

2008

**NORTH CAROLINA
COURTS COMMISSION**

MINUTES

NORTH CAROLINA GENERAL ASSEMBLY



NORTH CAROLINA COURTS COMMISSION

2007-2008 LEGISLATIVE SESSION

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ATTENDANCE

Committee: **NORTH CAROLINA COURTS COMMISSION**

[illegible]

ATTENDANCE

Committee: North Carolina Courts Commission

[illegible]

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North Carolina General Statutes

Chapter 7A – Judicial Department

Article 40A.

North Carolina Courts Commission.

§ 7A-506. Creation; members; terms; qualifications; vacancies.

(a) The North Carolina Courts Commission is created. Effective July 1, 1993, it shall consist of 28 members, seven to be appointed by the Governor, seven to be appointed by the Speaker of the House of Representatives, seven to be appointed by the President Pro Tempore of the Senate, and seven to be appointed by the Chief Justice of the Supreme Court.

(b) Of the appointees of the Chief Justice of the Supreme Court, one shall be a Justice of the Supreme Court, one shall be a Judge of the Court of Appeals, two shall be judges of superior court, two shall be district court judges, and one shall be a public member who is not an attorney and who is not an officer or employee of the Judicial Department.

(c) Of the seven appointees of the Governor, one shall be a district attorney, one shall be a practicing attorney, one shall be a clerk of superior court, at least three shall be members of the General Assembly, at least two shall not be attorneys, and of the nonattorneys, one shall be a public member who is not an officer or employee of the Judicial Department.

(d) Of the seven appointees of the Speaker of the House, at least three shall be practicing attorneys, at least three shall be members of the General Assembly, at least two shall not be attorneys, and of the non-attorneys, one shall be a public member who is not an officer or employee of the Judicial Department.

(e) Of the seven appointees of the President Pro Tempore of the Senate, at least three shall be practicing attorneys, at least three shall be members of the General Assembly, at least one shall be a magistrate, and one shall be a public member who is not an attorney and who is not an officer or employee of the Judicial Department.

(f) Of the initial appointments of each appointing authority, three shall be appointed for four-year terms to begin July 1, 1993, and three shall be appointed for two-year terms to begin July 1, 1993. The two public members appointed by the Governor and the Speaker of the House of Representatives shall be appointed for four-year terms to begin July 1, 1997. The two public members appointed by the Chief Justice and the President Pro Tempore of the Senate shall be appointed for two-year terms to begin July 1, 1997. Successors shall be appointed for four-year terms.

(g) A vacancy in membership shall be filled for the remainder of the unexpired term by the appointing authority who made the original appointment. A member whose term expires may be reappointed. (1979, c. 1077, s. 1; 1981, c. 847; 1981 (Reg. Sess., 1982), c. 1253, s. 4; 1983, c. 181, ss. 1, 2; c. 774, s. 2; 1991, c. 739, s. 7; 1993, c. 438, s. 1; 1997-82, s. 1.)

§ 7A-507. Ex officio members.

The following additional members shall serve ex officio: the Administrative Officer of the Courts; a representative of the N.C. State Bar appointed by the Council thereof; and a representative of the N.C. Bar Association appointed by the Board of Governors thereof. The Administrative Officer of the Courts has no vote. (1979, c. 1077, s. 1; 1997-82, s. 2.)

§ 7A-508. Duties.

It shall be the duty of the Commission to make continuing studies of the structure, organization, jurisdiction, procedures and personnel of the Judicial Department and of the General Court of Justice and to make recommendations to the General Assembly for such changes therein as will facilitate the administration of justice. (1979, c. 1077, s. 1.)

§ 7A-509. Chair; meetings; compensation of members.

The Governor, after consultation with the Chief Justice of the Supreme Court, shall appoint a chair from the legislative members of the Commission. The term of the chair is two years, and the chair may be reappointed. The Commission shall meet at such times and places as the chair shall designate. The facilities of the State Legislative Building shall be available to the Commission, subject to approval of the Legislative Services Commission. The members of the Commission shall receive the same per diem and reimbursement for travel expenses as members of State boards and commissions generally. (1979, c. 1077, s. 1; 1993, c. 438, s. 2.)

§ 7A-510. Supporting services.

The Commission is authorized to contract for such professional and clerical services as are necessary in the proper performance of its duties. (1979, c. 1077, s. 1.)

§§ 7A-511 through 7A-515. Reserved for future codification purposes.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2007-323
HOUSE BILL 1473**

AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT
OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND
AGENCIES, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina enacts:

PART I. INTRODUCTION AND TITLE OF ACT

INTRODUCTION

SECTION 1.1. The appropriations made in this act are for maximum amounts necessary to provide the services and accomplish the purposes described in the budget. Savings shall be effected where the total amounts appropriated are not required to perform these services and accomplish these purposes and, except as allowed by the State Budget Act, or this act, the savings shall revert to the appropriate fund at the end of each fiscal year.

TITLE OF ACT

SECTION 1.2. This act shall be known as the "Current Operations and Capital Improvements Appropriations Act of 2007."

PART II. CURRENT OPERATIONS AND EXPANSION/GENERAL FUND

CURRENT OPERATIONS AND EXPANSION/GENERAL FUND

SECTION 2.1. Appropriations from the General Fund of the State for the maintenance of the State departments, institutions, and agencies, and for other purposes as enumerated, are made for the biennium ending June 30, 2009, according to the following schedule:

Current Operations – General Fund	2007-2008	2008-2009
EDUCATION		
Community Colleges System Office	\$ 938,106,160	\$ 899,643,003
Department of Public Instruction	7,714,429,569	7,708,315,285
University of North Carolina – Board of Governors		
Appalachian State University	121,866,775	123,484,299
East Carolina University		
Academic Affairs	200,929,741	207,798,168
Health Affairs	48,700,539	48,649,036
Elizabeth City State University	31,770,080	32,587,386
Fayetteville State University	53,131,616	54,059,698
North Carolina Agricultural and Technical State University	91,017,204	91,671,185

North Carolina Central University	76,599,430	78,129,122
North Carolina School of the Arts	24,650,862	24,042,061
North Carolina State University		
Academic Affairs	349,253,626	358,675,869
Agricultural Extension	42,241,968	42,126,187
Agricultural Research	53,406,637	52,144,009
University of North Carolina at Asheville	33,648,196	34,151,586
University of North Carolina at Chapel Hill		
Academic Affairs	269,229,699	275,856,577
Health Affairs	188,883,060	194,407,363
Area Health Education Centers	47,818,875	47,818,875
University of North Carolina at Charlotte	161,588,211	167,100,852
University of North Carolina at Greensboro	145,859,443	149,948,462
University of North Carolina at Pembroke	53,241,514	54,967,129
University of North Carolina at Wilmington	94,683,871	97,233,616
Western Carolina University	84,117,070	85,393,621
Winston-Salem State University	66,379,070	69,552,386
General Administration	42,489,469	42,647,024
University Institutional Programs	132,601,272	111,329,634
Related Educational Programs	149,629,645	149,933,562
North Carolina School of Science and Mathematics	16,859,174	17,065,422
UNC Hospitals at Chapel Hill	45,673,970	45,673,970
Total University of North Carolina – Board of Governors	\$ 2,626,271,017	\$ 2,656,447,099

HEALTH AND HUMAN SERVICES

Department of Health and Human Services		
Office of the Secretary	70,883,013	62,592,178
Division of Aging	35,943,589	35,745,179
Division of Blind Services/Deaf/HH	11,287,540	11,434,643
Division of Child Development	306,744,018	310,984,207
Division of Education Services	38,794,264	38,855,457
Division of Health Service Regulation	20,148,484	20,656,228
Division of Medical Assistance	2,920,359,272	3,389,993,470
Division of Mental Health	713,081,821	721,639,723
NC Health Choice	59,391,155	59,391,155
Division of Public Health	192,495,942	182,162,710
Division of Social Services	216,917,502	221,227,038
Division of Vocation Rehabilitation	45,054,797	45,518,365
Total Health and Human Services	\$ 4,631,101,397	\$ 5,100,200,353

NATURAL AND ECONOMIC RESOURCES

Department of Agriculture and Consumer Services	\$ 74,381,701	\$ 60,699,001
Department of Commerce		
Commerce	63,299,155	40,289,341
Commerce State-Aid	35,345,235	21,361,485
NC Biotechnology Center	15,583,395	15,583,395
Rural Economic Development Center	143,802,607	24,302,607
Department of Environment and Natural Resources	205,154,162	192,815,663
DENR Clean Water Management Trust Fund	100,000,000	100,000,000

Department of Labor	16,594,758	16,594,951
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JUSTICE AND PUBLIC SAFETY

Department of Correction	\$ 1,214,065,645	\$ 1,226,627,581
Department of Crime Control and Public Safety	51,501,337	41,489,037
Judicial Department	432,747,865	452,389,917
Judicial Department – Indigent Defense	106,540,251	115,991,348
Department of Justice	94,861,199	92,171,670
Department of Juvenile Justice and Delinquency Prevention	158,002,069	139,556,104

GENERAL GOVERNMENT

Department of Administration	74,441,729	71,126,817
Office of Administrative Hearings	3,691,458	3,521,735
Department of State Auditor	12,853,026	12,746,479
Office of State Controller	20,710,191	20,727,698
Department of Cultural Resources		
Cultural Resources	74,370,782	71,881,424
Roanoke Island Commission	2,020,023	2,020,023
State Board of Elections	6,188,472	6,046,868
General Assembly	54,538,665	55,740,786
Office of the Governor		
Office of the Governor	6,262,319	6,300,587
Office of State Budget and Management	5,870,735	5,877,440
OSBM – Reserve for Special Appropriations	6,971,446	5,621,446
Housing Finance Agency	18,608,417	9,608,417
Department of Insurance		
Insurance	30,922,133	30,936,704
Insurance – Volunteer Safety		
Workers' Compensation	4,500,000	4,500,000
Office of Lieutenant Governor	914,122	915,109
Department of Revenue	83,949,579	85,163,328
Department of Secretary of State	11,476,990	10,743,041
Department of State Treasurer		
State Treasurer	9,329,130	9,326,190

State Treasurer – Retirement for Fire and
Rescue Squad Workers

9,458,957

9,458,957

TRANSPORTATION

Department of Transportation

0

0

RESERVES, ADJUSTMENTS AND DEBT SERVICE

Reserve for Compensation Increases

490,324,192

488,655,673

Additional Salary Increase for Teacher Assistants

1,150,240

1,150,240

Additional Step to Teacher Schedule

9,862,065

9,862,065

Additional Step to Judicial Longevity

566,643

566,643

Transfer Public Defenders to Judicial Retirement

573,000

573,000

Salary Adjustment Fund: 2007-2009 Biennium

23,688,000

23,688,000

Reserve for Teachers' and State Employees'
Retirement Contribution

35,705,000

35,705,000

Reserve for Retirement System Payback

45,000,000

0

Reserve for State Health Plan

110,184,490

122,890,207

Reserve for Eliminated Positions

(10,038,466)

(10,038,466)

Contingency and Emergency Fund

5,000,000

5,000,000

Information Technology Fund

9,140,000

7,840,000

BEACON HR/Payroll

20,000,000

0

Integrated Tax Administration System Replacement

5,000,000

0

Reserve for Job Development Investment Grants (JDIG)

12,400,000

12,400,000

Debt Service

General Debt Service

608,559,372

659,016,907

Federal Reimbursement

1,616,380

1,616,380

**TOTAL CURRENT OPERATIONS –
GENERAL FUND**

\$ 20,427,596,612 \$ 20,685,666,538

GENERAL FUND AVAILABILITY STATEMENT

SECTION 2.2.(a) The General Fund availability used in developing the
2007-2009 biennial budget is shown below:

	FY 2007-2008	FY 2008-2009
Unappropriated Balance Remaining from Previous Year	\$ 0	\$ 271,704,098
Projected Reversions FY 2006-2007	125,000,000	0
Projected Overcollections FY 2006-2007	1,368,100,000	0

PART XIV. JUDICIAL DEPARTMENT

TRANSFER OF EQUIPMENT AND SUPPLY FUNDS

SECTION 14.1. Funds appropriated to the Judicial Department in the 2007-2009 biennium for equipment and supplies shall be certified in a reserve account. The Administrative Office of the Courts may transfer these funds to the appropriate programs and between programs as the equipment priorities and supply consumptions occur during the operating year. These funds shall not be expended for any other purpose.

GRANT FUNDS

SECTION 14.2. Notwithstanding G.S. 143C-6-9, the Judicial Department may use up to the sum of one million five hundred thousand dollars (\$1,500,000) from funds available to the Department to provide the State match needed in order to receive grant funds. Prior to using funds for this purpose, the Department shall report to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and to the Joint Legislative Commission on Governmental Operations on the grants to be matched using these funds.

NORTH CAROLINA STATE BAR FUNDS

SECTION 14.3. Of the funds appropriated in the continuation budget as a grant-in-aid to the North Carolina State Bar for the 2007-2009 biennium, the North Carolina State Bar may in its discretion use up to the sum of five hundred one thousand five hundred dollars (\$501,500) for the 2007-2008 fiscal year and up to the sum of five hundred one thousand five hundred dollars (\$501,500) for the 2008-2009 fiscal year to contract with the Center for Death Penalty Litigation to provide training, consultation, brief banking, and other assistance to attorneys representing indigent capital defendants. The Office of Indigent Defense Services shall report by February 1, 2008, to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety on the activities funded by the grant-in-aid authorized by this section.

OFFICE OF INDIGENT DEFENSE SERVICES EXPANSION FUNDS/ESTABLISHMENT OF ADDITIONAL PUBLIC DEFENDER OFFICES

SECTION 14.4.(a) The Judicial Department, Office of Indigent Defense Services, may use up to the sum of two million one hundred ninety-two thousand three hundred fifty dollars (\$2,192,350) in appropriated funds during the 2007-2008 fiscal year and up to the sum of two million eighty-two thousand five hundred ten dollars (\$2,082,510) in appropriated funds during the 2008-2009 fiscal year for the expansion of existing or new public defender offices currently providing legal services to the indigent population under the oversight of the Office of Indigent Defense Services by creating up to 20 new attorney positions and 10 new support staff positions. These funds may be used for salaries, benefits, equipment, and related expenses. Prior to using funds for this purpose, the Office of Indigent Defense Services shall report to the Chairs of the House of Representatives and the Senate Appropriations Subcommittees on Justice and Public Safety on the proposed expansion.

SECTION 14.4.(b) Notwithstanding the provisions of G.S. 7A-498.7(a), the Indigent Defense Services Commission may establish additional district public defender offices during the 2007-2009 fiscal biennium. Of the funds appropriated in this act to the Office of Indigent Defense Services, the Office may use up to the sum of one million five hundred seventy thousand

fifty-seven dollars (\$1,570,057) during the 2008-2009 fiscal year to establish these offices. These funds may be used for recurring and nonrecurring personnel and operating costs in the new offices. No more than the sum of two hundred twenty-five thousand dollars (\$225,000) may be used for positions in the Office of Indigent Defense Services directly related to facilitating the establishment of these offices.

The Office of Indigent Defense Services shall report to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety and to the Fiscal Research Division no later than October 1, 2007, on the location and establishment of the new public defender offices.

SECTION 14.4.(c) In addition to the new public defender offices established pursuant to subsection (b) of this section, the Office of Indigent Defense Services shall use funds from the Indigent Persons Attorney Fee Fund as follows:

- (1) Up to the sum of one million three hundred thirty-five thousand five hundred forty-three dollars (\$1,335,543) for the 2007-2008 fiscal year and up to the sum of one million two hundred sixty-four thousand six hundred seventy-nine dollars (\$1,264,679) for the 2008-2009 fiscal year to establish Public Defender District 5 as provided for in subsection (d) of this section.
- (2) Up to the sum of seven hundred eighty-eight thousand two hundred sixty-four dollars (\$788,264) for the 2007-2008 fiscal year and up to the sum of seven hundred forty-two thousand four hundred seventy-seven dollars (\$742,477) for the 2008-2009 fiscal year to establish Public Defender District 29B as provided for in subsection (d) of this section.

SECTION 14.4.(d) G.S. 7A-498.7(a) reads as rewritten:

"(a) The following counties of the State are organized into the defender districts listed below, and in each of those defender districts an office of public defender is established:

<u>Defender District</u>	<u>Counties</u>
1	Camden, Chowan,
	Currituck, Dare, Gates,
	Pasquotank, Perquimans
3A	Pitt
3B	Carteret
5	<u>New Hanover</u>
10	Wake
12	Cumberland
14	Durham
15B	Orange, Chatham
16A	Scotland, Hoke
16B	Robeson
18	Guilford
21	Forsyth
26	Mecklenburg
27A	Gaston
28	Buncombe
<u>29B</u>	<u>Henderson, Polk, Transylvania</u>

After notice to, and consultation with, the affected district bar, senior resident superior court judge, and chief district court judge, the Commission on Indigent

Defense Services may recommend to the General Assembly that a district or regional public defender office be established. A legislative act is required in order to establish a new office or to abolish an existing office."

OFFICE OF INDIGENT DEFENSE SERVICES REPORT

SECTION 14.5. The Office of Indigent Defense Services shall report to the Chairs of the House of Representatives and Senate Appropriations Committees and the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety by March 1 of each year on:

- (1) The volume and cost of cases handled in each district by assigned counsel or public defenders;
- (2) Actions taken by the Office to improve the cost-effectiveness and quality of indigent defense, including the capital case program;
- (3) Plans for changes in rules, standards, or regulations in the upcoming year;
- (4) Any recommended changes in law or funding procedures that would assist the Office in improving the management of funds expended for indigent defense services, including any recommendations concerning the feasibility and desirability of establishing regional public defender offices; and
- (5) The changes in operations implemented in response to the following findings and recommendations contained in the March 2007 State Audit Report:
 - a. Attorney fee payment process lacks adequate controls. Measures should be implemented to ensure that attorneys are paid the correct amount and to minimize the incidence of overpayment resulting from accident, fraud, or other cause.
 - b. Attorney fee payment process is inefficient and labor-intensive.
 - c. The Office should automate the attorney fee payment process and require attorneys to register for electronic fund transfer.

INDIGENT DEFENSE SERVICES/STATE MATCH FOR GRANTS

SECTION 14.6. Notwithstanding G.S. 143C-6-9, the Office of Indigent Defense Services may use the sum of up to fifty thousand dollars (\$50,000) from funds available to provide the State matching funds needed to receive grant funds. Prior to using funds for this purpose, the Office shall report to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Commission on Governmental Operations on the grants to be matched using these funds.

REPORT ON BUSINESS COURTS

SECTION 14.7. The Administrative Office of the Courts shall report to the Chairs of the House of Representatives and Senate Appropriations Committees and the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety by March 1 of each year on the activities of each North Carolina Business Court site, including the number of new, closed, and pending cases; average age of pending cases, and annual expenditures for the prior fiscal year.

COLLECTION OF WORTHLESS CHECK FUNDS

SECTION 14.8. Notwithstanding the provisions of G.S. 7A-308(c), the Judicial Department may use any balance remaining in the Collection of Worthless Checks Fund on June 30, 2007, for the purchase or repair of office or information technology equipment during the 2007-2008 fiscal year. Prior to using any funds under this section, the Judicial Department shall report to the Joint Legislative Commission on Governmental Operations and the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety on the equipment to be purchased or repaired and the reasons for the purchases.

DISPUTE RESOLUTION FEES

SECTION 14.9. Notwithstanding the provisions of G.S. 143C-1-2(b), certification and renewal fees collected by the Dispute Resolution Commission are non-reverting and are only to be used at the direction of the Commission.

REIMBURSEMENT FOR USE OF PERSONAL VEHICLES

SECTION 14.10. Notwithstanding the provisions of G.S. 138-6(a)(1), the Judicial Department, during the 2007-2009 fiscal biennium, may elect to establish a per-mile reimbursement rate for transportation by privately owned vehicles at a rate less than the business standard mileage rate set by the Internal Revenue Service.

DRUG TREATMENT FUNDS NEED NOT BE GRANTED

SECTION 14.12. Notwithstanding the provisions of G.S. 7A-794 and G.S. 7A-798, funds appropriated to the Judicial Department for the 2007-2009 fiscal biennium for drug treatment courts need not be granted but may be budgeted to support existing and new drug treatment courts in a manner similar to other specialty courts operating within the Judicial Department.

