, administrative efficiency, and general operation, among other factors that may be identified. The survey also must be sensitive to varying perceptions among different demographic groups. By evaluating the survey results from

year to year, the Judicial Branch will be in a strong position to address perceived weaknesses, either substantively or through public relations; to track progress over time; and to capitalize on acknowledged strengths. The Judicial Branch also should engage in systematic surveying of court system users through periodic in-person courthouse surveys and continuous online surveys for those accessing the court system through its public website, www.NCcourts.org.

PROMOTING FAIR AND EQUAL ACCESS TO THE COURTS

North Carolina's courts must be accessible to the people of our state, regardless of economic, social, or ethnic background. Yet the 2015 surveys found that a majority of respondents (73%) do not believe that most people can afford to bring a case to court. Moreover, 76% of survey respondents believe that people who have no lawyer representing them receive somewhat worse or far worse treatment in the courts. Much needs to be done to increase public confidence in equal access to the courts.

The Committee recommends that the Judicial Branch take steps to identify and remove barriers that impede fair and equal access to the courts. These barriers include physical impediments, cost factors, language issues, and the complexity of the judicial process. Courthouses must be able to accommodate persons with disabilities and eliminate any physical impediments that prohibit full access to all courthouse facilities and operations. Citizens who cannot afford an attorney should be able to access forms, educational materials, and other resources that help them understand and navigate the complicated judicial process. Court costs should be affordable for the average citizen, and the system must erase cultural and language barriers.

Fair and equal access requires simplification of court processes where possible, manageable court costs, cultural competence, and full physical access.

ELIMINATING ACTUAL AND PERCEIVED BIAS IN THE COURTS

A substantial number of respondents in the 2015 surveys believe that certain groups generally receive better treatment than others in North Carolina courts — a perception that undermines the Judicial Branch's commitment to the fair administration of justice for all. Eighty percent (80%) of respondents believe that the wealthy receive better treatment, while 48% believe that white people receive better treatment. Conversely, a significant number of respondents believe that low-income people (64%), non-English speaking individuals (53%), African Americans (46%), and Hispanics (46%) receive worse treatment in the courts. If justice is to be served without favor, denial, or delay, the Judicial Branch must create an atmosphere in which every person serving in the Judicial Branch understands the importance of bias-free courts, and every person who interacts with the Judicial Branch experiences a bias-free environment.

Empirical studies recognize the potential for disparate treatment based on demographic factors, such as race, religion, gender, primary language, economic status, or other factors.⁶ That potential bias may sometimes manifest itself unintentionally and unconsciously.⁷ To ensure a fair and impartial process, the Judicial Branch must acknowledge the potential for bias and train court personnel and judicial officials to recognize and rectify it. Uniform policies and procedures, together with consistent decision-making processes, will help minimize disparate treatment among similarly situated parties.⁸ Finally, a

workforce that reflects the diversity of the people who interact with the judicial system is critical to promoting greater understanding and acceptance of cultural differences and reducing the potential for bias.⁹

The fair administration of justice requires a commitment to uniform policies and procedures, impartial decision-making, cultural competence, a diverse workforce, and an overall bias-free environment.

PROVIDING FOR THE JUST, TIMELY, AND ECONOMICAL SCHEDULING AND DISPOSITION OF CASES

As stewards of public resources and individual citizens' time, Judicial Branch officials must strive to operate a court system that facilitates the just, timely, and economical scheduling and disposition of cases. This includes a commitment to minimizing trips to the courthouse by citizens and attorneys when feasible. Public perception is that the state's courts fail to achieve this goal, as only 25% of survey respondents agree that cases are resolved in a timely manner.

The Committee recommends that the Judicial Branch evaluate methods and take actions to encourage the just, timely, and economical scheduling and disposition of cases. Such actions include evaluation of case management strategies that encourage more efficient handling of cases by a single judge, the timely and efficient resolution of hearings and matters before the court, and the increased use of firm scheduling orders and deadlines. Using improved technology and performance metrics, the Judicial Branch should be well poised to regularly monitor court performance, identify areas for improvement, minimize inefficiency, and encourage best practices among jurisdictions. The Judicial Branch

also should focus on improving the efficiency of its interaction with public actors by eliminating unnecessary trips to the courthouse for jurors, witnesses, parties, and attorneys.

