


## History of North Carolina Courts Commission

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### Resolution 73, 1963 Legislative Session

- Creates Courts Commission
- 15 members, 8 legislators
- “Prepare and draft the legislation necessary for the full and complete implementation of Art. IV” of the NC Constitution, as it was amended in 1962

## 1964

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

## 1965, SL 1965, c. 310

- Framework of present GS ch. 7A
- Establishment of district court
  - Determination of staffing levels
  - Administrative provisions relating to magistrates
- Clerks of court duties for district court
- Basic jurisdictional questions
- Uniform costs and fees

## 1967, SL 108

- Establish Court of Appeals
- Ch. 9, Jurors
  - Selection and exemptions
  - Master jury list preparation
- Merge solicitor system with General Court of Justice
- Phase II of district court implementation—60 counties

## 1969, SL 1190

- Final district court phase-in—17 counties
- Revision of juvenile code and assignment to district court
- Revision of indigent defense laws and establishment of original public defender offices (7 recommended, 2 established) (SL 1013)
- Recommendation to continue Courts Commission

## 1971

- Original Commission expired in 1969; 1969 legislature reauthorized Commission
- Merit selection of judges
- Discipline and removal of judges (1972 constitutional amendment)
- Mandatory retirement age (ditto)
- Retirement issues noted, but not addressed

## 1973-1975

- No formal reports on file
- Uniform Judicial Retirement Act
- Continued emphasis on judicial selection
- Statutory authorization repealed in 1975

## 1981

- Re-created in 1979
- 16 bills recommended, two constitutional amendments
  - Appellate jurisdiction and recall of retired judges—both passed
- Clean up of clerk's miscellaneous duties
- Composition of master jury lists limited to driver license and voters
- Studied, but no major recommendations on TCA's and PD's—Indigent Persons Attorney's Fee Fund

## 1983

- DA and AG must have law degree—passed in 1984
- Implement earlier appellate amendments
- Cost revisiting, general increase
- Infractions in traffic cases (not successful)
- Miscellaneous
  - DA's conference, attorneys fees in civil actions, filing copies of depositions, regular conditions of probation

## 1985

- Traffic, on a diet
- Judicial selection, again
- Recall of retired judges, finally; temporary service in vacancies or backlog
- More appellate law clerks
- Discovery and filing amendments
- Judicial Center Study Commission

## 1987

- Judicial Selection Study Commission
- Appeals of life sentences in non-1<sup>st</sup> degree murder cases
- Magistrate guilty plea jurisdiction
- Policies studied, but no recommended
  - Compensation of judges
  - Satellite courts

## 1989

- Judicial Selection Study Commission
- Judicial Center Study Commission
- Legislative and Judicial Salary Study Commission
- Yet another hibernation

## 1994

- Endorsement of magistrate educational requirements and pay plan
- Private process servers (not passed)
- Funding to study new Judicial Center (not passed)

## 1996

- Futures Commission nearing completion
- Commission deliberately stayed away from major recommendations. 14 recommended bills
- Topics: *restitution judgments, bail in DV cases, remote AOC computer access funds, civil jurisdiction limits, criminal record checks, reporting of district court civil trials, widow's years allowance, service of bond orders, certification of custody decrees, appeal bonds, clerks on sentencing commission*

## 1997

- 17 recommendations:
- Topics: *IV-D child support cases, insurance points in infractions, use of two-way video, habitual felon, restitution judgments, DV bail, remote AOC computer access fees, jurisdictional limits, criminal record checks, district court reporting, widow's year's allowance, service of bond orders, certification of custody orders, foreclosure filing fees, clerks on sentencing*
- **1996 was not a very good year**

## 1998-2000

- No reports
- Futures Commission reported in 1997
- Future of the Courts Study Commission established and reported in 1998
- Commission met sporadically
- Retreat on jury system

## 2000's-Present

- Statute remained on books
- No formal reports
- Met in 2008
- Met again in 2012-13
- New appointments in 2014

## Summary

- Early years, clear agenda; systemic, large scale topics
- Middle years (1980's) focused on two large issues—judicial selection and decriminalization of traffic offenses, with some constitutional amendments
- Nineties focused on operational issues, and deferred on systemic issues to Futures Commission