ADDITIONAL DISTRICT COURT JUDGES

SECTION 14.13.(a) G.S. 7A-133(a) reads as rewritten:

"(a) Each district court district shall have the numbers of judges as set forth in the following table:

District	Judges	County
1	5	Camden Chowan Currituck Dare Gates Pasquotank Perquimans
2	4	Martin Beaufort Tyrrell Hyde Washington
3A	5	Pitt
3B	6	Craven Pamlico Carteret
4	8	Sampson Duplin Jones

5	8	Onslow
6A	3	New Hanover
6B	3	Pender
		Halifax
7	7	Northampton
		Bertie
		Hertford
8	6	Nash
		Edgecombe
		Wilson
9	4	Wayne
		Greene
		Lenoir
9A	2	Granville
9B	2	(part of Vance
		see subsection (b))
10	4 17	Franklin
11	<u>9</u> 10	Person
		Caswell
		Warren
		(part of Vance
		see subsection (b))
12	<u>9</u> 10	Wake
13	6	Harnett
		Johnston
		Lee
14	7	Cumberland
15A	4	Bladen
15B	5	Brunswick
		Columbus
16A	3	Durham
16B	5	Alamance
17A	3	Orange
17B	4	Chatham
		Scotland
18	4 14	Hoke
19A	4	Robeson
19B	7	Rockingham
		Stokes
		Surry
19C	5	Guilford
20A	4	Cabarrus
		Montgomery
		Moore
		Randolph
20B	1	Rowan
20C	2	Stanly
		Anson
		Richmond
		(part of Union
		see subsection (b))
		(part of Union
		see subsection (b))
21	<u>9</u> 10	Forsyth

22	9	Alexander Davidson Davie Iredell
23	4	Alleghany Ashe Wilkes Yadkin
24	4	Avery Madison Mitchell Watauga Yancey
25	9	Burke Caldwell Catawba Mecklenburg
26	4819	Gaston
27A	7	Cleveland
27B	5	Lincoln
28	7	Buncombe
29A	3	McDowell Rutherford
29B	4	Henderson Polk Transylvania
30	6	Cherokee Clay Graham Haywood Jackson Macon Swain."

SECTION 14.13.(b) The Governor shall appoint the additional district court judges authorized by subsection (a) of this section. Those judges' successors shall be elected in the 2008 general election for four-year terms commencing January 1, 2009.

SECTION 14.13.(c) As to Districts 11, 12, and 18, subsection (a) of this section becomes effective January 1, 2008, or 15 days after preclearance under section 5 of the Voting Rights Act of 1965, whichever is later. All other portions of subsection (a) and subsection (b) of this section become effective January 1, 2008.

SECTION 14.13.(d) G.S. 7A-133(a), as amended by subsection (a) of this section and by subsection (e) of Section 14.25 of this act, reads as rewritten:

"(a) Each district court district shall have the numbers of judges as set forth in the following table:

District	Judges	County
1	5	Camden Chowan Currituck Dare Gates Pasquotank

2	4	Perquimans Martin Beaufort Tyrrell Hyde Washington
3A	5	Pitt
3B	6	Craven Pamlico Carteret
4	8	Sampson Duplin Jones Onslow
5	<u>89</u>	New Hanover Pender
6A	3	Halifax
6B	3	Northampton Bertie Hertford
7	7	Nash Edgecombe Wilson
8	6	Wayne Greene Lenoir
9	4	Granville (part of Vance see subsection (b)) Franklin
9A	2	Person Caswell
9B	2	Warren (part of Vance see subsection (b))
10	17 18	Wake
11	<u>10</u>	Harnett Johnston Lee
12	10	Cumberland
13	6	Bladen Brunswick Columbus
14	7	Durham
15A	4	Alamance
15B	5	Orange Chatham
16A	3	Scotland Hoke
16B	5	Robeson
17A	3	Rockingham
17B	4	Stokes Surry
18	14	Guilford

19A	4	Cabarrus
19B	7	Montgomery
		Moore
		Randolph
19C	5	Rowan
20A	4	Stanly
		Anson
		Richmond
20B	1	(part of Union
		see subsection (b))
20C	2	(part of Union
		see subsection (b))
21	10	Forsyth
22A	5	Alexander
		Iredell
22B	6	Davidson
		Davie
23	4	Alleghany
		Ashe
		Wilkes
		Yadkin
24	4	Avery
		Madison
		Mitchell
		Watauga
		Yancey
25	9	Burke
		Caldwell
		Catawba
26	19 20	Mecklenburg
27A	<u>7</u>	Gaston
27B	5	Cleveland
		Lincoln
28	7	Buncombe
29A	3	McDowell
		Rutherford
29B	4	Henderson
		Polk
		Transylvania
30	6	Cherokee
		Clay
		Graham
		Haywood
		Jackson
		Macon
		Swain."

SECTION 14.13.(e) The Governor shall appoint the additional district court judges authorized by subsection (d) of this section. Those judges' successors shall be elected in the 2010 general election for four-year terms commencing January 1, 2011.

SECTION 14.13.(f) Subsections (d) and (e) of this section become effective January 15, 2009.

ADDITIONAL ASSISTANT DISTRICT ATTORNEYS

SECTION 14.14.(a) G.S. 7A-60 is amended by adding a new subsection to read:

"(a2) Upon the convening of each regular session of the General Assembly and its reconvening in the even-numbered year, the Administrative Office of the Courts shall report its recommendations regarding the allocation of assistant district attorneys for the upcoming fiscal biennium and fiscal year to the General Assembly, including any request for additional assistant district attorneys. The report shall include the number of assistant district attorneys that the Administrative Office of the Courts recommends to be allocated to each prosecutorial district and the caseload and criteria on which each recommended allocation is based. Any reports required under this subsection shall be made to the Joint Legislative Commission of Governmental Operations, the House of Representatives and Senate Appropriations Subcommittees on Justice and Public, and the Fiscal Research Division."

SECTION 14.14.(b) Notwithstanding G.S. 7A-60(a2) as enacted by subsection (a) of this section, for the 2007-2008 fiscal year, the Administrative Office of the Courts shall allocate the 30 additional assistant district attorneys authorized by this act based upon caseload and criteria developed by the Administrative Office of the Courts and shall report by October 1, 2007, to the Joint Legislative Commission of Governmental Operations, the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division regarding the allocation of assistant district attorneys for that year. The report shall include the number of assistant district attorneys allocated to each prosecutorial district and the caseload and criteria on which each allocation was based. The Administrative Office of the Courts shall transmit a copy of the order allocating the positions to the Revisor of Statutes. Upon receipt of such an order, the Revisor of Statutes shall revise the chart in G.S. 7A-60(a1) so that it reflects the changes made by the order.

STUDY AVAILABILITY OF PROSECUTORIAL RESOURCES TO DISTRICT ATTORNEYS AND THE MANAGEMENT AND USE OF THOSE RESOURCES BY DISTRICT ATTORNEYS

SECTION 14.15.(a) The Legislative Research Commission may contract for an independent study that assesses the availability of prosecutorial resources to the State's district attorneys and that assesses the use and management of those prosecutorial resources by the district attorneys, their staffs, and the Conference of District Attorneys. The study shall address all of the following:

- (1) Current prosecutorial resources. – Resources to be considered include those available to district attorneys and their legal, administrative, support, and investigative staff, and the Conference of District Attorneys. The study shall also consider supplemental assistance and resources provided to district attorneys and their staffs through the State or other funding sources.
- (2) Services provided by the State's district attorneys and Conference of District Attorneys and the recipients of those services.
- (3) Funding of prosecutorial services, adequacy of supplies, equipment, and working space, and allocation of prosecutorial resources. – Issues to be considered shall include the following:
 - a. Funding, supplies, equipment, and space required to support prosecutorial services at an appropriate level.
 - b. Distribution of prosecutorial resources and how that distribution is determined.

- c. Equitable allocation of prosecutorial resources among the geographical areas of the State and between urban and rural areas.
 - d. The proportion of prosecution personnel and budget that is devoted to criminal prosecution, as opposed to other functions or mandates.
 - e. Whether monies from the General Fund should be used to support positions for the Conference of District Attorneys, or positions for any other conferences that provide prosecutorial resources.
- (4) The current role of the Conference of District Attorneys and district attorneys in assessing the needs of the public with regard to prosecutorial services and providing assistance in meeting those needs. The study shall also assess the current role, responsibilities, and interaction of the Conference of District Attorneys with regard to the General Assembly and the executive branch and whether those roles and responsibilities should be modified.
 - (5) Automation. – The study shall document which prosecutorial services are currently automated and the ability of those systems to interact with each other. The study shall also address areas in which automation could improve or increase the efficiency of prosecutorial services.
 - (6) Cost management practices of district attorneys and their staffs. – Practices to be reviewed and considered shall include how well district attorneys' offices manage costs associated with a prosecution such as forensics costs, expert witnesses, and witness travel expenses.
 - (7) Caseload management. – In the assessment of caseload management, the study shall focus particularly on whether current management techniques used by district attorneys recognize the critical need to prosecute serious crimes in a timely manner and to keep jail populations at a low level; the techniques, if any that have been adopted to achieve those objectives; and the effectiveness of those management techniques. Other issues that shall also be considered include the following:
 - a. Mechanisms used by the district attorney to manage the incoming caseloads generally.
 - b. The screening process, if any, for assessing cases prior to assignment.
 - c. Initiatives implemented by a district attorney, if any, to expedite the resolution of certain categories of cases.
 - d. The type of statistics, if any, the district attorney's office keeps and for what purposes.
 - e. Performance indicators, if any, used by district attorneys. If performance indicators are not being used, then the study shall assess whether implementation of performance indicators would be helpful in achieving management goals and the types of indicators that may assist with caseload management. If there are performance indicators, then the study shall identify the indicators, how they are developed, the effectiveness of the indicators, and whether additional performance indicators or modification of

- existing performance indicators would be helpful in achieving management objectives.
- (8) How the current management and use of prosecutorial resources affect the following:
- a. Access to justice.
 - b. Day-to-day functioning of the prosecution service.
 - c. Case management, including the development of case screening mechanisms and protocols for diversion.
 - d. Timely resolution of caseloads.
 - e. Reduction of any backlogs that exist and the impact that current management and use of prosecutorial resources has on the jail population.
 - f. The capacity to handle specialized or complex crimes.
 - g. The effectiveness of district attorneys and their staffs in responding to domestic violence and other crimes of violence.
 - h. Services and support provided to victims.
 - i. Accountability to the public.
- (9) Any other issue deemed relevant by the Legislative Research Commission.

SECTION 14.15.(b) The findings and recommendations of the study shall be reported to the Chairs of the House of Representatives and Senate Appropriations Committee, Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division by March 15, 2008.

STATE FUNDS NOT TO BE USED FOR TELEPHONE SERVICE

SECTION 14.16.(a) G.S. 7A-302 reads as rewritten:

"§ 7A-302. Counties and municipalities responsible for physical facilities.

In each county in which a district court has been established, courtrooms, office space for juvenile court counselors and support staff as assigned by the Department of Juvenile Justice and Delinquency Prevention, and related judicial facilities (including ~~furniture-furniture, properly functioning telephones that meet the specifications for Administrative Office of the Court telephones, and the equipment and infrastructure necessary to support those telephones~~), as defined in this Subchapter, shall be provided by the county, except that courtrooms and related judicial facilities may, with the approval of the Administrative Officer of the Courts, after consultation with county and municipal authorities, be provided by a municipality in the county. To assist a county or municipality in meeting the expense of providing courtrooms and related judicial facilities, a part of the costs of court, known as the "facilities fee," collected for the State by the clerk of superior court, shall be remitted to the county or municipality providing the facilities."

SECTION 14.16.(b) This section becomes effective July 1, 2008.

OFFICE OF INDIGENT DEFENSE SERVICES/ELECTRONIC FEE SUBMISSION

SECTION 14.17.(a) The Office of Indigent Defense Services, in consultation with the Administrative Office of the Courts, shall study the potential for a statewide system of electronic fee submission and develop a proposal for statewide implementation of such a system. A report on this proposal shall be included as part of the report required under Section 14.5 of this act.

SECTION 14.17.(b) The Administrative Office of the Courts may conduct a pilot project in multiple counties to evaluate a system for the electronic

filing, case processing, and case management of civil cases and special proceedings filed in the General Court of Justice. The Administrative Office of the Courts may designate the case types that will be subject to mandatory electronic filing, case processing, and case management during the pilot project. No county may be selected without the concurrence of the senior resident superior court judge, the chief district court judge, and the clerk of superior court. Notwithstanding the requirements of Chapters 1A and Chapter 7A of the General Statutes, the North Carolina Supreme Court and the Administrative Office of the Courts shall establish rules, costs, procedures, and specifications for electronic filing, case processing, and case management under the pilot. However, Rule 4 of the Rules of Civil Procedure shall govern service of process of pleadings that are currently required to be served pursuant to Rule 4 of the Rules of Civil Procedure. The terms of any contract entered into for the purpose of implementing the provisions of this subsection shall provide that the State retains the ownership of all electronic data received by the vendor as part of the pilot project.

SECTION 14.17.(c) G.S. 7A-49.5(c) reads as rewritten:

"(c) The Administrative Office of the Courts may contract with a vendor to provide electronic filing in the courts, ~~provided that the costs for the hardware and software are not paid using State funds.~~ courts."

SECTION 14.17.(d) Subsection (b) of this section expires June 30, 2009.

REPORT ON COURT SYSTEM PERFORMANCE MEASURES

SECTION 14.18. The Administrative Office of the Courts shall develop and implement a system to measure the impact of the funding provided in this act on the operation of the courts. The system shall include uniform performance measures and standards for caseload management and resource allocation, including funding, personnel, technology, and equipment at district and county levels. The Administrative Office of the Courts shall submit an interim status report on the development and implementation of the performance measurement system to the Joint Legislative Commission on Governmental Operations and the Chairs of the Senate and House Appropriations Committees no later than December 31, 2007, and shall submit a final report no later than May 1, 2008.

THE OFFICE OF INDIGENT DEFENSE SERVICES MAY COMPENSATE ATTORNEYS FOR CERTAIN FILINGS

SECTION 14.19.(a) G.S. 7A-451(b) reads as rewritten:

"(b) In each of the actions and proceedings enumerated in subsection (a) of this section, entitlement to the services of counsel begins as soon as feasible after the indigent is taken into custody or service is made upon him of the charge, petition, notice or other initiating process. Entitlement continues through any critical stage of the action or proceeding, including, if applicable:

- (1) An in-custody interrogation;
- (2) A pretrial identification procedure which occurs after formal charges have been preferred and at which the presence of the indigent is required;
- (3) A hearing for the reduction of bail, or to fix bail if bail has been earlier denied;
- (4) A probable cause hearing;
- (5) Trial and sentencing; ~~and~~
- (6) Review of any judgment or decree pursuant to G.S. 7A-27, 7A-30(1), 7A-30(2), and Subchapter XIV of Chapter 15A of the General Statutes. Statutes;

- (7) In a capital case in which a defendant is under a sentence of death, subject to rules adopted by the Office of Indigent Defense Services, review of any judgment or decree rendered on direct appeal by the Supreme Court of North Carolina pursuant to the certiorari jurisdiction of the United States Supreme Court; and
- (8) In a noncapital case, subject to rules adopted by the Office of Indigent Defense Services, review of any judgment or decree rendered on direct appeal by a court of the North Carolina Appellate Division pursuant to the certiorari jurisdiction of the United States Supreme Court, when the judgment or decree:
 - a. Decides an important question of federal law in a way that conflicts with relevant decisions of the United States Supreme Court, a federal Court of Appeals, or the court of last resort of another state;
 - b. Decides an important question of federal law that has not been, but should be, settled by the United States Supreme Court; or
 - c. Decides a question of federal law in the indigent's favor and the judgment or decree is challenged by opposing counsel through an attempt to invoke the certiorari jurisdiction of the United States Supreme Court."

SECTION 14.19.(b) G.S. 7A-498.8(b) reads as rewritten:

"(b) The appellate defender shall perform such duties as may be directed by the Office of Indigent Defense Services, including:

- (1) Representing indigent persons subsequent to conviction in trial courts. The Office of Indigent Defense Services may, following consultation with the appellate defender and consistent with the resources available to the appellate defender to ensure quality criminal defense services by the appellate defender's office, assign appeals, or authorize the appellate defender to assign appeals, to a local public defender's office or to private assigned counsel.
- (2) Maintaining a clearinghouse of materials and a repository of briefs prepared by the appellate defender to be made available to private counsel representing indigents in criminal cases.
- (3) Providing continuing legal education training to assistant appellate defenders and to private counsel representing indigents in criminal cases, including capital cases, as resources are available.
- (4) Providing consulting services to attorneys representing defendants in capital cases.
- (5) Recruiting qualified members of the private bar who are willing to provide representation in State and federal death penalty postconviction proceedings.
- (6) In the appellate defender's discretion, serving as counsel of record for indigent defendants in capital cases in State court.
- (6a) In the appellate defender's discretion, serving as counsel of record for indigent defendants in the United States Supreme Court pursuant to a petition for writ of certiorari of the decision on direct appeal by a court of the North Carolina Appellate Division.
- (7) Undertaking other direct representation and consultation in capital cases pending in federal court only to the extent that such work is fully federally funded."

AUTHORIZE MILEAGE REIMBURSEMENT FOR APPELLATE JUDGES WHO RESIDE FIFTY MILES OR MORE FROM RALEIGH

SECTION 14.21.(a) G.S. 7A-10 is amended by adding a new subsection to read:

"(b1) In addition to the reimbursement for travel and subsistence expenses authorized by subsection (b) of this section, and notwithstanding G.S. 138-6, each justice whose permanent residence is at least 50 miles from the City of Raleigh shall also be reimbursed for the mileage the justice travels each week to the City of Raleigh from the justice's home for business of the court. The reimbursement authorized by this subsection shall be calculated for each justice by multiplying the actual round-trip mileage from that justice's home to the City of Raleigh by a rate-per-mile established by the Director of the Administrative Office of the Courts, but not to exceed the business standard mileage rate set by the Internal Revenue Service."

SECTION 14.21.(b) G.S. 7A-18 is amended by adding a new subsection to read:

"(a1) In addition to the reimbursement for travel and subsistence expenses authorized by subsection (a) of this section, and notwithstanding G.S. 138-6, each judge whose permanent residence is at least 50 miles from the City of Raleigh shall also be reimbursed for the mileage the judge travels each week to the City of Raleigh from the judge's home for business of the court. The reimbursement authorized by this subsection shall be calculated for each judge by multiplying the actual round-trip mileage from that judge's home to the City of Raleigh by a rate-per-mile established by the Director of the Administrative Office of the Courts, but not to exceed the business standard mileage rate set by the Internal Revenue Service."

EXPAND COURT-FUNDED INTERPRETER AUTHORITY

SECTION 14.23. G.S. 7A-314(f) reads as rewritten:

"(f) In any case in which the Judicial Department is bearing the costs of representation for a party and that party or a witness for that party does not speak or understand the English language, and the court appoints a foreign language interpreter to assist that party or witness, the reasonable fee for the interpreter's services is payable from funds appropriated to the Administrative Office of the Courts. In order to facilitate the disposition of criminal or Chapter 50B cases, the court may authorize the use of a court interpreter, paid from funds appropriated to the Administrative Office of the Courts, in cases in which an interpreter is necessary to assist the court in the efficient transaction of business. The appointment and payment shall be made in accordance with G.S. 7A-343(9c)."

ADD TWO SPECIAL SUPERIOR COURT JUDGES

SECTION 14.24. G.S. 7A-45.1 is amended by adding a new subsection to read:

"(a7) Effective January 1, 2008, the Governor may appoint two special superior court judges to serve terms expiring five years from the date that each judge takes office. Successors to the special superior court judges appointed pursuant to this subsection shall be appointed to five-year terms. A special judge takes the same oath of office and is subject to the same requirements and disabilities as are or may be prescribed by law for regular judges of the superior court, save the requirement of residence in a particular district."