In addition, in an effort to assist the state's federal court counterparts in the just, timely, and economical resolution of their cases, North Carolina should consider whether to adopt a process by which federal courts may certify questions of North Carolina law to the Supreme Court of North Carolina. North Carolina is the only state that does not have such a process.¹⁰

ENHANCING ACCESS TO INFORMATION AND COURT RECORDS

Participation in the judicial process can be challenging, even for those with knowledge of the law. For those without such knowledge, the process can be especially difficult to navigate. People seeking general information may be unaware of what information is available and how to access it. Parties and self-represented litigants may lack sufficient information and resources to guide them through a sometimes complicated process. Information is power, but channeling that power requires open access to information and resources.

The Committee recommends that the Judicial Branch enhance access to court records, information, and resources to the greatest extent possible. The courts must use technology to increase the availability of electronic records and information and to minimize the need to visit the physical courthouse. Judicial stakeholders should explore ways to expand the availability of legal assistance for low- and moderate-income individuals and to create staffed self-help centers to provide assistance for self-represented litigants. In addition, general information about court

processes, procedures, and operations should be readily available electronically.

The fair administration of justice depends on an informed citizenry equipped with understandable legal forms, convenient access to public records, and information and resources that help them to navigate complicated judicial processes.

STRENGTHENING CIVICS EDUCATION

A low percentage of respondents in the 2015 surveys (13%) indicated that they were very knowledgeable about our state courts. Increased citizen understanding of the administration of the state court system is strongly and positively correlated with the public’s trust and confidence in the day-to-day functioning of our state courts. Civics education serves to foster citizen engagement and increase transparency — two overarching principles that are widely recognized to enhance the public’s trust in its government institutions.

The Committee recommends that the Judicial Branch strengthen civics education in North Carolina among school-aged children and adults through curricula enhancements, programmatic materials, increased social media, and court-user information at first point of contact with the court system. School-aged children should learn early on the importance of a well-functioning court system as one of the three co-equal branches of government. Adult citizens should understand how an effective and efficient court system affects their lives, even if they never come into contact with the system itself. The Judicial Branch should empower its officials and court staff to engage in public service efforts related to civics education.

Lastly, when feasible, jurors, witnesses, litigants, and others interacting with the court system should be provided relevant background information on the work of the courts and their respective roles in the judicial process.

CONCLUSION AND RECOMMENDED ACTION STEPS

The Public Trust and Confidence Committee has relied on presentations from experts, consultations with judicial stakeholders, and public input in shaping its work and developing its recommendations. The expectation is that these recommendations will result in changes that improve the user experience in state courts and enhance the overall level of public trust and confidence in the North Carolina Judicial Branch.

- **ENSURING WELL-QUALIFIED AND INDEPENDENT JUDGES**

GUIDING PRINCIPLE — Impartiality

RECOMMENDED ACTION STEPS

Separation of Powers

- The General Assembly should ensure adequate funding for all Judicial Branch functions as requested by the Judicial Branch.

- The Judicial Branch should submit its aggregate budget needs directly to the executive and legislative branches for incorporation into their respective budget documents.
- The Judicial Branch should have full authority to manage its budget and allocate its resources with a minimum of legislative and executive branch controls, including a budget with minimal line items.¹¹
- The General Assembly should make policy recommendations related to the administration of justice, but funding should not depend on actual implementation of recommended initiatives or policies.
- The General Assembly should use empirical workload data to determine the need for expansion of the number of judges or justices on a given court.

GUIDING PRINCIPLES —
Accountability, Impartiality

RECOMMENDED ACTION STEPS

Secure Tenure and Salary

- The General Assembly should evaluate the salaries, benefits, and retirement plans offered to judges and justices to ensure a competitive compensation package for qualified judicial candidates designed to attract and retain the highest caliber of judges and justices.¹²
- In order to enhance and preserve the highest degree of judicial integrity, fairness, and impartiality, the General

Assembly should develop a selection process that ensures the highest caliber of judges and justices and minimizes the potential impact of campaigning and fundraising on judicial independence and public accountability.