DIVIDE SUPERIOR COURT, DISTRICT COURT, AND PROSECUTORIAL DISTRICTS 22 INTO DISTRICTS 22A AND 22B

SECTION 14.25.(a) Effective January 1, 2009, G.S. 7A-41(a) reads as rewritten:

"(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
First	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
First	3A	Pitt	2
Second	3B	Carteret, Craven, Pamlico	3
Second	4A	Duplin, Jones, Sampson	1
Second	4B	Onslow	1
Second	5A	(part of New Hanover, part of Pender see subsection (b))	1
	5B	(part of New Hanover, part of Pender see subsection (b))	1
	5C	(part of New Hanover, see subsection (b))	1
First	6A	Halifax	1
First	6B	Bertie, Hertford, Northampton	1
First	7A	Nash	1
First	7B	(part of Wilson, part of Edgecombe, see subsection (b))	1
First	7C	(part of Wilson, part of Edgecombe, see subsection (b))	1
Second	8A	Lenoir and Greene	1
Second	8B	Wayne	1
Third	9	Franklin, Granville, Vance, Warren	2
Third	9A	Person, Caswell	1
Third	10A	(part of Wake, see subsection (b))	2
Third	10B	(part of Wake, see subsection (b))	2
Third	10C	(part of Wake, see subsection (b))	1

Third	10D	(part of Wake, see subsection (b))	1
Fourth	11A	Harnett, Lee	1
Fourth	11B	Johnston	1
Fourth	12A	(part of Cumberland, see subsection (b))	1
Fourth	12B	(part of Cumberland, see subsection (b))	1
Fourth	12C	(part of Cumberland, see subsection (b))	2
Fourth	13	Bladen, Brunswick, Columbus	2
Third	14A	(part of Durham, see subsection (b))	1
Third	14B	(part of Durham, see subsection (b))	3
Third	15A	Alamance	2
Third	15B	Orange, Chatham	2
Fourth	16A	Scotland, Hoke	1
Fourth	16B	Robeson	2
Fifth	17A	Rockingham	2
Fifth	17B	Stokes, Surry	2
Fifth	18A	(part of Guilford, see subsection (b))	1
Fifth	18B	(part of Guilford, see subsection (b))	1
Fifth	18C	(part of Guilford, see subsection (b))	1
Fifth	18D	(part of Guilford, see subsection (b))	1
Fifth	18E	(part of Guilford, see subsection (b))	1
Sixth	19A	Cabarrus	1
Fifth	19B	Montgomery, Randolph	1
Sixth	19C	Rowan	1
Fifth	19D	Moore	1
Sixth	20A	Anson, Richmond, Stanley	2
Sixth	20B	Union	1
Fifth	21A	(part of Forsyth, see subsection (b))	1
Fifth	21B	(part of Forsyth, see subsection (b))	1
Fifth	21C	(part of Forsyth, see subsection (b))	1
Fifth	21D	(part of Forsyth, see subsection (b))	1
Sixth	<u>22 22A</u>	Alexander, Davidson, Davie, Iredell	3 <u>2</u>
<u>Sixth</u>	<u>22B</u>	Davidson, Davie	<u>2</u>
Fifth	23	Alleghany, Ashe Wilkes, Yadkin	1
Eighth	24	Avery, Madison,	2

		Mitchell,	
		Watauga, Yancey	
Seventh	25A	Burke, Caldwell	2
Seventh	25B	Catawba	2
Seventh	26A	(part of Mecklenburg, see subsection (b))	2
Seventh	26B	(part of Mecklenburg, see subsection (b))	3
Seventh	26C	(part of Mecklenburg, see subsection (b))	2
Seventh	27A	Gaston	2
Seventh	27B	Cleveland, Lincoln	2
Eighth	28	Buncombe	2
Eighth	29A	McDowell	1
		Rutherford	
Eighth	29B	Henderson, Polk, Transylvania	1
Eighth	30A	Cherokee, Clay, Graham, Macon, Swain	1
Eighth	30B	Haywood, Jackson	1."

SECTION 14.25.(b) The two superior court judgeships established for District 22A by subsection (a) of this section shall be filled by the two judges currently serving District 22 who reside in Alexander and Iredell Counties. The term of one of those judges expires December 31, 2008, and a successor shall be elected in the 2008 election. The term of the other judges expires December 31, 2010, and a successor shall be elected in the 2010 election.

SECTION 14.25.(c) One of the superior court judgeships established for District 22B by subsection (a) of this section shall be filled by the judge currently serving District 22 who resides in Davidson County. That judge's term expires December 31, 2014, and a successor shall be elected in the 2014 election.

SECTION 14.25.(d) The additional judgeship established for District 22B by subsection (a) of this section shall be filled by election in the 2008 election for an eight-year term expiring December 31, 2016. That judge's successor shall be elected in the 2016 election.

SECTION 14.25.(e) Effective January 1, 2009, G.S. 7A-133(a), as amended by Section 14.13 of this act, reads as rewritten:

"(a) Each district court district shall have the numbers of judges as set forth in the following table:

District	Judges	County
1	5	Camden Chowan Currituck Dare Gates Pasquotank Perquimans
2	4	Martin Beaufort Tyrrell Hyde Washington
3A	5	Pitt
3B	6	Craven

4	8	Pamlico Carteret Sampson Duplin Jones Onslow
5	8	New Hanover Pender
6A	3	Halifax
6B	3	Northampton Bertie Hertford
7	7	Nash Edgecombe Wilson
8	6	Wayne Greene Lenoir
9	4	Granville (part of Vance see subsection (b)) Franklin
9A	2	Person Caswell
9B	2	Warren (part of Vance see subsection (b))
10	17	Wake
11	10	Harnett Johnston Lee
12	9	Cumberland
13	6	Bladen Brunswick Columbus
14	7	Durham
15A	4	Alamance
15B	5	Orange Chatham
16A	3	Scotland Hoke
16B	5	Robeson
17A	3	Rockingham
17B	4	Stokes Surry
18	14	Guilford
19A	4	Cabarrus
19B	7	Montgomery Moore Randolph
19C	5	Rowan
20A	4	Stanly Anson Richmond

20B	1	(part of Union see subsection (b))
20C	2	(part of Union see subsection (b))
21	10	Forsyth
22 22A	9 5	Alexander Davidson Davie Iredell Davidson Davie
22B	6	Alleghany
23	4	Ashe Wilkes Yadkin
24	4	Avery Madison Mitchell Watauga Yancey
25	9	Burke Caldwell Catawba Mecklenburg
26	19	Gaston
27A	7	Cleveland
27B	5	Lincoln
28	7	Buncombe
29A	3	McDowell Rutherford
29B	4	Henderson Polk Transylvania
30	6	Cherokee Clay Graham Haywood Jackson Macon Swain."

SECTION 14.25.(f) G.S. 7A-133 is amended by adding two new subsections to read:

"(b3) The qualified voters of District Court District 22A shall elect all five judges established for the District in subsection (a) of this section, but only persons who reside in Alexander County may be candidates for two of the judgeships, and only persons who reside in Iredell County may be candidates for three of the judgeships.

(b4) The qualified voters of District Court District 22B shall elect all six judges established for the District in subsection (a) of this section, but only persons who reside in Davie County may be candidates for two of the judgeships, and only persons who reside in Davidson County may be candidates for four of the judgeships."

SECTION 14.25.(g) Three of the five judgeships established for District 22A by subsection (e) of this section shall be filled by the judges currently

serving District 22 who reside in Alexander and Iredell Counties. The term of one of the judges residing in Iredell County expires December 31, 2010, and a successor shall be elected in the 2010 election as provided in G.S. 7A-133(b3). The terms of the other two judges expire December 31, 2008, and successors shall be elected in the 2008 election as provided in G.S. 7A-133(b3).

SECTION 14.25.(h) Two of the judgeships established for District 22A by subsection (e) of this section shall be filled by election in the 2008 election for four-year terms expiring December 31, 2012. Those judges' successors shall be elected in the 2012 election.

SECTION 14.25.(i) The six judgeships established for District 22B by subsection (e) of this section shall be filled by the judges currently serving District 22 who reside in Davie and Davidson Counties. The terms of each of those judges expire December 31, 2010, and successors shall be elected in the 2010 election as provided in G.S. 7A-133(b4).

SECTION 14.25.(j) Effective January 1, 2009, G.S. 7A-60(a1) reads as rewritten:

"(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	11
2	Beaufort, Hyde, Martin, Tyrrell, Washington	7
3A	Pitt	11
3B	Carteret, Craven, Pamlico	11
4	Duplin, Jones, Onslow, Sampson	16
5	New Hanover, Pender	16
6A	Halifax	5
6B	Bertie, Hertford, Northampton	5
7	Edgecombe, Nash, Wilson	18
8	Greene, Lenoir, Wayne	13
9	Franklin, Granville, Vance, Warren	12
9A	Person, Caswell	5
10	Wake	38
11	Harnett, Johnston, Lee	16
12	Cumberland	21
13	Bladen, Brunswick, Columbus	12
14	Durham	15
15A	Alamance	10
15B	Orange, Chatham	9
16A	Scotland, Hoke	6
16B	Robeson	13
17A	Rockingham	6
17B	Stokes, Surry	7
18	Guilford	30
19A	Cabarrus	8
19B	Montgomery, Randolph	8

19C	Rowan	7
19D	Moore	4
20A	Anson, Richmond, Stanly	10
20B	Union	8
21	Forsyth	20
<u>22 22A</u>	Alexander, Davidson, Davie, Iredell	<u>20 11</u>
<u>22B</u>	<u>Davidson, Davie</u>	<u>11</u>
23	Alleghany, Ashe, Wilkes, Yadkin	7
24	Avery, Madison, Mitchell, Watauga, Yancey	6
25	Burke, Caldwell, Catawba	18
26	Mecklenburg	49
27A	Gaston	14
27B	Cleveland, Lincoln	10
28	Buncombe	13
29A	McDowell, Rutherford	6
29B	Henderson, Polk, Transylvania	7
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	11

SECTION 14.25.(k) The district attorney position established for District 22A by subsection (j) of this section shall be filled by election in the 2008 election for a four-year term expiring December 31, 2012. That district attorney's successor shall be elected in the 2012 election.

SECTION 14.25.(l) The district attorney position established for District 22B by subsection (j) of this section shall be filled by the district attorney currently serving District 22 who resides in Davidson County. That district attorney's term expires December 31, 2010, and a successor shall be elected in the 2010 election.

SECTION 14.25.(m) The 10 assistant district attorney positions established for District 22A by subsection (j) of this section shall be filled by 10 assistant district attorneys currently serving Alexander and Iredell Counties in District 22. The 10 assistant district attorney positions established for District 22B by subsection (j) of this section shall be filled by 10 assistant district attorneys currently serving Alexander and Iredell Counties in District 22.

SECTION 14.25.(n) G.S. 7A-69 reads as rewritten:

"§ 7A-69. Investigatorial assistants.

The district attorney in prosecutorial districts 1, 3B, 4, 5, 7, 8, 11, 12, 13, 14, 15A, 15B, 16A, 18, 19B, 20A, 20B, 21, 22, 22A, 22B, 24, 25, 26, 27A, 27B, 28, 29A, 29B, and 30 is entitled to one investigatorial assistant, and the district attorney in prosecutorial district 10 is entitled to two investigatorial assistants, to be appointed by the district attorney and to serve at his pleasure.

It shall be the duty of the investigatorial assistant to investigate cases preparatory to trial and to perform such other Duties as may be assigned by the district attorney. The investigatorial assistant is entitled to reimbursement for his subsistence and travel expenses to the same extent as State employees generally."

SECTION 14.25.(o) This section becomes effective January 1, 2009, but applies to the 2008 election as provided in the terms of this section.

PART XV. DEPARTMENT OF JUSTICE

**THE JOINT CONFERENCE COMMITTEE REPORT
ON THE
CONTINUATION, EXPANSION
AND CAPITAL BUDGETS**

House Bill 1473

**North Carolina General Assembly
2007 Session**

July 27, 2007

Judicial

GENERAL FUND

	FY 07-08	FY 08-09
Adjusted Continuation Budget	\$407,836,051	\$413,500,354

Legislative Changes

System Wide

1 Divide Judicial District 22

\$647,755 R
\$74,706 NR
14.00

Effective January 1, 2009, the current Superior Court, District Court, and Prosecutorial Judicial Districts 22 will be divided into District 22A, Alexander and Iredell Counties, and District 22B, Davie and Davidson Counties. Funding is provided for the following new positions, effective January 1, 2009, needed to support the new judicial districts:

Position Title/# Positions

New Superior Court District:

Trial Court Coordinator--1

Superior Court Judge --1

Court Reporter --1

Deputy Clerk --1

New Prosecutorial District:

District Attorney--1

District Attorney Admin. Asst. II --1

Asst District Attorney --2

DA Investigator --1

New District Court:

District Court Judge -- 2

Judicial Assistant --1

Deputy Clerk --2

In addition, funds are provided to upgrade an existing Superior Court Judge position to Senior Resident Superior Court Judge and an existing District Court Judge position to Chief District Court Judge. (S.L. 2007-323, Sec.14.25; S.L. 2007-345, Sec. 8; H.B.490; H.B.1473

Administration

2 Technology Initiatives

\$7,914,759 R
\$1,927,647 NR
78.00 78.00

Funding is provided to continue technology modernization and infrastructure projects currently under development. The non-recurring funds will be transferred to the Court Information Technology Fund and will not revert pursuant to G.S. 7A-343.2

Overview: 2007 Session Fiscal and Budgetary Actions

3 Financial Services Positions

Funding is provided for two (2) Internal Auditor II/Financial Management Analyst positions to perform financial and system-wide audits.

FY 07-08		FY 08-09	
\$185,346	R	\$185,902	R
\$14,498	NR		
2.00		2.00	

4 Research and Planning Positions

Funding is provided for two (2) positions to conduct research, policy, and statistical analyses, including that required for legislative fiscal note estimates and reporting.

\$189,541	R	\$189,659	R
\$18,696	NR		
2.00		2.00	

5 Increase Emergency Judge Funding

Funds are provided to increase the daily rate paid to emergency judges. The rate will increase from \$300/day to \$400/day. The rate has not changed since 1998. (S.L. 2007-345, Sec. 9)

\$558,935	R	\$558,935	R
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Appellate

6 New Court of Appeals Positions

Funding is provided for one Staff Attorney I position and one Appellate Clerk I position to address increases in Appellate workload.

\$117,356	R	\$120,349	R
\$14,357	NR		
2.00		2.00	

7 Appellate Judge Mileage Reimbursement

Funds are provided for weekly travel for all appellate judges who reside 50 miles or more from Raleigh. The mileage reimbursement will be paid for each week that the judge travels from home to Raleigh for business of the court. (S.L. 2007-323, Sec. 14.21; S.B. 698)

\$55,000	R	\$55,000	R
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8 Expansion of Judicial Standards Commission

Governor's Recommendation: funding is provided for two new positions for the Judicial Standards Commission: one Staff Attorney I and one Investigator. These positions are needed to support the recent expansion of the commission's membership and to address an increase in the number of complaints investigated by the commission.

\$178,105	R	\$178,105	R
\$15,261	NR		
2.00		2.00	

District Attorney Offices

9 New Prosecutors and Support Staff

Funding is provided for new Victim Witness/Legal Assistant (VWLA), Assistant District Attorney (ADA), and District Attorney (DA) Investigator positions. The effective date of the positions are as follows:

\$3,939,523	R	\$10,281,769	R
\$242,841	NR	\$238,884	NR
77.00		152.00	

Effective
Position

Pos

Date

Victim Witness Legal Asst	40	10/01/07
Assistant District Attorney	30	10/01/07
DA Investigator	7	10/01/07
Victim Witness Legal Asst	40	07/01/08
Assistant District Attorney	28	07/01/08
DA Investigator	7	07/01/08

With the exception of the 28 ADA positions effective on July 1, 2008, all of the positions will be allocated by the Administrative Office of the Courts. The 28 ADA positions which become effective on July 1, 2008 shall be allocated by the General Assembly in the 2008 Session. (S.L. 2007-345, Sec. 14.14)

10 Receipt-Supported Positions - Guilford

The Guilford County DA's Office may establish eight (8) time-limited positions using funds provided by Guilford County:

1.0 Mental Health Court Coordinator II
1.0 Mental Health Court Case Coordinator
6.0 Pretrial Screener I

11 Receipt-Supported Position - Forsyth County

The Forsyth County DA's Office may establish one time-limited Gang Intervention & Resource Specialist position using federal grant funds from the Governor's Crime Commission.

12 Continuation Review-DA Conference Funds

Funding is provided for the District Attorneys Conference for FY 2007-08 only. Restoration of FY 2008-09 funds is subject to findings of the Continuation Review. (S.L.2007-323, Sec. 6.21)

(\$401,289)	R	(\$401,289)	R
\$401,289	NR		
		-5.00	

Equipment and Other Reserves

13 Equipment for New Courthouse

Governor's Recommendation: funding is provided for a telephone system for the new Rockingham County courthouse scheduled to be completed in FY 2007-08.

\$4,300	R	\$4,300	R
\$125,500	NR		

Trial Courts

14 New Deputy Clerk Positions

Provides funding for 150 new Deputy Clerk positions effective October 1, 2007 and 147 additional positions effective July 1, 2008. The positions shall be allocated by the Administrative Office of the Clerks to more effectively manage Superior and District Court caseloads. (S.B.782; H.B. 345; S.B. 578/H.B.614)

\$4,245,000	R	\$11,145,966	R
\$330,450	NR	\$326,487	NR
150.00		297.00	

15 New Magistrate Positions

Funding is provided for 42 new magistrate positions to be allocated by the Administrative Office of the Courts. Twenty-one (21) positions become effective October 1, 2007 with the remaining twenty-one (21) positions to become effective on July 1, 2008. The positions shall be allocated as follows:

\$682,752	R	\$1,808,184	R
\$85,176	NR	\$86,100	NR
21.00		42.00	

2007-08		2008-09	
County	#Pos.	County	#Pos.
Alleghany	0.75	Alleghany	0.25
Buncombe	1.0	Cabarrus	1.0
Clay	0.75	Clay	0.25
Davidson	1.0	Cumberland	1.0
Durham	4.0	Gaston	1.0
Forsyth	2.0	Gates	0.25
Gates	0.75	Graham	0.25
Graham	0.75	Guilford	2.60
Guilford	2.0	Haywood	0.75
Haywood	0.25	Henderson	0.5
Iredell	1.0	Jones	0.25
Jones	0.75	McDowell	0.5
Macon	0.5	Mecklenburg	4.5
Mecklenburg	2.0	Moore	0.4
New Hanover	1.0	Pitt	0.5
Pitt	1.0	Union	1.0
Wake	1.5	Wake	5.0
		Wilson	1.0

(S.B.1098/H.B.1092; S.B.782; S.B. 578/H.B.614)

Overview: 2007 Session Fiscal and Budgetary Actions

FY 07-08

FY 08-09

16 New District Court Judge Positions

Funding is provided for nine (9) new district court judge positions. Six (6) positions become effective January 1, 2008 with the remaining three (3) positions to become effective on January 15, 2009. The positions shall be allocated as recommended by AOC below:

FY 2007-08 (6.0)

FY 2008-09 (3.0)

Dist 26 Mecklenburg

Dist 26 Mecklenburg

Dist 10 Wake

Dist 10 Wake

Dist 11 Johnston, Lee, Harnett

Dist 5 New Hanover, Pender

Dist 18 Guilford

Dist 12 Cumberland

Dist 21 Forsyth

(S.L. 2007-323, Sec.14.13; S.B.782; S.B.578/H.B.614)

\$428,316 R
\$56,604 NR
6.00

\$1,034,565 R
\$29,040 NR
9.00

17 New District Court Judicial Support Staff

Funding is provided for nine (9) District Court Judicial Assistant I positions effective January 1, 2008 plus seven (7) additional positions effective January 15, 2009. (S.L. 2007-323, Sec. 14.13; S.B. 578/H.B. 614)

\$206,073 R
\$30,222 NR
9.00

\$562,813 R
\$24,080 NR
16.00

18 Family Court Expansion

Funding is provided for 8 new positions and associated operating expenses to expand family court into two (2) new districts to be selected by the Administrative Office of the Courts. (H.B.80)

\$521,528 R
\$46,728 NR
8.00

\$521,528 R
8.00

19 Guardian ad Litem (GAL) Program Staff

Funding is provided to replace expiring federal grant funds used to support 3 GAL program positions and to establish 12 new positions, including two (2) Regional Administrators and ten (10) Program Supervisors.

\$1,101,010 R
\$48,272 NR
15.00

\$1,102,775 R
15.00

20 GAL Contract Attorney Rate Adjustment

Funds are provided to increase the contract rate paid to private GAL attorneys who represent children in hearings before the court. The contract adjustment will increase the GAL attorneys' rate from \$45 to \$65, the rate currently paid to court-appointed parent attorneys.