GUIDING PRINCIPLE — Accountability

RECOMMENDED ACTION STEPS

Qualifications and Experience

- The General Assembly should establish minimum levels of qualifications and experience to qualify for service as a district court judge, superior court judge, court of appeals judge, or supreme court justice.
- The Judicial Branch should establish minimum levels of qualifications and experience for candidates appointed to fill judicial vacancies.

• CONDUCTING A
RECURRING PUBLIC
OPINION SURVEY

GUIDING PRINCIPLES —
Accountability, Self-Evaluation

RECOMMENDED ACTION STEPS

- The Judicial Branch should work with the National Center for State Courts to establish a set of survey questions aimed at gaining an understanding of how people view North Carolina courts and judges.

- The Judicial Branch should conduct a statewide, statistically valid survey every other year.
- The Judicial Branch should compare survey results to results from prior surveys and issue a report assessing the results, areas needed for improvement, possible causes of certain trends, and other relevant factors identified by the survey results.
- The Judicial Branch should conduct participant surveys, including surveys of jurors, at county courthouses to determine participants' satisfaction with the courts.
- The Judicial Branch should adopt survey methodologies that ensure the integrity of the data collected and provide the opportunity for meaningful analysis.
- The Judicial Branch should ensure that information related to the physical addresses and locations of courthouses are easy to find and should provide directions to the courthouses and available parking areas.
- The Judicial Branch should work with county officials to ensure that each courthouse posts appropriate signage to help citizens navigate easily throughout the courthouse.
- The Judicial Branch should work with county officials and local law enforcement to ensure the safety of all employees and citizens who enter the courthouse.
- The Judicial Branch should maximize efforts to create online service options that do not require a trip to the courthouse, such as electronic filing, online payment, and disposition of compliance offenses.

- **FAIR AND EQUAL ACCESS TO THE COURTS**

GUIDING PRINCIPLE — Access

RECOMMENDED ACTION STEPS

Physical Access

- The Judicial Branch should work with county officials to eliminate physical impediments that hinder access to the courts and should take appropriate steps to accommodate persons with disabilities.

Enhanced Convenience

- The Judicial Branch should work with local judicial officials and county officials in each county to evaluate whether the public might be better served by providing court services outside of normal business hours, and, if warranted, should work with county government officials to establish regular hours outside of normal business hours in order to better serve the public.
- The Judicial Branch should work with local judicial officials and county

officials in each county to evaluate whether it is feasible to offer childcare services at the courthouse in order to enhance the public's ability to participate in the judicial process.

GUIDING PRINCIPLES — Access, Fairness

RECOMMENDED ACTION STEPS

Cultural Barriers

- The Judicial Branch should continue to work to eliminate language barriers that hinder equal access to justice by individuals with limited English proficiency and should improve efficiencies in the provision of interpreting services.
- The Judicial Branch should educate employees on cultural competence and develop initiatives to improve cultural competence in the judicial system.
- The Judicial Branch should promote a diverse workforce that reflects the diversity of those who interact with the judicial system.
- Before requiring participation in a court-ordered program, treatment, or service offered outside the judicial process, the judicial official should make sure that the program, treatment, or service provider provides appropriate language access services to ensure meaningful participation by the party.

Evaluating the Costs of Justice

- The Judicial Branch should evaluate costs and fees to determine whether

those costs and fees preclude meaningful access to the courts or prohibit citizens from participating in the judicial process. If warranted, the Judicial Branch should seek legislative changes to modify current costs and fees.

- The Judicial Branch should evaluate the collateral consequences of costs, fines, and fees on offenders who lack the ability to pay and develop policies to minimize negative consequences based solely on inability to pay.

ELIMINATING ACTUAL AND PERCEIVED BIAS IN THE COURTS

GUIDING PRINCIPLE — Fairness

RECOMMENDED ACTION STEPS

*Procedural Fairness*¹³

- The Judicial Branch should develop ongoing training initiatives for judicial officials and court staff designed to help them understand the principles of procedural fairness and the public's perception of procedural fairness in the judicial process.
- The Judicial Branch should develop educational materials, bench cards, and other resources to help judicial officials and court staff implement procedural fairness in the judicial process.
- The Judicial Branch should develop consistent processes and procedures

that strengthen adherence to the four principles of procedural fairness — voice, neutrality, respect, and trust.