\$500,000 R

\$500,000 R

21 Drug Treatment Court Positions

Funding is provided to replace expiring federal and county grant funds used to support 13.75 positions in Drug Treatment Courts in 9 districts. Funds will be needed for 10.75 of these positions on July 1, 2007. Federal funds for the remaining 3 positions will expire on June 30, 2008. In addition, funds are provided for one AOC drug treatment court administrative position and for on-going management information system costs. (S.L. 2007-323, Sec. 14.12; S.B. 348/H.B.468)

\$833,769 R
\$52,701 NR
10.75

\$1,236,560 R
\$26,085 NR
14.75

Overview: 2007 Session Fiscal and Budgetary Actions

FY 07-08

FY 08-09

22 New Superior Court Judicial Support Staff

Funding is provided for five (5) new Superior Court Judicial Assistant I positions. Two positions become effective January 1, 2008 to support the two (2) new special superior court judge positions. The remaining three (3) positions become effective July 1, 2008 and are to be allocated by AOC. (S.L. 2007-323, Sec. 14.24; S.B.578/H.B.614)

\$44,622	R	\$217,994	R
\$6,668	NR	\$10,260	NR
2.00		5.00	

23 Special Superior Court Judges

Funding is provided for 2 new Special Superior Court Judge positions, effective January 1, 2008. (S.L. 2007-323, Sec.14.24; S.B.578/H.B.614)

\$177,530	R	\$325,092	R
\$12,728	NR		
2.00		2.00	

24 Continuation Review - Clerks Conference

Funding is provided for the Clerks of Superior Court Conference for FY 2007-08 only. Restoration of FY 2008-09 funds is subject to findings of the Continuation Review. (S.L. 2007-323, Sec.6.21)

(\$121,402)	R	(\$121,402)	R
\$121,402	NR		
		-2.00	

Total Legislative Changes

\$21,360,774	R	\$38,073,921	R
\$3,551,040	NR	\$815,642	NR

Total Position Changes

386.75	653.75
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Revised Budget

\$432,747,865	\$452,389,917
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Special Provisions

2007 Session: HB 1473

Department: Judicial

Section: 14.4

Title: **OIDS Expansion Funds/Establishment of Additional Public Defender Offices**

Summary Authorizes OIDS to 1) use up to \$2,192,350 in FY07-08 and up to \$2,082,510 in FY08-09 from the PAC fund to expand existing or establish new Public Defender offices; 2) use \$1,570,057 in FY08-09 to open additional Public Defender offices, and 3) establish Public Defender offices in Districts 5 - New Hanover County and 29B.

Section: 14.1

Title: **Transfer of Equipment and Supply Funds**

Summary Gives AOC authority to transfer funds from the central Equipment and Supply Reserve to individual programs as necessary.

Section: 14.2

Title: **Grant Funds**

Summary Authorizes AOC to use up to \$1,500,000 in available funds to meet federal grant match requirements.

Section: 14.3

Title: **North Carolina State Bar Funds**

Summary Authorizes the NC State Bar to use up to \$501,500 to contract with the Center for Death Penalty Litigation for training, consultation, brief banking, and other services. The Bar shall report to the legislature no later than February 1, 2008 on the use of these funds.

Section: 14.7

Title: **Report on Business Courts**

Summary Directs AOC to report annually on the activities and costs of the three business courts operating in Guilford, Wake, and Mecklenburg Counties.

Section: 14.8

Title: **Collection of Worthless Check Funds**

Summary Authorizes AOC to use the unexpended, year-end balance in the Worthless Check fund, which is a receipt-supported program, to purchase or repair office and computer equipment.

Section: 14.9

Title: **Dispute Resolution Fees**

Summary Allows the Dispute Resolution Commission to retain unexpended funds remaining in its account at year-end.

Section: 14.10

Title: Reimbursement for Use of Personal Vehicles

Summary Allows AOC to reimburse staff that use privately owned vehicles at a mileage rate less than the IRS standard business rate.

Section: 14.12

Title: Drug Treatment Court Funds Need Not Be Granted

Summary Technical correction to allow AOC to budget and use drug treatment court funds in the same manner as that for other specialty courts/programs.

Section: 14.13

Title: Additional District Court Judges

Summary Revises Section 7A-133 to allocate the new district court judgeships funded in the budget

Section: 14.14

Title: Additional Assistant District Attorneys

Summary Directs AOC to report, upon the convening of the 2008 General Assembly, its recommendations for allocating the 28 new ADA positions which become effective on July 1, 2008. Directs AOC to allocate the 30 new ADA positions which become effective on October 1, 2007 and report to the Joint Legislative Commission on Governmental Operations, the House and Senate JPS Appropriations Subcommittees, and the Fiscal Research Division no later than October 1, 2007.

Section: 14.15

Title: Study Availability of Prosecutorial Resources to District Attorneys and the Management and Use of Those Resources by District Attorneys

Summary Authorizes the Legislative Research Commission to contract for an independent study to assess the availability, use, and management of the state's prosecutorial resources.

Section: 14.16

Title: State Funds Not To Be Used for Telephone Service

Summary Effective July 1, 2008, the state will no longer pay for the installation of court house telephone systems. Counties may use their facility fee remittances for this purpose.

Section: 14.18

Title: Report on Court System Performance Measures

Summary Directs AOC to develop and implement uniform performance measurements and standards for the court system. An interim status report is due by December 31, 2007 with the final report due by May 1, 2008.

Section: 14.21

Title: Authorize Mileage Reimbursement for Appellate Judges Who Reside Fifty Miles or More From Raleigh

Summary Authorizes weekly mileage reimbursement for justices and appellate judges whose permanent residences are more than 50 miles from Raleigh.

Section: 14.24

Title: Add Two Special Superior Court Judges

Summary Establishes two special superior court judge positions effective January 1, 2008.

Section: 14.25

Title: Divide Superior Court, District Court, and Prosecutorial Districts 22 Into Districts 22A and 22B

Summary Effective January 1, 2009, Superior Court, District Court, and Prosecutorial Districts 22 will be split into two (2) districts: 22A (Alexander, Iredell) and 22B (Davidson, Davie).

Special Provisions

2007 Session: HB 714

Department: Judicial

Section: 8

Title:

Summary Amends Section 14.25 of S.L. 2007-323 by specifying the allocation of assistant district attorneys to implement the District 22 split.

Section: 9

Title:

Summary S. L. 2007-323 funded an increase in pay for emergency judges from \$300 to \$400 dollars a day. Section 9 of S.L. 2007-345 changes G.S. 7A-52(b) to reflect the increase in emergency judges pay.

Judicial - Indigent Defense

GENERAL FUND

	FY 07-08		FY 08-09	
Adjusted Continuation Budget	\$101,886,218		\$105,772,513	
Legislative Changes				
Indigent Persons Attorney				
25 Hourly Rate for Assigned Counsel	\$4,130,255	R	\$8,500,000	R
Funding is provided to allow the IDS Commission to increase the rate for private assigned counsel in non-capital cases from \$65/hour to \$75/hour effective January 1, 2008. (S.B. 1440/H.B. 1032)				
26 Electronic Fee Applications Pilot	\$175,000	NR		
Funding is provided to develop and pilot the electronic submission and payment of attorney fee applications. (S.L. 2007-323, Sec.14.17)				
27 Certiorari Filing Fees	\$50,000	R	\$50,000	R
Funding is provided to cover the cost of certiorari filing fees for cases on appeal to the North Carolina or United States Supreme Courts. (S.L. 2007-323, Sec. 14.19)				
Public Defender Office				
28 Equipment Replacement	\$98,778	R	\$98,778	R
Governor's Recommendation: funding is provided to establish a six-year equipment replacement schedule for equipment in the Public Defender Offices.				
29 Expand Public Defender Offices			\$1,570,057	R
Funding is provided to expand the number of Public Defender offices and attorney positions around the state. (S.L. 2007-323, Sec. 14.4; S.B. 669/H.B. 592)				
Sentencing Services				
30 Grants to Sentencing Services Nonprofits	\$200,000	NR		
Governor's Recommendation: funding is provided to increase the FY 2007-08 grants to local Sentencing Services programs operated by nonprofit agencies.				
Total Legislative Changes	\$4,279,033	R	\$10,218,835	R
	\$375,000	NR		
Total Position Changes				
Revised Budget	\$106,540,251		\$115,991,348	

Special Provisions

2007 Session: HB 1473

Department: Judicial - Indigent Defense

Section: 14.5

Title: Office of Indigent Defense Services Report

Summary Directs OIDS to report on the use of indigent persons' attorney fund, including corrective actions taken to address the State Auditor findings and recommendations. Report is due on March 1st of each year.

Section: 14.6

Title: Indigent Defense Services/State Match for Grants

Summary Authorizes OIDS to use up to \$50,000 in available funds to meet federal grant match requirements.

Section: 14.17

Title: Office of Indigent Defense Services/Electronic Fee Submission

Summary Directs OIDS to develop a proposal for a statewide electronic fee submission system and include the proposal in the annual report. Authorizes AOC to conduct a pilot project in multiple counties for electronic filing, management, and processing of civil cases and special proceedings.

Section: 14.19

Title: The Office of Indigent Defense Services May Compensate Attorneys for Certain Filings

Summary Authorize OIDS to pay the filing costs of cases before the North Carolina and United States Supreme Courts.

DRAFT

MINUTES

NORTH CAROLINA COURTS COMMISSION

Tuesday, May 13, 2008

9:30 a.m.

Room 643, Legislative Office Building

The North Carolina Courts Commission met on Tuesday, May 13, 2008 at 9:30 a.m., in Room 643 of the Legislative Office Building. The following members were present:

Senator Walter Dalton, Chair, Mr. Lewis Barnes, Judge Donald Bridges, Judge W. Allen Cobb, Representative Margaret Dickson, Representative Melanie Wade Goodwin, Judge Jane Gray, Judge Robert Hunter, Ms. Karen Johnson, Representative H. M. Michaux, Representative Timothy Spear, Mr. R. Mitchell Tyler, Judge Ralph Walker, Ms. Patricia Willoughby.

Senator Dalton called the meeting to order, welcomed everyone and recognized the Sergeant at-Arms Staff. Judge Bridges moved that the minutes of the February meeting be approved. Judge Cobb seconded the motion and the motion carried by voice vote. The minutes were approved.

PRESENTATIONS

Citizens' Salary Commissions for Setting Salaries of Elected Officials

Attorney Michael W. Mitchell, Chair of NC Bar Association Subcommittee on Citizens' Commissions.

Mr. Mitchell stated that the Bench-Bar Liaison Committee, comprised of lawyers and judges, formed a Subcommittee on Citizens' Commissions to specifically address the promotion and education about Citizens Commission as a method to set or recommend compensation for elected officials in North Carolina, legislative, judicial and some executive offices. He stated that one of the Commission's members, Howard Twiggs, not in attendance today, serves on the Subcommittee and wants the Commission to know that he fully supports the work of the Subcommittee. The efforts of the Subcommittee are not a substitute for the Judicial Council's pay plan for the judiciary for the coming year. The Citizens' Commission offers a much longer term solution to judicial pay increases in North Carolina.

There are currently 20 states using a citizens' commission to establish or recommend compensation for certain government positions. The specific positions may differ in some states; however, the underlying purpose is to allow a group of citizens to express their collective judgment about what is fair and appropriate compensation for government positions. The work of the Commission is controlled by a majority of average citizens; therefore the process has been recognized for its ability to liberate decisions from political pressure.

Types of Citizens' Commissions

Mr. Mitchell reviewed the three types of Citizens' Commissions in the order of their ability to free the compensation process from politics or political pressure.

- 1) The citizens' commission has the authority to set the compensation without input from the legislature. While this model is the most independent of political pressure, it has not been determined if it would require a constitutional amendment in North Carolina.
- 2) The Citizens' Commission recommends compensation; the recommendations automatically take effect unless specifically rejected by the legislature within a certain period of time. This model is an independent model that requires specific action by the legislature in order to reject the recommendations of the Commission.
- 3) The citizens' commission recommends compensation, and that recommendation has to be specifically adopted by the legislature. This is the least independent of the models and is considered the least effective model.

Composition of a Citizens' Commission

One recognized method for membership on the commission is to have one member selected randomly from the registered voter rolls of each congressional district. These members, 13 in NC would make up the majority of the commission. Other members could be appointed by the House, Senate, and the Chief Justice not to equal or exceed the number of congressional districts. This allows the commission to always have a majority of average citizens.

Mr. Mitchell stated that citizens' commissions have staffs to administer the work, organize the meetings and produce the recommendations of the commission. Hearings are held and evidence of compensation in the private sector and other managerial government positions; compensation in other state's for comparable positions and compensation in the federal government for comparable positions are gathered by the commission members and considered during the decision making process of what is appropriate for the state. One important limitation is that the Citizens' Commission is not allowed to reduce compensation for office holders.

Pending Legislation

House Bill 897, "Citizens' Legislative Compensation Commission," has passed the House and is awaiting action in the Senate. The current version only addresses consideration of legislative pay. It does not address judicial or executive office holder's pay. Mr. Mitchell stated that the subcommittee fully supports a commission for consideration of legislative pay and House Bill 897 may present an opportunity to include judicial and executive pay within the jurisdiction of the commission while it is pending in the Senate.

Assuming no constitutional amendment is required, the Subcommittee supports a revision to the bill to allow the commission's recommendations to either set compensation without consideration by the Legislature or to automatically take effect unless there is specific rejection by the Legislature. This would afford an additional level of independence to the commission.

The State of Washington has the most independent model and Mr. Mitchell will provide information about the salaries in Washington. The Washington model is the most independent model which allows the Commission to establish salaries without input from the Legislature. He concluded by saying that the Citizens' Commission has much merit and would provide a long term solution to setting compensation in North Carolina.

Committee Discussion

Judge Hunter commented that the feeling of the subcommittee is that there is a problem with the legislative pay as well as the judicial and executive pay. This is a comprehensive and effective approach to addressing legislative, judicial and executive salaries. The Citizens Committee is effective in getting the salaries set largely because it is composed of a majority of progressive citizens. The Secretary of State in Washington administered the selection of voters, and he feels it is an excellent approach to setting salaries in Washington. The salaries in Washington are approximately \$20,000.00 more than the salaries in North Carolina. House Bill 897 is modeled on the Washington State model with the intent of the Citizens Committee.

Senator Dalton asked if the process has been enacted and later repealed by any state.

Mr. Mitchell indicated that it has worked well in all twenty states that use this process. It has not been repealed and it is working well.

Administration of Oaths in the NC Court System

Ms. Sara Preston, Legislative Council, ACLU of North Carolina

The case of Mateen v. State of North Carolina, the practice by which oaths are administered in courtrooms through North Carolina, was brought by the ACLU because Mrs. Mateen was denied the opportunity to swear her oath on the Qur'an, because one was not available. When Ms. Mateen attempted to present some Qur'ans as a gift to the Judge, he refused to accept the gift on behalf of the Court. The ACLU brought the case saying that it was unconstitutional to deny the ability to swear her oath on the Qur'an. Judge Ridgeway ruled that as a matter of common law in North Carolina and under the authority of clear precedent of the North Carolina Supreme Court, oaths are to be administered in a form, and upon such sacred texts, including texts other than the Holy Bible, that a witness or juror holds to be "most sacred and obligatory upon their conscious."

ACLU has developed a policy to be used in North Carolina Courts that would implement Judge Ridgeway's ruling so that in the future, people would be able to swear on the text they consider most sacred. ACLU believes that it should be up to the Administrative Office of the Courts to adopt a uniform statewide policy that ensures that individuals of all faiths are able to swear oaths in the form most meaningful to them. Pursuant to Judge Ridgeway's ruling, the ACLU suggests that AOC adopt and publish a statewide policy providing the following:

- 1) Pursuant to Judge Ridgeway's ruling, individuals who desire to swear on their preferred religious text may bring a copy of that text to the courtroom;
- 2) Oaths administered pursuant to NC G.S. 11-2, are to be administered in a form, and upon such sacred texts, that a witness or juror holds to be most sacred and obligatory upon their conscience;
- 3) All individuals sworn in as witnesses or jurors in North Carolina courts may also have the option of either (a) administering their oath with uplifted hand only and without the use of a religious text, pursuant to NC G.S. 11-3; or (b) administering an affirmation rather than an oath, pursuant to NC G.S. 11-4.

The problem persists even after Judge Ridgeway's ruling, and people continue to be told that they can't swear on something other than the Bible and that they can't testify without the use of religious text. The ACLU feels that a specific statewide policy stating what is allowed and what is not allowed, relating to Judge Ridgeway's ruling, would help alleviate these situations.

Administrative Office of the Courts

Judge Ralph Walker, Director Administrative Office of the Courts
Greg Stahl, Senior Deputy Director, Administrative Office of the Courts

Regarding the ACLU and Mrs. Preston's comments, Judge Walker stated that the Administrative Office of the Courts would support legislative clarification. The impact of Judge Ridgeway's decision was discussed with Chief Justice Sarah Parker. Senator Larry Shaw has offered to distribute copies of the Qur'an across the state. Discussions and consideration of a plan are in process to distribute the Qur'an, including security, accessibility, education and other issues with regard to the religious text of the Bible and Qur'an as well as other religious text. While this is allowed under Judge Ridgeway's ruling, legislative guidelines in this area would be most helpful.

Budget Requests

The expansion budget request for the Administrative Office of the Courts for the Short Session has been distributed to the members. The Court's expansion budget request totals approximately \$5 million while the Governor's expansion budget recommended approximately \$1.9 million in recurring and non-recurring funds. The recommendation from the Judicial Council would adjust the salaries of the Chief Justices, Magistrates, District Attorneys and Assistant District Attorneys.

The Office of State Budget requested the Administrative Office of the Courts identify \$3.6 million in budget reductions. The AOC identified reductions that would have the least impact on their budget, but they were not accepted by the Office of State Budget. The Governor's recommendations for

budget reductions total \$2.6 million in recurring and \$1.7 million in non-recurring, totals \$4.3 million. This will be presented to the General Assembly during the upcoming budget session.

Court Performance Measures

Court Performance and Resource Allocations (Attachment)

Mr. Stahl stated that the 2007 Session of the Legislature made substantial progress in authorizing additional resources for the operation of our court system. The bulk of the \$30 million-plus in expansion funding (funded through increased court costs) was for additional personnel (for the two year biennium), including understaffed District Court Judgeships, Clerks of Superior Court, Deputy Clerks, magistrates, prosecutors and support staff for the district attorneys. Approximately \$3.8 million recurring was provided for technology. The Judicial Branch is very grateful for this progress.

The General Assembly also enacted the following special provision which is a direction to the Judicial Branch to methodically measure its performance, document its resource needs and be accountable to the Legislature and the public in the use of the recent and future resources:

“The Administrative Office of the Courts shall develop and implement a system to measure the impact of the funding provided in this act on the operation of the courts. The system shall include uniform performance measures and standards for caseload management and resource allocation, including funding, personnel, technology and equipment at district and county levels.”

According to the National Center for State Courts (NCSC), North Carolina is one of a few pioneering states that are developing and implementing such a comprehensive system of performance measures and resource allocation. North Carolina is the only state looking at performance resource allocation and tying it to the budget process. The four basic components of the system that are being implemented are:

1. Workload Formulas and Resource Allocation: The case load rankings developed in the 1990s did not adequately measure the workload of each of the groups working in the courts. The AOC, with assistance from the National Center for State Courts (NCSC), embarked upon an attempt to develop and implement a formula to convert the caseload formulas to workload formulas for district court judges, clerks and magistrates in 2007. Based on the amount of judicial or staff time needed for a given workload, these formulas provide a sound, pragmatic measure of the resources needed. The AOC, drawing on the NCSC's extensive national experience, is refining the existing formulas and developing new ones for Family Court program staff. One compelling result of the workload formula is the need for more than 300 deputy clerks. The General Assembly funded almost 300 for the Biennium. The formulas indicated regarding reserve allocations, the urban counties and districts have fallen behind.

2. Court Performance and Management System (CPMS): The CPMS is a web-based performance standards and measurement system based on a nationally recognized model (Court Tools) developed by the NCSC over the past several years. Our system provides data, updated monthly, for every county and district, on three core measures of the court's ability to dispose of its workload in a timely manner. The CPMS is available to every court official and the public on the court web site – www.nccourts.org. (Click "Performance Management" in the "Quick Index").

3. Technology: Technology plays a crucial role for both performance measurement and resource allocation. Performance workload measurements depend on the ability of our automated systems to track the relevant data as cases are filed and make their way through the courts. One important element to be considered in the future is how to manage information needed for the District Attorney to operate, and the status of the collection of court fees. Technology has a direct positive impact on resource needs. One recent example is E-citation, under which law enforcement enter traffic citations from their patrol cars directly into the court system's computer. Approximately 800,000 E-citations were issued in 2007, resulting in improved accuracy and a workload savings for clerks. The criminal system and financial system are two separate systems, with different types of information. When they were developed in the 1980s that was adequate; however as we look at performance and how we do, not being able to readily give management information is a short coming.

The coordinated development of these three initiatives – the CPMS, workload formulas, and technology -- is gradually giving shape to the pioneering system of measurement and accountability that the foregoing legislation directs, and to which the AOC is committed. Where workload formulas assess the quantity of work and the resources needed; performance measurement considers the quality of what those resources should accomplish. The result is a system that documents court needs and performance in a responsible way, not just in terms of more and more resources, but also in terms of what can be done administratively to improve operations and results. These systems will better equip the courts to identify cost-effective best practices in one area that might help statewide. The ultimate benefit and the core underlying values are public service and public trust.

4. Impact of Resources provided in the 2007 Session: The comprehensive and ambitious measurement and management system cannot be promised or achieved overnight. From the six months since the effective date of October, 2007, and hiring of the additional positions, even with fully developed performance measurement technology, it would be too early for any impact to be reflected. Also the court system remains critically under staffed.

Mr. Rick Kane, Administrative Office of the Courts was also present to answer technical questions.

Committee discussion and questions:

Representative Dixon commented that she understands that technology is not where it should be within the court system. Throughout state government there are problems with obtaining statistics and other information. This is something that should be addressed.

Update on Court Technology Projects

Mr. Stahl stated that there has been difficulty in the area of technology however, with the help of the General Assembly, improvements have been made. Over 6,000 personal computers have been replaced or deployed throughout the court system over the past three years. There are approximately 6,200 employees in the court system and everyone who needs to work on a personal computer has access to one. Several hundred matrix network printers have been replaced with laser network printers. Over 2,000 desktop ink-jet printers will be replaced with network laser printers that operate at an approximate cost of two cents per page. The annual cost for ink jet cartridges is approximately \$300,000, approximately nineteen cents per page. The cost of the laser printers will be about two cents per page. Thirty-three new telephone systems have been installed throughout the State.

NC Aware, a complete statewide warrant repository will be piloted in Johnston County the end of this month. This will allow law enforcement officers to check for outstanding warrants across the state. This will be the first true criminal justice information network application because this will allow law enforcement officers and the courts to use the same system. Once that works well, the 11th District will be completed and the system will be implemented throughout the State.

Efforts are being made to document significant events in abuse, neglect and dependency cases. Our juvenile system has not allowed significant events that lead to the measurement of time lines to be documented.

The Technology Services Division of the AOC currently has five priority technology projects in progress. NC Aware, Warrant Repository, Discovery automation, E-filing and E-payment are all somewhat linked together. The current criminal information system is being rewritten.

Committee discussion and questions

Judge Gray asked if there will be a subsequent entry that a warrant has been served, as well as issued when NC Aware goes statewide and will court officials know when a warrant has been served?

Mr. Stahl stated that Probation would not know, however, interfaces with the Department of Correction will be provided. Discussions are in process with the General Assembly to make information available to Probation, Magistrates and District Attorneys.

Judge Gray stated that she was encouraged that they have started (Wake County) convenience court, where the magistrate assists with the disposition cases. After the magistrate gets the case volume down to a manageable level, he will take lunch and assist with accommodating persons who want to take care of their cases early.

Judge Hunter stated that from the Court of Appeals standpoint more opinions have been filed than cases filed. Chief Judge Martin has placed emphasis on getting opinions filed and cases heard quicker. The 3-A cases are moving quickly, within 60 days, 95% of the cases are heard.

Committee discussion for the future meetings

The Chair stated that plans are being made for various interest groups to come before the Commission to make presentations, as well as some analysis of previous Court Commissions, and over time what has been and has not been implemented.

Rep. Dixon stated that on-site visits would be very instructive for members of the Commission who do not have regular interaction with the courts.

The Chair instructed staff to discuss with Judge Walker to identify areas that have been piloted and locate areas where there are successes and areas that have a great need.

The meeting was adjourned.

Senator Walter Dalton, Chair

Joyce Crews Hodge, Committee Assistant

NC Courts Commission

Senator Walter Dalton, Chair

February 6, 2008

"Wish List" Request from Rep. Melanie Godwin

- 1) Judges Salaries
- 2) Structure of the Courts
- 3) Judicial Terms – District and Superior
- 4) Statewide implementation of the following:
 - a. Family Court
 - b. Public Defender
 - c. Self Service Centers access to justice issues

"Wish List" Request from Judge Bobby Hunter

- 1) Judicial Selection
- 2) Mandatory Retirement
- 3) Longevity
 - a. Public Defenders
 - b. Legislators

Senator Dalton stated the following points:

- 1) Commission may want to form a subcommittee regarding salary issues.
- 2) Invite representatives from the following groups to future meetings to present and discuss their concerns with the Court Commission:

NC Academy of Trial Lawyers
NC District Attorneys
State Bar Association
NC Bar Association
NC Defense Attorneys
Clerks of Court
Probation/Parole Officers
Judges Association
Department of Corrections

NAACP
Indigent Defense
Sheriffs and Police Chiefs
Legal Aid
Retail Merchants
NC Medical Society
Department of Insurance

MINUTES

NORTH CAROLINA COURTS COMMISSION

2:00 p.m.

Wednesday, February 6, 2008

Room 643, Legislative Office Building

The North Carolina Courts Commission met on Wednesday, April 6, 2008 at 2:00 p.m., in Room 643 of the Legislative Office Building. The following members were present:

Senator Walter Dalton, Chair, Mr. Lewis Barnes, Judge Donald Bridges, Judge W. Allen Cobb, Representative Margaret Dickson, Mr. Peter Gilchrist, Representative Melanie Wade Goodwin, Judge Jane Gray, Judge K. Edward Greene, Judge Robert Hunter, Ms. Karen Johnson, Representative H. M. Michaux, Judge Paul Newby, Senator John Snow, Representative Timothy Spear, Judge Bill Thacker, Mr. Howard Twiggs, Mr. R. Mitchell Tyler, Judge Ralph Walker, Ms. Patricia Willoughby.

Senator Dalton called the meeting to order, welcomed everyone, introduced staff, Assistant Sergeants-at-Arms and asked the members to introduce themselves. He stated that the appointment process for this Commission is ongoing.

Background and History of the Courts Commission

Senator Dalton introduced Mr. James Drennan, Albert Coates Professor of Public Law and Government, University of North Carolina NC School of Government to give some background and history of the Courts Commission.

Mr. Drennan reviewed the proceedings of the Courts Commission over the past forty-two years (See Attachment 1). Resolution 73, 1963 Legislative Session created the Courts Commission and authorized it to prepare and draft legislation for the full and complete implementation of Article IV of the NC Constitution as amended in 1962. This amendment substantially rewrites Article IV of our Constitution which sets the framework for administering the Courts and Justice System in North Carolina. That was the culmination of an eight year project of various commissions working continuously from 1955 to 1961. The first Courts Commission had six years to complete its tasks and it took approximately every day of the six years to complete the task. The original Courts Commission issued three reports, 1965, 1967 and 1969.

The 1965 Commission, *chaired by Senator Lindsay Warren*, was the beginning of the Courts Commission. The Report replaced Chapter 7 with Chapter 7A which essentially set the framework for the Court System that is in place today. It established the District Court which is one of the fundamental changes made by the people in the 1961 Amendment to eliminate over 250 different local courts throughout the State and replaced them with a single uniform District Court. The District Court would be phased in, in three modules, the first included 23 counties. Other fundamental decisions included the number of judges and magistrates for each district as well as administrative provisions relating to clerks of court; uniform system of costs and fees and basic jurisdictional questions.

The 1967 Commission implemented Phase II of the District Court's implementation which included 60 counties. This Commission recommended a Constitutional amendment to establish the Court of Appeals; recommended a uniform system of the selection and exemption of jurors; created the District Attorney system, merged it with the solicitor system with General Court of Justice.

The 1969 report, last report of the original Courts Commission, completed the phasing process of the District Court. It revised the juvenile code; revised the indigent defense system which established the first systematic indigent defense system and recommended the Public Defendant in seven districts; however two public defendants emerged from that legislation, one in Cumberland County and one in Greensboro. The 1969 Legislative Session authorized a new Courts Commission to continue the work. In 1970, the original uniform Court System was fully implemented.

The 1971 Courts Commission #2, chaired by *Representative Ruffin Bailey*, addressed the method of selection of judges. Most of the recommendations for Constitutional Amendments pertaining to the selection of judges' have not been successful. This Commission recommended Constitutional changes which were enacted into law, established a mandatory retirement age for judges and a disciplinary procedure separate and apart from the process of impeachment be put in place for judges which we now know as the Judicial Standards Commission System. Retirement issues, such as the inadequacy of retirement for Judges, were noted but not addressed. In 1973, with the support of the Courts Commission the Uniform Judicial Retirement Act was enacted. That Act has been modified to include District Attorneys, Clerks of Court and most recently Public Defenders. There are no formal reports on file for 1973-1975, however, judicial selection emphasis continued.

The Courts Commission did not function for approximately four years. The third version of the Courts Commission was re-established by Statute in 1979. The first two versions were established by legislative resolutions and had no formal permanent statutes. This Commission, chaired by *Representative Parks Helms*, recommended two Constitutional Amendments in 1981. One was to change the appellate jurisdiction of the Supreme Court to allow the utilities cases to go directly to the Supreme Court from the Utilities Commission. The second recommendation related to the recall of emergency judges. The recommendation allows judges over the age of retirement to be called back and also allows judges retired from one appellate division to serve on the other division, e.g. a retired Supreme Court Justice could serve on the Court of Appeals in a temporary capacity. This Commission also revised the juror selection process and recommended that Jurors be selected from driver's license list rather than property tax list.

In 1983 the Commission recommended another Constitutional Amendment that required the Attorney General and District Attorneys to have law degrees. This Amendment was passed in 1984. This Commission also revisited court costs and addressed the overwhelming volume of district court traffic cases and if hearing officers for traffic cases should be changed.

In 1985 *Representative Jonathan Rhyne* Chaired the Commission. The Commission created the concept of infractions in traffic cases but did not include any change in who hears the cases. There was a revision of the Statute dealing with re-call of retired judges, which resulted in retired judges being an important part of the method of staffing the courts today.

In 1987, policy issues were addressed and studied but no legislation was recommended. One of the policy issues dealt with compensation of judicial officials. Another issue was satellite courts in the District Courts, having court in the cities rather than the County Seat, but no recommendations were made. It recommended the creation of a separate commission to study judicial selection. In 1989 with *Representative Robert Hunter*, as Chair, a Judicial Center Study Commission was created. A separate Legislative and Judicial Salary Study Commission was created and served as a building block for significant initiatives taken by the courts in the 1994 Session of the Legislature.

Chief Justice Exum appointed the Commission on the Future of the Courts and Justice in North Carolina which is now known as the Futures Commission. Approximately 17 legislative recommendations were made in 1996 including restitution judgments, insurance points in infractions, use of two-way video, habitual felon, IV-D child support cases, foreclosure filing fees, spousal year's allowance. None of the recommendations were acted on in 1996. However, many of the recommendations were reported and enacted in 1997.

Senator Fountain Odom was the last Chair of the Commission that actually met. There are no written reports from 1998 to present. In 2001 a two-day retreat on the jury system was held in Greensboro. National prominent speakers in the area of jury issues addressed the Commission on such topics as "The State of the American Jury", "How the North Carolina Jury System Compares National Standards", and "How Juries Make Decisions."

Senator Dalton asked if there was any interface between this Commission and the Futures of the Courts Commission or did they ever meet jointly. Mr. Drennan stated that there was contact and referred to Mr. Michael Crowell, Staff Director, Futures Commission. Mr. Crowell stated that there was no direct contact between the Futures Commission and the Courts Commission. The Bar Association established a committee to study recommendations of the Futures Commission and a Legislative Committee reviewed the Futures Commission recommendations.

OVERVIEW OF THE LEGISLATIVE FUNDING OF THE NC COURT SYSTEM

Senator Dalton recognized Denise Thomas, Senior Fiscal Analyst, Fiscal Research Division to present an overview of legislative funding of the North Carolina Court System. Ms. Thomas began her presentation with the organization of the Judicial Branch. The court load for the court system has been growing over the past five years. There were approximately 3.5 million cases filed with the four levels of court during Fiscal Year 2005-06. There were approximately 360,000 cases in the Superior Court, nearly 3 million cases filed in the District Court and Motor Vehicle and Infractions made up over eighty percent of the case load.

The Justice and Public Safety Appropriations Subcommittee funds six agencies, two of which are agencies of the Judicial Branch; the Administrative Office of the Courts (AOC) and the Office of Indigent Defense Services (OIDS). Approximately \$540 million of the \$2.1 billion JPS budget is for those agencies. The total budgeted expenditures for the AOC are over \$430 Million, with over 80% of the budget going for personnel costs. The budgeted expenditures for OIDS are approximately \$115 million, approximately three fourths of their budget is for purchased services – specifically for private attorneys assigned to represent indigent persons.

Due to the State's tight budget situation of the State the JPS agencies were required to take some budget reductions to make funds available for expansion items that were needed over the past five years. Even with the tight budget situation the Legislature was able to provide significant expansion funding to the Judicial Agencies. The 2003-04 Session established 72 courtroom positions which included Deputy Clerks, Superior Court Judges, Assistant District Attorneys, Magistrates, District Court Judges and Interpreters in the courtroom. Funding was also provided for increased prosecution of domestic violence cases. Funds were also provided for technology, specifically to continue the development of an automated warrant repository system. Another big issue was the approved but unpaid OIDS backlog of payments due to private attorneys.

During the 2005-06 Session the JPS Subcommittee continued to address possible budget reductions to provide needed expansions. There was a \$1 million reduction in salary and equipment. However, 279 new positions were established as well as significant funding increases for Court Technology initiatives and computer equipment replacement. The backlog of unpaid private attorneys was also addressed. The Governor built in a significant automatic increase of \$13 million in the OIDS continuation budget to address what was realistically coming into that agency in the private attorney fee applications. The General Assembly funded \$11 million of that \$13 Million request and also provided \$4.5 million additional expansion money to try to reduce the backlog of payment of fees to private attorneys. The Legislature also provided an increase in the hourly rate for private attorneys in capital cases from \$85.00 to \$95.00.

The 2007 Session was a significant year for Judicial funding. There was a wide discrepancy in what the Governor requested and what was requested by the Chief Justice. The General Assembly did appropriate \$550 million for the Judicial expenses including \$435 million for AOC expenditures and \$115 million for OIDS expenditures, which represents approximately 1.5% of the total general fund spending across State government. Page 7 of Attachment II shows the net appropriation for the Judicial Department as approximately \$540 million or 2.6% of all General Fund Appropriations.

The total Appropriation for the 2007-09 Biennium is shown on page 8 of Attachment II. A total budget is \$432 million with most of the \$25 million in expansion allotted for 386 new positions in 2007-08. The expansion grows in 2008-09 and the budget is appropriated at \$452 million. That expansion increase is primarily to add another 267 positions in the second year of the biennium, with most of these positions for the courtroom or in the information technology area. The source of revenue for funding the expansion primarily came from approximately \$40 million generated from new and increases in existing court fees. This \$40 million enabled the Legislature to provide 650 new positions for the AOC, over the biennium, in addition to a significant amount funding for information technology.

Some of the key items funded in the 2007 Session include an increase in the Guardian ad Litem contract attorney hourly rate; increased funding for equipment, telephones and maintenance agreements; and new positions, for family courts, drug treatment courts and Guardian ad Litem. A copy of the Conference Report for the Judicial Department is included with these minutes as Attachment III, as well as the section of the budget bill for the Judicial Department.

Effective July 1, 2008, the State will no longer pay for the installation of court house telephone systems. There was never a statute requiring the State to pick up these costs and counties may use their facility fee remittances for this purpose. The Office of Indigent Services funding was provided to raise the hourly rate for private attorneys in the non-capital cases. This rate had not

been increased for some time. A \$10.00 hourly increase was effective January 1, 2008 raising the rate from \$65.00 to \$75.00. In addition, the continuation budget was increased approximately \$8 million for more money in the Indigent Attorney fee fund to address the backlog. On June 30, 2007, for the first time, there were no unpaid attorney fees to be carried over to the next year. The estimated growth is approximately 5% annually in the amount for attorney fees, which was built into the continuation budget for next year.

The court system generates a significant amount of fee revenue for the General Fund and for counties and localities. AOC collects this money and either remits the funds to the State Treasurer or local governments as set forth in the General Statutes. The State Treasurer deposits court fee remittances into the General Fund or into various law enforcement officer (LEO) retirement funds.

During the 2007 Session, the Appropriation Committee Chairs requested AOC to submit fee proposals that could generate \$50 Million in new General Fund revenue. The new revenue would be used to offset some of the expansion needs of the court system. AOC submitted 18 fee proposals to establish new fees or increase existing fees, totaling \$70 million. The 2007 budget bill, S.L. 2007-323, included nine of AOC's proposals plus the new limited driving privileges processing fee authorized in S758. Those ten proposals generated approximately \$40 Million in new revenue to the General Fund annually.

In summary, in spite of the tight budget situations about five years ago, the General Assembly has been able to provide significant increases for the Judicial Department. General Fund spending has increased by 40% for AOC and nearly 80% for OIDS during the past five years. In the 2006 and 2007 Sessions, the General Assembly appropriated \$54.3 Million recurring and \$15.3 Million nonrecurring expansion funding to provide staff, equipment, technology and other resources to the court system. The Legislature has appropriated expansion funds in each of the past five years to address shortfalls in the OIDS fund used to pay private attorneys. AOC has developed an array of programs and initiatives to resolve cases outside of the court room or to dispose of complex cases more efficiently. The Legislature has supported AOC's approach by appropriating State funds to replace the expiring federal grants which were used to start many of these initiatives.

The Chair reported that North Carolina is a little ahead of the budget projections for the State by approximately \$125 million, however the economy looks rather soft and hopefully the State will remain level. He reported that several states across the nation have gone back and made substantial reductions.

THE ADMINISTRATIVE OFFICE OF THE COURTS

Mr. Ralph Walker, Director, NC Administrative Office of the Courts was recognized for comments. Mr. Walker stated that AOC was previously in six or seven locations around Raleigh and it was difficult to carry out the mission. He reactivated a committee to locate facilities to accommodate AOC. In 2006, a seventeen acre campus located on Corporate Drive, became available and AOC signed a long-term lease with an option to purchase. All of AOC is now located in this facility, with the exception of the warehouse and print shop personnel. The structure for the warehouse facility is underway and should be opened by early summer. He stated that this facility is state of the art with regard to training and conference capabilities. On any given day, two to three conferences, training sessions and other meetings are being held

simultaneously. He invited the Commission to visit the facility and possibly hold meetings there; food service is also provided on the campus.

Regarding the Judicial Council and the interaction of the Commission, he stated that the Judicial Council meets four times annually. The Judicial Council passed a resolution authorizing the advancing, in the Short Session, of a recommendation to adjust the salaries in the Judicial Branch from the Chief Justice to the Magistrates. However this recommendation does not include deputy clerks which have their own pay plan. This cost could be approximately \$30 million, however calculations are in process to determine the actual cost. North Carolina ranks 14 of the 16 southeastern states in terms of salaries in the Judicial Branch. This will be a priority item for the upcoming Short Session.

As a result of technology funding, electronic-citations are now utilized statewide; N C Aware will be piloted in Johnston County next month, which will be a major benefit to our court system and law enforcement. Other projects include electronic-filing, electronic-payments, discovery automations for the District Attorneys and re-write of the Clerk's Criminal System.

Mr. Walker expressed gratitude for funding received in the past for additional positions and stated that approximately one half of the 650 positions have been allocated and the remainder will be allocated during the next Fiscal Year.