- The Judicial Branch should ensure that public surveys include questions aimed at measuring how well individual judicial officials and court employees, and the Judicial Branch as a whole, are adhering to the principles of procedural fairness.
- The Judicial Branch should develop a pledge of fairness that should be prominently displayed as a manifestation of its commitment to the principles of procedural fairness.
- The Judicial Branch should establish an ongoing peer review process that provides judicial officials and court employees with continuing feedback about adherence to the principles of procedural fairness and recommendations for improvement.

GUIDING PRINCIPLES — Fairness, Impartiality

RECOMMENDED ACTION STEPS

Implicit Bias

- The Judicial Branch should develop training and educational materials to help judges, magistrates, and clerks of court understand implicit bias and to minimize its effects on the judicial process.
- The Judicial Branch should develop processes and procedures that minimize the effects of implicit bias in each case.

Institutionalizing a Bias-Free Environment

- The Judicial Branch should collect and analyze data to identify areas in which there is a disparate impact in outcomes based on identifiable demographics, evaluate the causes of such disparate impact, and identify strategies to combat it.
- The Judicial Branch should provide judicial officials, court personnel, volunteers, and other judicial stakeholders with training and education focused on ensuring cultural awareness and sensitivity in the judicial process in order to create an atmosphere in which every person who participates in the judicial process understands the importance of cultural competence and bias-free behavior in the courts.
- The Judicial Branch should develop an evaluation process that allows peer groups to observe court proceedings and interactions, and should provide feedback about adherence to the principles of procedural fairness.
- The Judicial Branch should work with stakeholder organizations to create training opportunities for court personnel to increase cultural awareness and attain a better understanding of diversity issues.
- The Judicial Branch should enhance efforts to make members of the public aware of complaint procedures against judicial officers and court personnel, and should make sure that investigations are transparent and fair.

- **PROVIDING FOR THE JUST, TIMELY, AND ECONOMICAL SCHEDULING AND DISPOSITION OF CASES**

GUIDING PRINCIPLE — Efficiency

RECOMMENDED ACTION STEPS

Case Management

- The Judicial Branch should evaluate the methods by which cases may be assigned to a single judge for the duration of the case.
- The Judicial Branch should continue to evaluate circumstances under which mandatory early mediation or other Alternative Dispute Resolution (ADR) processes may resolve disputes before significant litigation is in process.
- The Judicial Branch should evaluate technology and / or policies that would permit resolution of certain motions without hearings.
- The Judicial Branch should continue to evaluate the efficacy of specialty courts where appropriate.
- The Judicial Branch should evaluate the use of realistic, firm scheduling deadlines for both criminal and civil cases at the outset of the case, which may be extended only for good cause.
- The Judicial Branch should evaluate whether procedures can be put in

place to allow certain civil and / or criminal cases to proceed on a “fast-track” basis.

GUIDING PRINCIPLES —

Accountability, Self-Evaluation

RECOMMENDED ACTION STEPS

Performance Metrics and Data Analysis

- The Judicial Branch should establish performance metrics, including expected durations for different case types, and establish goals for a certain percentage of cases of each type to be resolved within a specific timeframe.
- The Judicial Branch should ensure the collection of data designed to improve identification of and responsiveness to delays in the court system and to assist court officials in evaluating their management performance.
- The Judicial Branch should establish a system to track motions for continuances, the parties so moving, and the reason that the continuance is requested.
- The Judicial Branch should ensure that data regarding court performance is publicly available and publicized when appropriate.
- The Judicial Branch should establish standardized procedures for data collection, develop uniform definitions for data fields, and minimize the options for free-form data fields.

GUIDING PRINCIPLE — Access

RECOMMENDED ACTION STEPS

Efficient Technology

- The Judicial Branch should continue to evaluate the increased use of video technology for court appearances.
- The Judicial Branch should continue to evaluate and expand the increased use of electronic filing of court documents.
- The Judicial Branch should increase the online availability of data on its public websites.

GUIDING PRINCIPLE — Efficiency

RECOMMENDED ACTION STEPS

General Efficiency Measures

- The Judicial Branch should evaluate methods by which juror selection and utilization can be implemented more efficiently.
- The Judicial Branch should encourage the sharing and discussion of best practices across judicial districts.
- The Judicial Branch should evaluate the feasibility of providing law clerks to superior court judges or pools of superior court judges.
- The Judicial Branch should evaluate the feasibility of using financial considerations to determine the amount of court costs and fees to be paid by civil litigants and criminal defendants. Such methods may include a tiered system based on the amount

in dispute, income, or payment of certain fees at different stages of the litigation.

- North Carolina should consider whether to adopt a process by which federal courts may certify questions of North Carolina law to the Supreme Court of North Carolina.

• ENHANCING ACCESS TO INFORMATION AND COURT RECORDS

GUIDING PRINCIPLE — Access

RECOMMENDED ACTION STEPS

Court Forms

- The Judicial Branch should improve accessibility of standardized forms most commonly used by self-represented litigants.
- The Judicial Branch should encourage the use of standardized forms and evaluate the efficacy of local forms. To the extent that local forms continue to be necessary, the appropriate local judicial officials for the respective district should ensure that local forms are available on the Judicial Branch's website.
- The Judicial Branch should ensure that required forms are easy to understand and are available online.
- The Judicial Branch should explore the development of document assembly

programs that provide capability for electronic completion and filing of forms in case types with a high volume of self-represented litigants.

- The Judicial Branch should include online links to packets of forms that should be used in connection with a particular case type and include instructions on how to use the forms, prioritizing case types with the highest volume of self-represented litigants.

Enhancing Technology

- The Judicial Branch should improve the quantity and quality of resources on its website and enhance the website's navigation and search functions.
- The Judicial Branch should provide online electronic access to appropriate public court records.
- The Judicial Branch should expand options for citizens to prove compliance offenses online without a court appearance.
- The Judicial Branch should implement a centralized calendaring website that facilitates online search capability for case and docket information.
- The Judicial Branch should provide real-time video and audio streaming of proceedings before the Court of Appeals and the Supreme Court and should offer access to archived oral arguments.

Public Outreach

- The Judicial Branch should continue to expand the use of its website to inform the public about significant events and issues within the Judicial Branch.
- The Judicial Branch should continue to expand its use of social media to enhance dissemination of information about the court system's programs, services, operations, and events.

Self-Represented Litigants

- The Judicial Branch should increase information, standardized forms, and other resources available to help self-represented litigants navigate the judicial process.
- The Judicial Branch should establish a centralized office to provide information, education, and resources for self-represented litigants via telephone or online.
- The Judicial Branch should work with the North Carolina Bar Association, Legal Aid of North Carolina, Equal Access to Justice Commission, and other justice stakeholders to expand the availability of legal services for moderate- and low-income litigants.

Transcripts

- The Judicial Branch should establish a centralized repository for all court transcripts and a centralized system for accepting transcript requests,

receiving payment for transcripts, and ensuring production of a complete and accurate transcript of the record in a timely manner.

- The Judicial Branch should provide access to digital recordings of court proceedings that are digitally recorded if the recordings do not include confidential material.

GUIDING PRINCIPLES — Accountability, Self-Evaluation

RECOMMENDED ACTION STEPS

Performance Measures

- The Judicial Branch should adopt performance metrics such as CourTools to provide empirical data about court performance.
- The Judicial Branch should create and post annual reports on court performance with a focus on empirically based measures such as CourTools.
- The Judicial Branch should evaluate ways to measure public trust and confidence in the judicial system, including adherence to the principles of procedural fairness, and implement initiatives aimed at addressing public concerns and issues.
- The Judicial Branch should identify expectations of court participants, evaluate ways to measure how well courts are meeting user expectations, and develop initiatives aimed at improving the courts' ability to meet user expectations.