Judge Walker gave a brief overview of the Agenda for the Short Session. Regarding some of the needs, he stated that they are continuing to address workload formulas. In connection with the National Center of State Courts, they were able to develop workload formulas for clerks, district court judges and magistrates last year and were able to advance those formulas during the Long Session to serve as a guideline for the Legislators in allocating positions. It is the desire to revisit the magistrates and district court judges workloads as well as Assistant District Attorneys and support personnel and have additional information during the Short Session. Particular needs include more magistrates, Guardian ad Litem personnel, and expansion of Family Court to additional districts. Family Court funding has been received for Pitt and Randolph Counties. The Conference of District Attorneys and Conference of Clerks of Superior Court received non-recurring funding in the Long Session and AOC will be supporting their effort to obtain recurring funding for their continuing support. They will also be seeking more flexibility in their budgeting operations.

Chairman Dalton thanked Judge Walker for his presentation, and opened the floor for discussion of future meetings. Chairman Dalton stated that the Commission may wish to review and discuss the status of previous recommendations of the Courts Commission.

Representative Goodwin suggested that the Commission review the following:

1. Judges Salaries,
2. Structure of the Courts,
3. Judicial terms – District and Superior
4. Statewide implementation of the following:
 - a. Family Court
 - b. Public Defender
 - c. Self Service Centers and Access to Justice Issues

Judge Hunter suggested that the Commission look at the following:

1. Judicial Selection
2. Citizen Salary Committee or Commission
3. Mandatory Retirement
4. Longevity
 - a. Public Defenders
 - b. Legislators

Judge Gray suggested that the Commission:

1. Revisit Traffic Court regarding better ways to handle those infractions
2. Look at the cost of increased court fees to the State

Chairman Dalton stated the following points:

1. The Commission may want to form a subcommittee regarding salary issues.
2. The Commission may wish to invite representatives from the following groups to future meetings to present and discuss their concerns and priorities with the Court Commission:

NC Academy of Trial Lawyers
NC District Attorneys
State Bar Association
NC Bar Association
NC Defense Attorneys
Probation/Parole Officers
Judges Association

NAACP
Indigent Defense
Sheriffs and Police Chiefs
Legal Aid
Retail Merchants
NC Medical Society
Department of Corrections

Chairman Dalton said that he would get with Staff to schedule the next meeting and with the consensus of the Commission move forward on bringing representatives from various groups to the Commission for presentations.

The meeting adjourned at 3:30 p.m.

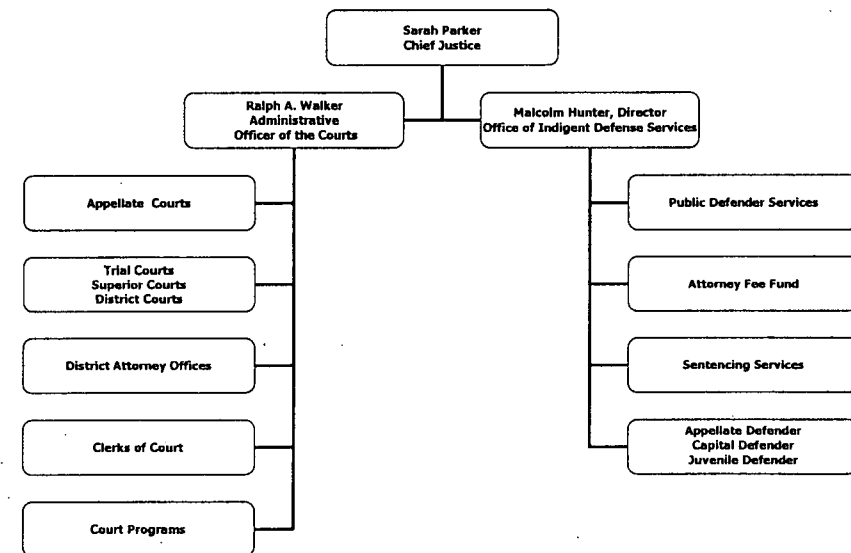
Senator Walter Dalaton, Chair.

Joyce Crews Hodge, Committee Assistant

Overview of Legislative Funding of the NC Court System

Denise Thomas, Senior Fiscal Analyst
Justice and Public Safety Team
Fiscal Research Division
February 6, 2008

North Carolina Judicial System



February 6, 2008

• Fiscal Research Division

2

FY 2005-06 Court System Caseload

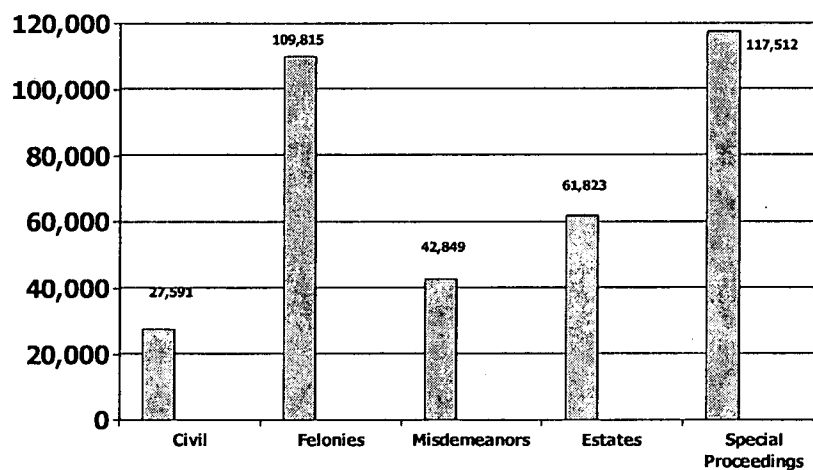
Court	# Judges	# Filings	# Dispositions
Supreme	7	204	196
Appeals	15	1,715	1,979
Superior	109	359,590	336,914
District	239	2,994,123	2,901,744

February 6, 2008

Fiscal Research Division

3

FY 2005-06 Superior Court Filings: 359,590

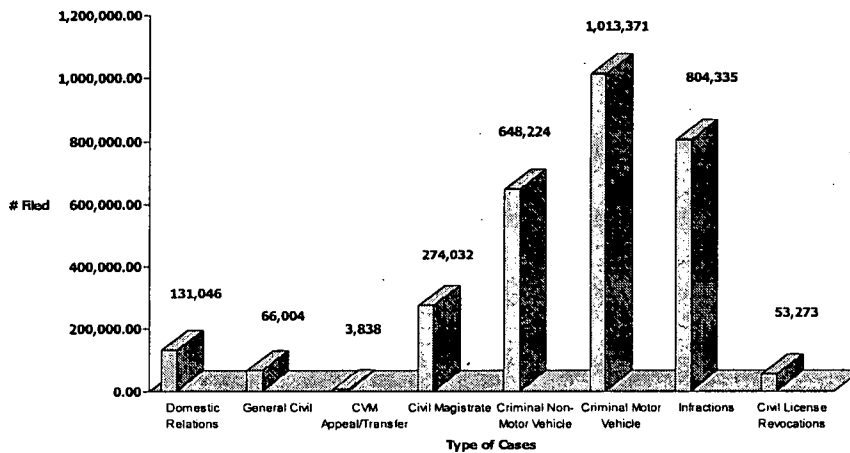


February 6, 2008

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4

FY 2005-06 District Court Filings: 2,994,123



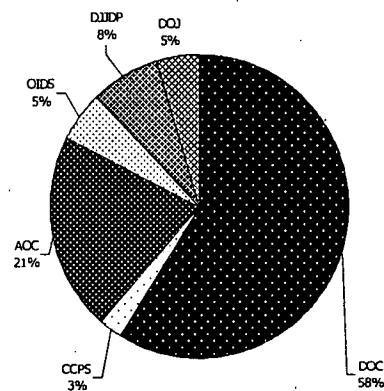
February 6, 2008

Fiscal Research Division

5

FY 2007-08 JPS Authorized Budget General Fund

JPS Agency Appropriations (\$ million)	
Correction	1,214.1
Crime Control	51.5
Judicial: AOC	432.7
Judicial: OIDS	106.5
Justice	94.9
Juvenile Justice	158.0
Total JPS	2,057.7



February 6, 2008

Fiscal Research Division

6

FY07-08 Certified Budget: AOC

Purpose	\$ Amount	% Total
Salaries & Benefits	352,866,411	81.1
Purchased Services	40,838,609	9.4
Supplies; Property; Equipment	12,257,330	2.8
Aid & Assistance	2,703,124	0.6
Reserves & Other Expenditures	26,400,271	6.1
Total	435,065,745	100.0

February 6, 2008

Fiscal Research Division

7

FY07-08 Certified Budget: OIDS

Purpose	\$ Amount	% Total
Salaries & Benefits	28,194,746	24.4
Purchased Services	84,238,051	73.0
Supplies; Property; Equipment	510,614	0.4
Aid & Assistance	2,435,075	2.1
Reserves & Other Expenditures	32,880	0.1
Total	115,411,366	100.0

February 6, 2008

Fiscal Research Division

8

Major Legislative Action 2003-04 Sessions

- Reduced FY03-04 operating budget: \$2.6 million R/\$3.4 million NR
- Established 72 new positions, including:
 - 13.00 ADAs
 - 40.00 Deputy Clerks
 - 3.00 Superior Court Judges
 - 2.00 Magistrates
 - 4.00 District Court Judges
- Authorized public defenders offices in Districts 1 and 10
- \$1 million R for interpreter services
- Provided funding for increased prosecution of domestic violence cases: \$1,161,405R/\$385,220 NR; 20 positions

February 6, 2008

Fiscal Research Division

9

Major Legislative Action 2003-04 Sessions

- Continued to provide general funds for drug treatment courts to replace expiring federal grants
 - Directed AOC to develop a continuity plan for drug treatment courts receiving federal funds
- Increased average fee paid to GAL attorneys from \$35/hour to \$45/hour (\$550,000)
- Provided \$500,000 NR to continue developing an automated warrant repository system
- Provided \$2,500,000 R and \$8,500,000 NR to reduce OIDS backlog of payments due to private attorneys

February 6, 2008

Fiscal Research Division

10

Major Legislative Actions 2005-06 Sessions

- Reduced salary and equipment reserves: \$1 million
- Established 279 new positions including: 90 ADAs; 76 Deputy Clerks; 17 District Court Judges; and 6 Magistrates
- Provided funds for technology initiatives and equipment replacement: \$7 million R/\$8 million NR
- Provided recurring expansion funding for custody mediation, drug treatment court, family court, and GAL

February 6, 2008

Fiscal Research Division

11

Major Legislative Actions 2005-06 Sessions

- Increased continuation budget for private attorney payments: \$11,000,000 R
- Provided \$4,500,000 to reduce OIDS backlog of payments due to private attorneys
- Increased the hourly rate paid to private assigned counsel in capital cases from \$85 to \$95
- Provided funds to replace equipment in the public defender offices: \$200,000 NR

February 6, 2008

Fiscal Research Division

12

FY 2007-08 AOC Budget Request

Governor

Recommended General Fund Budget and Positions

Budget:

Continuation Budget \$407,836,051

Expansion \$ 12,262,542

Total Request \$420,098,593

Positions:

Continuation Budget 5,659.440

Expansion 145.750

Total Request 5,805.190

Chief Justice

Recommended General Fund Budget and Positions

Budget:

Continuation Budget \$407,836,051

Expansion \$102,055,110

Total Request \$509,891,161

Positions:

Continuation Budget 5,659.440

Expansion 774.75

Total Request 6,434.190

February 6, 2008

Fiscal Research Division

13

General Fund Appropriations - FY 2007-08

- Total General Fund spending across all agencies is budgeted at \$35.9 billion.
- The Judicial budget is \$550 million, 1.5% of the state total:

AOC \$435,065,745

OIDS \$115,411,366

Total \$550,477,111

- Total General Fund net appropriation for all state agencies is \$20.7 billion.
- The net appropriation for Judicial is approximately \$540 million, 2.6% of all G. F. appropriations:

AOC \$432,747,865

OIDS \$106,540,251

Total \$539,288,116

February 6, 2008

Fiscal Research Division

14

FY 2007-09 AOC Appropriation

FY 2007-08 General Fund Appropriation and Positions		FY 2008-09 General Fund Appropriation and Positions	
Continuation Budget	\$407,836,051	Continuation Budget	\$413,500,354
Expansion	<u>\$24,911,814</u>	Expansion	<u>\$38,889,563</u>
Total Request	\$432,747,865	Total Request	\$452,389,917
Positions:		Positions:	
Continuation Budget	5,659.44	Continuation Budget	5,659.44
Expansion	<u>386.75</u>	Expansion	<u>653.75</u>
Total Positions	6,046.19	Total Positions	6,313.19

February 6, 2008

Fiscal Research Division

15

Major Legislative Actions 2007 Session: AOC

- Authorized new and increased some existing court fees to generate nearly \$40 million additional general fund revenue annually
- Provided 650 new positions over the two-year biennium, including 60 Assistant District Attorneys, 80 Victim Witness/Legal Assistants, 300 Deputy Clerks; 42 Magistrates; and 11 District Court Judges
- Provided \$7.9 million R, \$1.9 million NR for technology
 - 78 IT positions
- Increased the daily rate paid to emergency judges from \$300 to \$400: \$558,935 R

February 6, 2008

Fiscal Research Division

16

Major Legislative Actions 2007 Session: AOC

- Increased Guardian ad Litem contract attorney rate from \$45 to \$65 per hour: \$500,000 R
- Increased funding for equipment, telephones, and maintenance agreements: \$5.6 million R
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February 6, 2008

Fiscal Research Division

17

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February 6, 2008

Fiscal Research Division

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- \$175,000 NR to develop and pilot an electronic process for submitting and paying attorney fee applications
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February 6, 2008

Fiscal Research Division

19

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February 6, 2008

Fiscal Research Division

20

Court Fee Revenue

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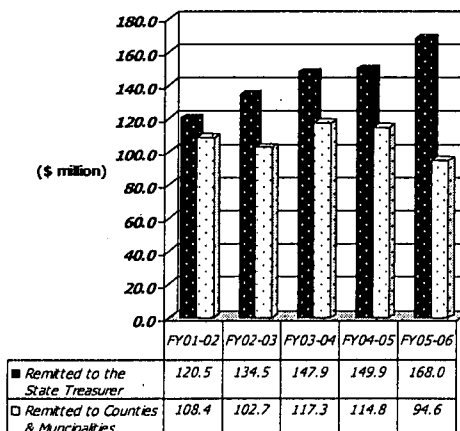
February 6, 2008

Fiscal Research Division

21

AOC Receipts Remitted to the State, Counties, and Municipalities: FY 2001-06

- Receipts to State:
 - general fund
 - contributions to LEO benefit and retirement fund
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 - court facilities and jail fees
 - officer fees for arrest or service of process
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February 6, 2008

Fiscal Research Division

22

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February 6, 2008

Fiscal Research Division

23

Court System Funding Increases

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- OIDS' budget has grown by nearly 80%, increasing from about \$60 million to over \$106 million during the same period.
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 - \$9 million for attorney rate increases

February 6, 2008

Fiscal Research Division

24

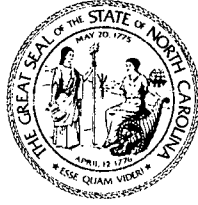
Court System Funding Increases

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- AOC has developed an array of programs and initiatives to resolve cases outside of the court room or to dispose of complex cases more efficiently.
 - The Legislature has supported AOC's approach by appropriating State funds to replace the expiring federal grants which were used to start many of these initiatives.

February 6, 2008

Fiscal Research Division

25



North Carolina Courts Commission

AGENDA

February 6, 2008
Room 643, Legislative Office Building
2:00 PM

WELCOME AND INTRODUCTORY REMARKS

Senator Walter Dalton, Chair

PRESENTATIONS

Background and History of the Courts Commission

Mr. James C. Drennan
Albert Coates Professor of Public Law and Government
University of North Carolina NC School of Government

Overview of Legislative Funding of the NC Court System

Ms. Denise Thomas, Fiscal Analyst
Fiscal Research Division
North Carolina General Assembly

The Administrative Office of the Courts

Mr. Ralph Walker
Director, N C Administrative Office of the Courts

Committee Discussion Instructions to Staff

History of North Carolina Courts Commission

James C. Drennan
UNC School of Government
Feb. 7, 2008

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

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

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

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-present

- 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
- Statute remained on books

6861

- 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)

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

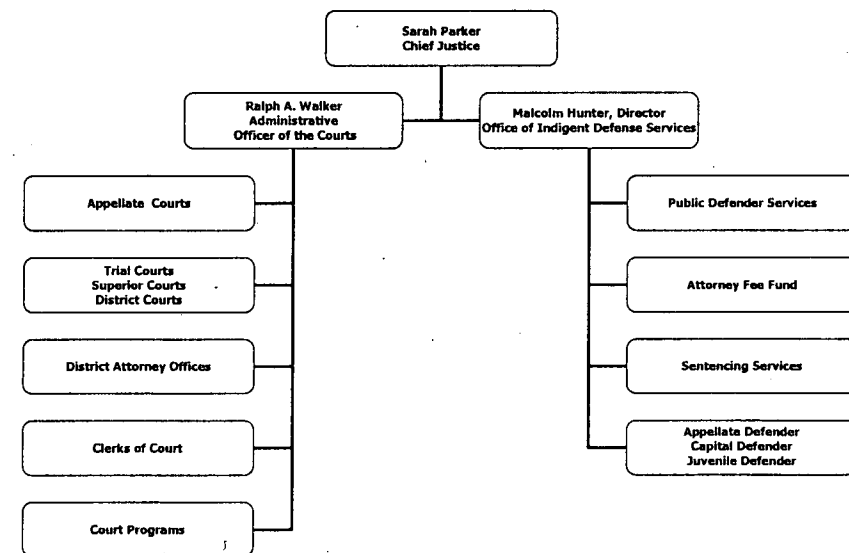
1985

- 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

Overview of Legislative Funding of the NC Court System

Denise Thomas, Senior Fiscal Analyst
Justice and Public Safety Team
Fiscal Research Division
February 6, 2008

North Carolina Judicial System



February 6, 2008

Fiscal Research Division

2

FY 2005-06 Court System Caseload

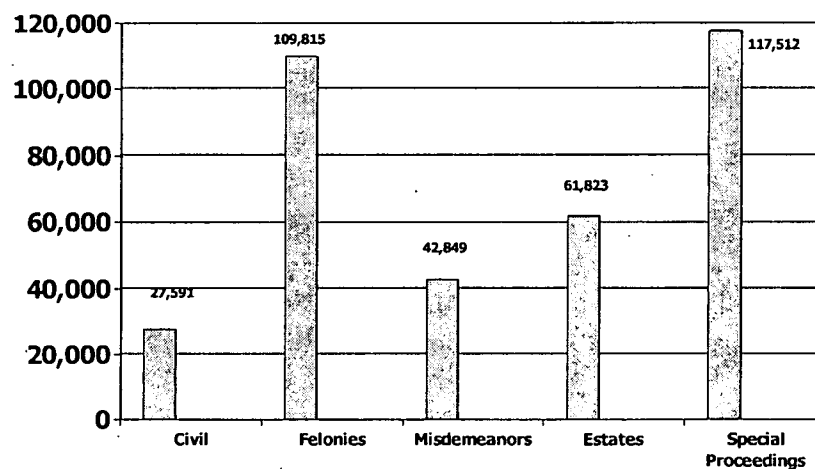
Court	# Judges	# Filings	# Dispositions
Supreme	7	204	196
Appeals	15	1,715	1,979
Superior	109	359,590	336,914
District	239	2,994,123	2,901,744