● STRENGTHENING CIVICS EDUCATION

GUIDING PRINCIPLE — Access

RECOMMENDED ACTION STEPS

- The Judicial Branch should work with the Department of Public Instruction to review the public school curriculum and ensure that it includes sufficient information about the Judicial Branch and its role in American government.
- The Judicial Branch should work with North Carolina community colleges and universities to provide students with information about the Judicial Branch and its role in American government.
- The Judicial Branch should continue to establish programs and encourage judges to participate in community programs that promote and enhance civics education in schools, youth programs, and other community events.
- The Judicial Branch should ensure that its website provides easy access to educational materials about the Judicial Branch and its role in the North Carolina system of government.
- The Judicial Branch should encourage court officials to establish and participate in programs that promote student visitation to county courthouses.

- The Judicial Branch should continue to increase public awareness of the Judicial Branch’s speakers bureau, which identifies judges and other court personnel willing to provide information or make presentations to schools, community groups, and other organizations interested in learning about the judicial process.
- The Judicial Branch should continue to enhance the toolkit for participants in the speakers bureau. The toolkit should include presentation templates, talking points, pamphlets, brochures, videos, and other informational materials that can be used to enhance public education about the judicial system.
- The Judicial Branch should examine methods to make better use of the jury duty experience to educate citizens and provide a more positive interaction with the courts.
- The Judicial Branch should work with the media, journalism schools, and local media organizations to provide training and education about the court system to members of the media who cover the courts.
- The Judicial Branch should work with local law enforcement agencies and local governments to supplement the curricula of existing citizens academies with information and education about the judicial process.

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1. North Carolina Constitution, Art. I, Sec. 18.
 2. Rottman, David B., and Tomkins, Alan J.; “Public Trust and Confidence in Courts: What Public Opinion Surveys Mean to Judges,” *Court Review*, 1999.
 3. See National Center for State Courts, *Judicial Salary Tracker*, available at <http://www.ncsc.org/salarytracker>. See also Testimony of Justice Stephen Breyer at the Oversight Hearing on Federal Judicial Compensation in front of the United States House Committee on the Judiciary, Subcommittee on Courts, the Internet and Intellectual Property (Washington, D.C.), April 19, 2007. Available at <http://bit.ly/2jnZo6g>.
 4. *Id.*
 5. Surveys were conducted by the High Point University Survey Research Center and the Elon University Poll in October and November of 2015. A summary of the results of these surveys is available at <http://bit.ly/2hWGgLW>. Published December 15, 2015. Accessed December 20, 2016.
 6. See Jerry Kang, Mark Bennett, Devon Carbado, Pam Casey, Nilanjana Dasgupta, David Faigman, Rachel Godsil, Anthony G. Greenwald, Justin Levinson, Jennifer Mnookin; “Implicit Bias in the Courtroom,” *UCLA Law Review* 59 (2012): 1124. See also Gill, R. D.; “Implicit Bias in Judicial Performance Evaluations: We Must Do Better Than This,” *Justice System Journal* (2014): 1-24. See also Justin D. Levinson, Robert J. Smith, Danielle M. Young; “Devaluing Death: An Empirical Study of Implicit Racial Bias on Jury-Eligible Citizens in Six Death Penalty States,” *New York University Law Review*, Volume 89, Number 2 (May 2014).
 7. *Id.* See also, Kirwan Institute for the Study of Race and Ethnicity, *State of the Science: Implicit Bias Review*, Ohio State University. Available at <http://kirwaninstitute.osu.edu/>.
 8. See National Center for State Courts, *Strategies to Reduce the Influence of Implicit Bias*.
 9. *Id.*

10. Michael Klotz, "Avoiding Inconsistent Interpretations: *United States v. Kelly*, The Fourth Circuit, and the Need for a Certification Procedure in North Carolina," *Wake Forest University Law Review* 49 (2014): Rev. 1173, 1175.
11. This is slightly modified from Principle #19 from the National Center for State Court's *Principles for Judicial Administration*.
12. *Id.* at 3.
13. See T.R. Tyler, "Procedural Justice and the Courts," *Court Review* 44 (2008): 26. See Also David B Rottman, "Procedural Fairness as a Court Reform Agenda," *Court Review* (2008): 4. See also <http://proceduralfairness.org>.

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.