February 6, 2008

Fiscal Research Division

3

FY 2005-06 Superior Court Filings: 359,590

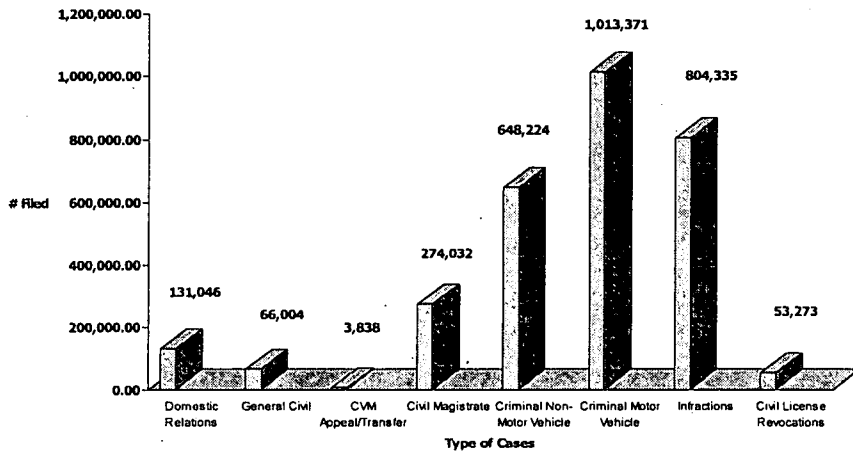


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4

FY 2005-06 District Court Filings: 2,994,123



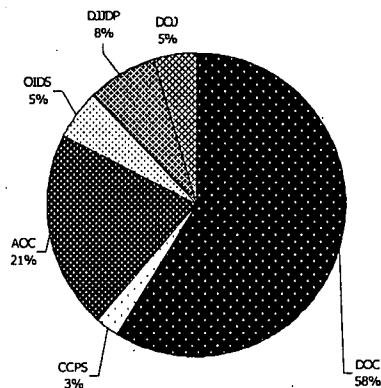
February 6, 2008

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5

FY 2007-08 JPS Authorized Budget General Fund

JPS Agency Appropriations (\$ million)	
Correction	1,214.1
Crime Control	51.5
Judicial: AOC	432.7
Judicial: OIDS	106.5
Justice	94.9
Juvenile Justice	158.0
Total JPS	2,057.7



February 6, 2008

Fiscal Research Division

6

FY07-08 Certified Budget: AOC

Purpose	\$ Amount	% Total
Salaries & Benefits	352,866,411	81.1
Purchased Services	40,838,609	9.4
Supplies; Property; Equipment	12,257,330	2.8
Aid & Assistance	2,703,124	0.6
Reserves & Other Expenditures	26,400,271	6.1
Total	435,065,745	100.0

February 6, 2008

Fiscal Research Division

7

FY07-08 Certified Budget: OIDS

Purpose	\$ Amount	% Total
Salaries & Benefits	28,194,746	24.4
Purchased Services	84,238,051	73.0
Supplies; Property; Equipment	510,614	0.4
Aid & Assistance	2,435,075	2.1
Reserves & Other Expenditures	32,880	0.1
Total	115,411,366	100.0

February 6, 2008

Fiscal Research Division

8

Expenditures

Major Legislative Action 2003-04 Sessions

- Reduced FY03-04 operating budget: \$2.6 million R/\$3.4 million NR
- Established 72 new positions, including:
 - 13.00 ADAs
 - 2.00 Magistrates
 - 40.00 Deputy Clerks
 - 4.00 District Court Judges
 - 3.00 Superior Court Judges
- Authorized public defenders offices in Districts 1 and 10
- \$1 million R for interpreter services
- Provided funding for increased prosecution of domestic violence cases: \$1,161,405R/\$385,220 NR; 20 positions

February 6, 2008

Fiscal Research Division

9

Major Legislative Action 2003-04 Sessions

- Continued to provide general funds for drug treatment courts to replace expiring federal grants
 - Directed AOC to develop a continuity plan for drug treatment courts receiving federal funds
- Increased average fee paid to GAL attorneys from \$35/hour to \$45/hour (\$550,000)
- Provided \$500,000 NR to continue developing an automated warrant repository system
- Provided \$2,500,000 R and \$8,500,000 NR to reduce OIDS backlog of payments due to private attorneys

February 6, 2008

Fiscal Research Division

10

Major Legislative Actions 2005-06 Sessions

- Reduced salary and equipment reserves: \$1 million
- Established 279 new positions including: 90 ADAs; 76 Deputy Clerks; 17 District Court Judges; and 6 Magistrates
- Provided funds for technology initiatives and equipment replacement: \$7 million R/\$8 million NR
- Provided recurring expansion funding for custody mediation, drug treatment court, family court, and GAL

February 6, 2008

Fiscal Research Division

11

Major Legislative Actions 2005-06 Sessions

- Increased continuation budget for private attorney payments: \$11,000,000 R
- Provided \$4,500,000 to reduce OIDS backlog of payments due to private attorneys
- Increased the hourly rate paid to private assigned counsel in capital cases from \$85 to \$95
- Provided funds to replace equipment in the public defender offices: \$200,000 NR

February 6, 2008

Fiscal Research Division

12

FY 2007-08 AOC Budget Request

Governor

Recommended General Fund Budget and Positions

Budget:

Continuation Budget \$407,836,051

Expansion \$ 12,262,542

Total Request \$420,098,593

Positions:

Continuation Budget 5,659.440

Expansion 145.750

Total Request 5,805.190

Chief Justice

Recommended General Fund Budget and Positions

Budget:

Continuation Budget \$407,836,051

Expansion \$102,055,110

Total Request \$509,891,161

Positions:

Continuation Budget 5,659.440

Expansion 774.75

Total Request 6,434.190

February 6, 2008

Fiscal Research Division

13

General Fund Appropriations - FY 2007-08

- Total General Fund spending across all agencies is budgeted at \$35.9 billion.
- The Judicial budget is \$550 million, 1.5% of the state total:

AOC \$435,065,745

OIDS \$115,411,366

Total \$550,477,111

- Total General Fund net appropriation for all state agencies is \$20.7 billion.
- The net appropriation for Judicial is approximately \$540 million, 2.6% of all G. F. appropriations:

AOC \$432,747,865

OIDS \$106,540,251

Total \$539,288,116

February 6, 2008

Fiscal Research Division

14

FY 2007-09 AOC Appropriation

FY 2007-08		FY 2008-09	
General Fund Appropriation and Positions		General Fund Appropriation and Positions	
Continuation Budget	\$407,836,051	Continuation Budget	\$413,500,354
Expansion	<u>\$24,911,814</u>	Expansion	<u>\$38,889,563</u>
Total Request	\$432,747,865	Total Request	\$452,389,917
Positions:		Positions:	
Continuation Budget	5,659.44	Continuation Budget	5,659.44
Expansion	<u>386.75</u>	Expansion	<u>653.75</u>
Total Positions	6,046.19	Total Positions	6,313.19

February 6, 2008

Fiscal Research Division

15

Major Legislative Actions 2007 Session: AOC

- Authorized new and increased some existing court fees to generate nearly \$40 million additional general fund revenue annually
- Provided 650 new positions over the two-year biennium, including 60 Assistant District Attorneys, 80 Victim Witness/Legal Assistants, 300 Deputy Clerks; 42 Magistrates; and 11 District Court Judges
- Provided \$7.9 million R, \$1.9 million NR for technology
 - 78 IT positions
- Increased the daily rate paid to emergency judges from \$300 to \$400: \$558,935 R

February 6, 2008

Fiscal Research Division

16

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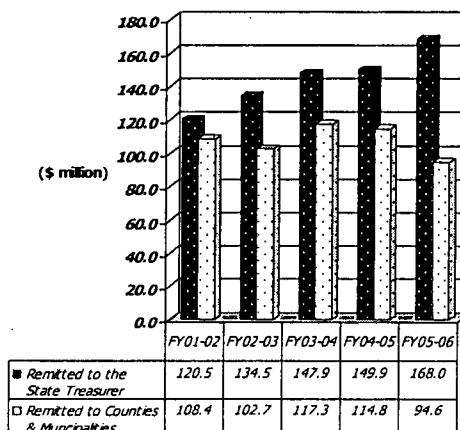
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February 6, 2008

Fiscal Research Division

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Fiscal Research Division

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February 6, 2008

Fiscal Research Division

25

2007 Session Court Fee Changes

Type of Change	Description of Court Fee	2006 Fee	New Fee	\$ Change	Fee Increase Generates
Increase	District Court				
	Civil Division - Regular	\$ 64	\$ 73	\$ 9	\$ 814,876
	Civil Division - Magistrates	\$ 53	\$ 63	\$ 10	\$ 2,740,320
	Criminal Division	\$ 85.50	\$ 95.50	\$ 10	\$ 10,084,455
Increase	Superior Court				
	Civil Division	\$ 79	\$ 93	\$ 14	\$ 352,088
	Criminal Division	\$ 92.50	\$ 102.50	\$ 10	\$ 142,112
Increase	Superior Court Estates	\$ 40	\$ 50	\$ 10	\$ 618,230
Increase	20 Day Failure Fees, Traffic	\$ 50	\$ 100	\$ 50	\$ 7,872,794
New	Failure to Appear Non-Traffic, Processing Fees	0	\$ 100	\$ 100	\$ 11,274,700
New	Limited Driving Privileges Processing Fee	0	\$ 100	\$ 100	\$ 635,600
Increase	Criminal Record Check	\$ 10	\$ 15	\$ 5	\$ 1,636,410
Increase	Foreclosures	\$ 60	\$ 75	\$ 15	\$ 112,215
	Increase max from \$300 to \$500	\$ 300	\$ 500	\$ 200	\$ 1,496,320
Increase	Out-of-State Attorney Fee \$25 remitted to State Bar	\$ 125	\$ 225	\$ 100	\$ 41,100
Increase	Driver's License Revocation Processing Fee	\$ 50	\$ 100	\$ 50	\$ 2,000,000
Total Fees Changes Proposed				\$	\$ 39,821,220

VISITOR REGISTRATION SHEET

North Carolina Courts Commission

February 6, 2008

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
DOUG HERON	NC BAR ASSOCIATION
Karen Calhoun	NC Sentencing Commission
Barbara Moore	Clerks Conf.
Peter J. Farrell	AOC
Cheryl Reed	OSBM
Pick Kane	AOC
Ray J. J. J.	Conf. of DAs
Sheryl Kelly	OSBM
Colleen Kochanek	Smith Moore

COMMITTEE OR COMMISSION

REIMBURSEMENT INFORMATION

NC COURTS COMMISSION

(Name of Committee or Commission)

Date(s) of Meeting: February 6, 2008

Member: Representative Margaret Dickson

Number of days subsistence claimed

(If you come the night before and spend
the night, you are entitled to an extra day.)

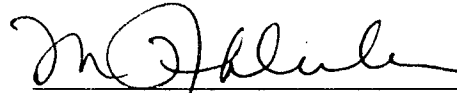
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Car Mileage (Round Trip)

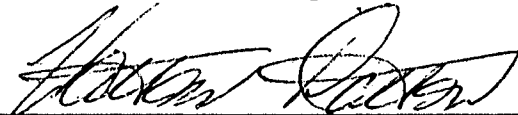
of round trips

140

1



(Member's Signature)



(Chairperson's Signature)

Names of other official legislative or state government meetings attended during this visit:

Number of days subsistence claimed for other meeting(s)

Car Mileage claimed for other meeting

Yes ☐

No ☐

COMMITTEE OR COMMISSION

REIMBURSEMENT INFORMATION

NC COURTS COMMISSION

(Name of Committee or Commission)

Date(s) of Meeting: February 6, 2008

Member: Representative Tim Spear

Number of days subsistence claimed

(If you come the night before and spend
the night, you are entitled to an extra day.)

1

Car Mileage (Round Trip)

of round trips

300

1

Tim Spear

(Member's Signature)

William R. Patton

(Chairperson's Signature)

Names of other official legislative or state government meetings attended during this visit:

Number of days subsistence claimed for other meeting(s)

0

Car Mileage claimed for other meeting

Yes ☐

No ☒

COMMITTEE OR COMMISSION

REIMBURSEMENT INFORMATION

NC COURTS COMMISSION

(Name of Committee or Commission)

Date(s) of Meeting: February 6, 2008

Member: Representative Melanie Wade Goodwin

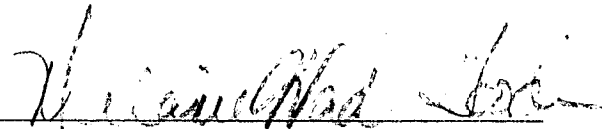
Number of days subsistence claimed

(If you come the night before and spend
the night, you are entitled to an extra day.)

Car Mileage (Round Trip)

of round trips

200
1


(Member's Signature)


(Chairperson's Signature)

Names of other official legislative or state government meetings attended during this visit:

None

Number of days subsistence claimed for other meeting(s)

Car Mileage claimed for other meeting

Yes ☐

No ☒

COMMITTEE OR COMMISSION
REIMBURSEMENT INFORMATION

NC COURTS COMMISSION
(Name of Committee or Commission)

Date(s) of Meeting: February 6, 2008

Member: Representative Mickey Michaux

Number of days subsistence claimed

(If you come the night before and spend
the night, you are entitled to an extra day.)

Car Mileage (Round Trip)
of round trips

(Member's Signature)

(Chairperson's Signature)

Names of other official legislative or state government meetings attended during this visit:

Number of days subsistence claimed for other meeting(s)

Car Mileage claimed for other meeting

Yes ☐

No ☐

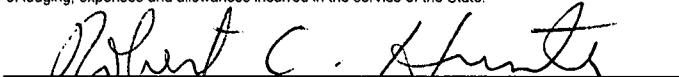
IN THE DISCHARGE OF OFFICIAL DUTY

INSTRUCTIONS TO CLAIMANT. Submit one original to Accounting. Attach all necessary receipts and other supporting documents to this form. Retain one (1) copy for your records.
Please complete amount, company, account, and center fields. Must be filed at least monthly and not later than 30 days after month ends. Must be prepared in ink or typed.

Payee's Name (First, Middle Initial, Last) Robert C. Hunter	Division/Section NC COURTS COMMISSION	Soc. Sec. #
Payee's Address (Street) PO Box 888	Title: Member	Headquarters (City) RALEIGH
Raleigh NC 27601	Period Covered by this Request (from/to) 6-Feb-08 - 6-Feb-08	

Under penalties of perjury I certify this to be a true and accurate statement of the city of lodging, expenses and allowances incurred in the service of the State.

I have examined this reimbursement request and certify that it is just and reasonable.


(Claimant) (Date)

(Supervisor) (Date)

NOTE: ORIGINAL SIGNATURE AND DATES ARE REQUIRED FOR PROCESSING

NOTE TO CLAIMANT: Please Complete the Information at right according to your records.	Total Expense \$0.00
	Less Advance \$0.00
	Total Due (Owe) \$0.00

LINE NO.	COMPANY	AMOUNT	ACCOUNT	CENTER	ACCRUAL CODE
0001					
0002					
0003					
0004					
0005					
0006					

Total Expense \$0.00

Approved as to proper travel chargeable to above accounting code verified as conforming to authorized reimbursable expenses.

N/A

Travel (show each city visited)		Transportation			Subsistence			Other Expenses	
Day	from to	1*	In-State	Out-of-State	2*	In-State	Out-of-State	Explanation	Amount
2/6/2008		Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car		\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
		Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car		\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
		Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car		\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
		Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car		\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
Subsistence \$34.00 per day		Total In-State	Total Out-of-State		Total In-State	Total Out-of-State		Total Misc. Exp.	
Per Diem \$15.00 per day if authorized			\$0.00		\$0.00	\$0.00		\$0.00	
Housing (up to) \$63.75									
With Itemized receipt									

* Documented by receipt from a commercial lodging establishment.

1* Mode of Travel:
Ground includes rail, bus, taxi, parking fees

2* Type of Subsistence:
B = Breakfast
L = Lunch
D = Dinner
H = Housing (Room)

NOTE: Daily total for subsistence not to exceed authorized amount for in-state or out-of-state travel.

IN THE DISCHARGE OF OFFICIAL DUTY

INSTRUCTIONS TO CLAIMANT. Submit one original to Accounting. Attach all necessary receipts and other supporting documents to this form. Retain one (1) copy for your records. Payee must complete amount, company, account, and center fields. Must be filed at least monthly and not later than 30 days after month ends. Must be prepared in ink or typed.

Payee's Name (First, Middle Initial, Last) Jane P. Gray	Division/Section NC COURTS COMMISSION	Soc. Sec. #
Payee's Address (Street) PO Box 351	Title: Member	Headquarters (City) RALEIGH
Raleigh NC 27602	Period Covered by this Request (from/to) 6-Feb-08 - 6-Feb-08	

Under penalties of perjury I certify this to be a true and accurate statement of the city of lodging, expenses and allowances incurred in the service of the State.

I have examined this reimbursement request and certify that it is just and reasonable.

(Claimant) _____ (Date) _____ (Supervisor) _____ (Date) _____
NOTE: ORIGINAL SIGNATURE AND DATES ARE REQUIRED FOR PROCESSING

NOTE TO CLAIMANT: Please Complete the Information at right according to your records.	Total Expense	\$0.00
	Less Advance	\$0.00
	Total Due (Owe)	\$0.00

LINE NO.	COMPANY	AMOUNT	ACCOUNT	CENTER	ACCRUAL CODE
0001					
0002					
0003					
0004					
0005					
0006					

Total Expense

\$0.00

Approved as to proper travel chargeable to above accounting code verified as conforming to authorized reimbursable expenses.

Travel (show each city visited)		Transportation			Subsistence			Other Expenses	
Day	from to	1* In-State	Out-of-State	2* In-State	Out-of-State	Explanation	Amount		
2/6/2008		Ground		B					
Depart		Air		L					
Arrive		Other		D					
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	H					
<input type="checkbox"/> Out of State?				Sub-total	\$0.00	\$0.00			
		Ground		B					
Depart		Air		L					
Arrive		Other		D					
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	H					
<input type="checkbox"/> Out of State?				Sub-total	\$0.00	\$0.00			
		Ground		B					
Depart		Air		L					
Arrive		Other		D					
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	H					
<input type="checkbox"/> Out of State?				Sub-total	\$0.00	\$0.00			
		Ground		B					
Depart		Air		L					
Arrive		Other		D					
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	H					
<input type="checkbox"/> Out of State?				Sub-total	\$0.00	\$0.00			
Subsistence \$34.00 per day		Total In-State	Total Out-of-State	Total In-State	Total Out-of-State	Total Misc. Exp.			
Per Diem \$15.00 per day if authorized			\$0.00	\$0.00	\$0.00	\$0.00			

Housing (up to) \$63.75

With Itemized receipt

* Documented by receipt from a commercial lodging establishment.

1* Mode of Travel:

Ground includes rail, bus, taxi, parking fees

2* Type of Subsistence:

B = Breakfast

L = Lunch

D = Dinner

H = Housing (Room)

NOTE: Daily total for subsistence not to exceed authorized amount for in-state or out-of-state travel.

IN THE DISCHARGE OF OFFICIAL DUTY

INSTRUCTIONS TO CLAIMANT. Submit one original to Accounting. Attach all necessary receipts and other supporting documents to this form. Retain one (1) copy for your records. Complete amount, company, account, and center fields. Must be filed at least monthly and not later than 30 days after month ends. Must be prepared in ink or typed.

Payee's Name (First, Middle Initial, Last) K. Edward Greene	Division/Section N. C. COURTS COMMISSION	Soc. Sec. #
Payee's Address (Street) 4101 LAKE BOONE TRAIN, SUITE 300	MEMBER	Headquarters (City) RALEIGH
(City, State, Zip) RALEIGH NC 27607	Period Covered by this Request (from/to) 6-Feb-08 - 6-Feb-08	

Under penalties of perjury I certify this to be a true and accurate statement of the city of lodging, expenses and allowances incurred in the service of the State. I have examined this reimbursement request and certify that it is just and reasonable.

(Claimant) _____ (Date) _____ (Supervisor) _____ (Date) _____
NOTE: ORIGINAL SIGNATURE AND DATES ARE REQUIRED FOR PROCESSING

NOTE TO CLAIMANT: Please Complete the Information at right according to your records.	Total Expense \$0.00
	Less Advance \$0.00
	Total Due (Owe) \$0.00

LINE NO.	COMPANY	AMOUNT	ACCOUNT	CENTER	ACCRUAL CODE
0001					
0002					
0003					
0004					
0005					
0006					

Total Expense \$0.00

Approved as to proper travel chargeable to above accounting code verified as conforming to authorized reimbursable expenses.

A/P Accountant		Date		A/P Approval		Date			
Travel (show each city visited)		Transportation		Subsistence		Other Expenses			
Day	from to	1*	In-State	Out-of-State	2*	In-State	Out-of-State	Explanation	Amount
2/6/2008		Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car		\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
		Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
		Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
		Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
Subsistence \$34.00 per day		Total In-State	Total Out-of-State		Total In-State	Total Out-of-State		Total Misc. Exp.	
Per Diem \$15.00 per day if authorized			\$0.00		\$0.00	\$0.00			

Housing (up to) \$63.75
With Itemized receipt

* Lodging must be by receipt from a commercial lodging establishment.

1* Mode of Travel:
Ground includes rail, bus, taxi, parking fees

2* Type of Subsistence:
B = Breakfast
L = Lunch
D = Dinner
H = Housing (Room)

NOTE: Daily total for subsistence not to exceed authorized amount for in-state or out-of-state travel.

IN THE DISCHARGE OF OFFICIAL DUTY

INSTRUCTIONS TO CLAIMANT. Submit one original to Accounting. Attach all necessary receipts and other supporting documents to this form. Retain one (1) copy for your records. Complete amount, company, account, and center fields. Must be filed at least monthly and not later than 30 days after month ends. Must be prepared in ink or typed.

Payee's Name (First, Middle Initial, Last) F. Warren Hughes	Division/Section N. C. COURTS COMMISSION	Soc. Sec. #
Payee's Address (Street) P.O. Box 685	MEMBER	Headquarters (City) RALEIGH
(City, State, Zip) nsville, NC 28	Period Covered by this Request (from/to) 6-Feb-08 - 6-Feb-08	

Under penalties of perjury I certify this to be a true and accurate statement of the city of lodging, expenses and allowances incurred in the service of the State. I have examined this reimbursement request and certify that it is just and reasonable.

(Claimant) (Date) (Supervisor) (Date)
NOTE: ORIGINAL SIGNATURE AND DATES ARE REQUIRED FOR PROCESSING

NOTE TO CLAIMANT: Please Complete the Information at right according to your records.		Total Expense Less Advance Total Due (Owe)	\$0.00 \$0.00 \$0.00		
LINE NO.	COMPANY	AMOUNT	ACCOUNT	CENTER	ACCRUAL CODE
0001					
0002					
0003					
0004					
0005					
0006					
Total Expense		\$0.00	Approved as to proper travel chargeable to above accounting code verified as conforming to authorized reimbursable expenses.		

A/P Accountant		Date		A/P Approval		Date	
Travel (show each city visited)		Transportation		Subsistence		Other Expenses	
Day	from to	1*	In-State Out-of-State	2*	In-State Out-of-State	Explanation	Amount
2/6/2008		Ground		B			
Depart		Air		L			
Arrive		Other		D			
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	H			
<input type="checkbox"/> Out of State?				Sub-total	\$0.00	\$0.00	
		Ground		B			
Depart		Air		L			
Arrive		Other		D			
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	H			
<input type="checkbox"/> Out of State?				Sub-total	\$0.00	\$0.00	
		Ground		B			
Depart		Air		L			
Arrive		Other		D			
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	H			
<input type="checkbox"/> Out of State?				Sub-total	\$0.00	\$0.00	
		Ground		B			
Depart		Air		L			
Arrive		Other		D			
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	H			
<input type="checkbox"/> Out of State?				Sub-total	\$0.00	\$0.00	
Subsistence \$34.00 per day		Total In-State	Total Out-of-State	Total In-State	Total Out-of-State	Total Misc. Exp.	
Per Diem \$15.00 per day if authorized			\$0.00	\$0.00	\$0.00		
Housing (up to) \$63.75							
With Itemized receipt							

Presented by receipt from a commercial lodging establishment.
1* Mode of Travel: Ground includes rail, bus, taxi, parking fees
2* Type of Subsistence: B = Breakfast, L = Lunch, D = Dinner, H = Housing (Room)
NOTE: Daily total for subsistence not to exceed authorized amount for in-state or out-of-state travel.

IN THE DISCHARGE OF OFFICIAL DUTY

INSTRUCTIONS TO CLAIMANT. Submit one original to Accounting. Attach all necessary receipts and other supporting documents to this form. Retain one (1) copy for your records.
Provide complete amount, company, account, and center fields. Must be filed at least monthly and not later than 30 days after month ends. Must be prepared in ink or typed.

Payee's Name (First, Middle Initial, Last) Paul Newby	Division/Section NC COURTS COMMISSION	Soc. Sec. #
Payee's Address (Street) PO Box 1841	Title: Member	Headquarters (City) RALEIGH
Raleigh NC 27602	Period Covered by this Request (from/to) 6-Feb-08 - 6-Feb-08	

Under penalties of perjury I certify this to be a true and accurate statement of the city of lodging, expenses and allowances incurred in the service of the State.

I have examined this reimbursement request and certify that it is just and reasonable.

(Claimant) _____ (Date) _____ (Supervisor) _____ (Date) _____

NOTE: ORIGINAL SIGNATURE AND DATES ARE REQUIRED FOR PROCESSING

NOTE TO CLAIMANT: Please Complete the Information at right according to your records.	Total Expense	\$0.00
	Less Advance	\$0.00
	Total Due (Owe)	\$0.00

LINE NO.	COMPANY	AMOUNT	ACCOUNT	CENTER	ACCRUAL CODE
0001					
0002					
0003					
0004					
0005					
0006					

Total Expense **\$0.00**

Approved as to proper travel chargeable to above accounting code verified as conforming to authorized reimbursable expenses.

Travel (show each city visited)		Transportation		Subsistence			Other Expenses	
Day	from to	1* In-State	Out-of-State	2* In-State	Out-of-State	Explanation	Amount	
2/6/2008		Ground		B				
Depart		Air		L				
Arrive		Other		D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	H				
<input type="checkbox"/> Out of State?				Sub-total	\$0.00	\$0.00		
		Ground		B				
Depart		Air		L				
Arrive		Other		D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	H				
<input type="checkbox"/> Out of State?				Sub-total	\$0.00	\$0.00		
		Ground		B				
Depart		Air		L				
Arrive		Other		D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	H				
<input type="checkbox"/> Out of State?				Sub-total	\$0.00	\$0.00		
		Ground		B				
Depart		Air		L				
Arrive		Other		D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	H				
<input type="checkbox"/> Out of State?				Sub-total	\$0.00	\$0.00		
Subsistence \$34.00 per day		Total In-State	Total Out-of-State	Total In-State	Total Out-of-State		Total Misc. Exp.	
Per Diem \$15.00 per day if authorized			\$0.00	\$0.00	\$0.00		\$0.00	

Housing (up to) \$63.75

With Itemized receipt

* Documented by receipt from a commercial lodging establishment.

1* Mode of Travel:

Ground includes rail, bus, taxi, parking fees

2* Type of Subsistence:

B = Breakfast

L = Lunch

D = Dinner

H = Housing (Room)

NOTE: Daily total for subsistence not to exceed authorized amount for in-state or out-of-state travel.

District Court Employee

IN THE DISCHARGE OF OFFICIAL DUTY

INSTRUCTIONS TO CLAIMANT: Submit one original to Accounting. Attach all necessary receipts and other supporting documents to this form. Retain one (1) copy for your records.
Complete amount, company, account, and center fields. Must be filed at least monthly and not later than 30 days after month ends. Must be prepared in ink or typed.

Payee's Name (First, Middle Initial, Last) Mitchel Tyler	Division/Section NC COURTS COMMISSION	Soc. Sec. #
Payee's Address (Street) 222 PO Box 222	Title Member	Headquarters (City) RALEIGH
(City, State, Zip) Lake Waccamaw NC 28450	Period Covered by this Request (from/to) 6-Feb-08 - 6-Feb-08	

Under penalties of perjury I certify this to be a true and accurate statement of the city of lodging, expenses and allowances incurred in the service of the State.

I have examined this reimbursement request and certify that it is just and reasonable.

(Claimant) *R. Mitchel Tyler* 2/6/08 (Date) (Supervisor) *[Signature]* (Date)

NOTE: ORIGINAL SIGNATURE AND DATES ARE REQUIRED FOR PROCESSING.

NOTE TO CLAIMANT: Please Complete the Information at right according to your records.

Total Expense **\$0.00**
Less Advance **\$0.00**
Total Due (Owe) **\$0.00**

LINE NO.	COMPANY	AMOUNT	ACCOUNT	CENTER	ACCRUAL CODE
0001					
0002					
0003					
0004					
0005					
0006					

Total Expense **\$0.00**

Approved as to proper travel chargeable to above accounting code verified as conforming to authorized reimbursable expenses.

Travel (show each city visited)		Transportation			Subsistence			Other Expenses	
Day	from to	1*	In-State	Out-of-State	2*	In-State	Out-of-State	Explanation	Amount
2/6/2008	Lake Waccamaw Raleigh	Ground			B				
Depart	10:30 AM	Air			L				
Arrive	6:00 PM	Other			D				
Daily Private Car Mileage: 260 miles - using a per mile rate of \$0.25		Private car	\$65.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
Depart		Ground			B				
Arrive		Air			L				
Daily Private Car Mileage: miles - using a per mile rate of \$0.25		Private car		\$0.00	D				
<input type="checkbox"/> Out of State?					H				
					Sub-total	\$0.00	\$0.00		
Depart		Ground			B				
Arrive		Air			L				
Daily Private Car Mileage: miles - using a per mile rate of \$0.25		Private car		\$0.00	D				
<input type="checkbox"/> Out of State?					H				
					Sub-total	\$0.00	\$0.00		
Depart		Ground			B				
Arrive		Air			L				
Daily Private Car Mileage: miles - using a per mile rate of \$0.25		Private car		\$0.00	D				
<input type="checkbox"/> Out of State?					H				
					Sub-total	\$0.00	\$0.00		
Subsistence \$34.00 per day		Total In-State	Total Out-of-State		Total In-State	Total Out-of-State		Total Misc. Exp.	
Per Diem \$15.00 per day if authorized		\$65.00	\$0.00		\$0.00	\$0.00		\$0.00	
Housing (up to) \$63.75									

With receipt

* Documented by receipt from a commercial lodging establishment.

1* Mode of Travel:

Ground includes rail, bus, taxi, parking fees

2* Type of Subsistence:

B = Breakfast

L = Lunch

D = Dinner

H = Housing (Room)

NOTE: Daily total for subsistence not to exceed authorized amount for in-state or out-of-state travel.

DA

IN THE DISCHARGE OF OFFICIAL DUTY

INSTRUCTIONS TO CLAIMANT: Submit one original to Accounting. Attach all necessary receipts and other supporting documents to this form. Retain one (1) copy for your records. Complete amount, company, account, and center fields. Must be filed at least monthly and not later than 30 days after month ends. Must be prepared in ink or typed.

Payee's Name (First, Middle Initial, Last) Peter Gilchrist		Division/Section NC COURTS COMMISSION	Soc. Sec. # [REDACTED]
Payee's Address (Street) 700 East Trade Street, Suite 200		Title Member	Headquarters (City) RALEIGH
(City, State, Zip) Charlotte NC 28202	Period Covered by this Request (from/to) 6-Feb-08 - 6-Feb-08		

Under penalties of perjury I certify this to be a true and accurate statement of the city of lodging, expenses and allowances incurred in the service of the State.

I have examined this reimbursement request and certify that it is just and reasonable.

(Claimant) *[Signature]* 2/6/08 (Date) *[Signature]* (Supervisor) (Date)

NOTE: ORIGINAL SIGNATURE AND DATES ARE REQUIRED FOR PROCESSING

NOTE TO CLAIMANT: Please Complete the Information at right according to your records.

Total Expense	\$0.00
Less Advance	\$0.00
Total Due (Owe)	\$0.00

LINE NO.	COMPANY	AMOUNT	ACCOUNT	CENTER	ACCRUAL CODE
0001					
0002					
0003					
0004					
0005					
0006					
Total Expense		\$0.00			

Approved as to proper travel chargeable to above accounting code verified as conforming to authorized reimbursable expenses

Travel (show each city visited)		Transportation			Subsistence			Other Expenses	
Day	from to	1* In-State	Out-of-State	2* In-State	Out-of-State	Explanation	Amount		
2/6/2008	HOMESVILLE, RALEIGH	Ground		B					
Depart	9:30 AM	Air		L	7.60	PARKING			
Arrive		Other		D					
Daily Private Car Mileage: 320 miles - using a per mile rate of: \$0.25		Private car	80.00	H					
<input type="checkbox"/> Out of State?				Sub-total	\$0.00	\$0.00			
Depart		Ground		B					
Arrive		Air		L					
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	H					
<input type="checkbox"/> Out of State?				Sub-total	\$0.00	\$0.00			
Depart		Ground		B					
Arrive		Air		L					
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	H					
<input type="checkbox"/> Out of State?				Sub-total	\$0.00	\$0.00			
Depart		Ground		B					
Arrive		Air		L					
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	H					
<input type="checkbox"/> Out of State?				Sub-total	\$0.00	\$0.00			
Subsistence \$34.00 per day		Total In-State	Total Out-of-State	Total In-State	Total Out-of-State	Total Misc. Exp.			
Per Diem \$15.00 per day if authorized		80.00	\$0.00	\$0.00	\$0.00	\$0.00			
Housing (up to) \$63.75									
With receipt									

* Documented by receipt from a commercial lodging establishment.

1* Mode of Travel:

Ground includes rail, bus, taxi, parking fees

2* Type of Subsistence:

B = Breakfast

L = Lunch

D = Dinner

H = Housing (Room)

NOTE: Daily total for subsistence not to exceed authorized amount for in-state or out-of-state travel.

STATE OF NORTH CAROLINA

PUBLIC MEMBER

FORM HD-403
(Rev. 10/97)
(9/05, 1/00)

IN THE DISCHARGE OF OFFICIAL DUTY

1. CLAIMS TO CLAIMANT. Submit one original to Accounting. Attach all necessary receipts and other supporting documents to this form. Retain one (1) copy for your records.
2. Complete amount, company, account, and center fields. Must be filed at least monthly and not later than 30 days after month ends. Must be prepared in ink or typed.

Payee's Name (First, Middle Initial, Last) Bill Thacker	Division/Section NC COURTS COMMISSION	Soc. Sec. # [REDACTED]
Payee's Address (Street) 646 West Avenue	Title: Member	Headquarters (City) RALEIGH
(City, State, Zip) Wadesboro NC 28170	Period Covered by this Request (from/to) 6-Feb-08 - 6-Feb-08	

Under penalties of perjury I certify this to be a true and accurate statement of the city of lodging, expenses and allowances incurred in the service of the State.

I have examined this reimbursement request and certify that it is just and reasonable.

Bill Thacker (Claimant) **2-6-08** (Date)

(Supervisor) (Date)

NOTE: ORIGINAL SIGNATURE AND DATES ARE REQUIRED FOR PROCESSING

NOTE TO CLAIMANT: Please Complete the Information at right according to your records.					Total Expense	\$0.00
					Less Advance	\$0.00
					Total Due (Owe)	\$0.00

LINE NO	COMPANY	AMOUNT	ACCOUNT	CENTER	ACCRUAL CODE
0001					
0002					
0003					
0004					
0005					
0006					
Total Expense		\$0.00			

Approved as to proper travel chargeable to above accounting code verified as conforming to authorized reimbursable expenses.

Travel (show each city visited)		Transportation			Subsistence			Other Expenses	
Day	from to	1*	In-State	Out-of-State	2*	In-State	Out-of-State	Explanation	Amount
2/6/2008	Wadesboro to Raleigh	Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: 249 miles - using a per mile rate of: \$0.25		Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
Depart		Ground			B				
Arrive		Air			L				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
Depart		Ground			B				
Arrive		Air			L				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
Depart		Ground			B				
Arrive		Air			L				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
Subsistence \$34.00 per day		Total In-State		Total Out-of-State	Total In-State		Total Out-of-State		Total Misc. Exp.
Per Diem \$15.00 per day if authorized		\$0.00		\$0.00	\$0.00		\$0.00		\$0.00
Housing (up to) \$63.75									

Documented receipt

* Documented by receipt from a commercial lodging establishment.

1* Mode of Travel:

Ground includes rail, bus, taxi, parking fees

2* Type of Subsistence:

B = Breakfast

L = Lunch

D = Dinner

H = Housing (Room)

NOTE: Daily total for subsistence not to exceed authorized amount for in-state or out-of-state travel.

E GARDEN 1314
1809 Walnut St
Cary, NC 27511-9201

Check # : 61723

Gst 2

Table 82
Meredith D

17:42:38 02/06/2008

Guest No.1

1 Water
1 Sausage Rollatini
1 * Salad

Guest No.2

1 Iced Tea
1 Sausage Rollatini
1 * Salad

9.95

2.20
9.95

Subtotal
Sales Tax

22.10
1.71

\$13.00

23.81

17:42:38 02/06/2008

Total

100.00

Cash

Amount Due
Change

0.00
76.19

Dine In

THANKS FOR VISITING US TODAY!
GRACIAS POR VISITARNOS HOY!

Jason Dunn
GENERAL MANAGER
(919) 233-9714

An optional 18% gratuity will be
added to parties of 8 or more.
Una propina opcional de 18% ser
agregada para grupos de 8 o mas.

IN THE DISCHARGE OF OFFICIAL DUTY

INSTRUCTIONS TO CLAIMANT: Submit one original to Accounting. Attach all necessary receipts and other supporting documents to this form. Retain one (1) copy for your records.
Complete amount, company, account, and center fields. Must be filed at least monthly and not later than 30 days after month ends. Must be prepared in ink or typed.

Payee's Name (First, Middle Initial, Last) F. Donald Bridges	Division/Section NC COURTS COMMISSION	Soc. Sec. # [REDACTED]
Payee's Address (Street) 100 Justice Place	Title Member	Headquarters (City) RALEIGH
(City, State, Zip) Raleigh NC 27601	Period Covered by this Request (from/to) 6-Feb-08 - 6-Feb-08	

Under penalties of perjury, I certify this to be a true and accurate statement of the city of lodging expenses and allowances incurred in the service of the State.

I have examined this reimbursement request and certify that it is just and reasonable.

(Claimant) *[Signature]* (Date) *2/6/08* (Supervisor) *[Signature]* (Date) _____

NOTE: ORIGINAL SIGNATURE AND DATES ARE REQUIRED FOR PROCESSING.

NOTE TO CLAIMANT: Please Complete the Information at right according to your records.

Total Expense	\$0.00
Less Advance	\$0.00
Total Due (Owe)	\$0.00

LINE NO.	COMPANY	AMOUNT	ACCOUNT	CENTER	ACCRUAL CODE
0001					
0002					
0003					
0004					
0005					
0006					

Total Expense **\$0.00**

Approved as to proper travel chargeable to above accounting code verified as conforming to authorized reimbursable expenses.

Travel (show each city visited)		Transportation			Subsistence			Other Expenses	
Day	from to	1*	In-State	Out-of-State	2*	In-State	Out-of-State	Explanation	Amount
2/6/2008	Shelby to Raleigh	Ground			B				
Depart	8 AM	Air			L				
Arrive	1:30 PM	Other			D				
Daily Private Car Mileage: 100 miles - using a per mile rate of: \$0.25		Private car	201.60	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
Depart		Ground			B				
Arrive		Air			L				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car		\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
Depart		Ground			B				
Arrive		Air			L				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car		\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
Depart		Ground			B				
Arrive		Air			L				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car		\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
Subsistence \$34.00 per day		Total In-State	Total Out-of-State		Total In-State	Total Out-of-State		Total Misc. Exp.	
Per Diem \$15.00 per day if authorized			\$0.00		\$0.00	\$0.00		\$0.00	
Housing (up to) \$63.75									
Voucher receipt									

* Documented by receipt from a commercial lodging establishment.

1* Mode of Travel:

Ground includes rail, bus, taxi, parking fees

2* Type of Subsistence:

B = Breakfast

L = Lunch

D = Dinner

H = Housing (Room)

NOTE: Daily total for subsistence not to exceed authorized amount for in-state or out-of-state travel.

IN THE DISCHARGE OF OFFICIAL DUTY

INSTRUCTIONS TO CLAIMANT: Submit one original to Accounting. Attach all necessary receipts and other supporting documents to this form. Retain one (1) copy for your records. Complete amount, company, account, and center fields. Must be filed at least monthly and not later than 30 days after month ends. Must be prepared in ink or typed.

Payee's Name (First, Middle Initial, Last) W. Allen Cobb, Jr.			Division/Section NC COURTS COMMISSION			Sec. Ser. # [REDACTED]		
Payee's Address (Street) PO Box 188			Title Member			Headquarters (City) RALEIGH		
Wrightsville Beach NC 28480			Period Covered by this Request (from/to) 6-Feb-08 - 6-Feb-08					

Under penalties of perjury I certify this to be a true and accurate statement of the city of lodging, expenses and allowances incurred in the service of the State

I have examined this reimbursement request and certify that it is just and reasonable

W. Allen Cobb, Jr. 2-6-08 *[Signature]*
(Claimant) (Date) (Supervisor) (Date)

NOTE: ORIGINAL SIGNATURE AND DATES ARE REQUIRED FOR PROCESSING

NOTE TO CLAIMANT: Please Complete the Information at right according to your records.		Total Expense	\$0.00
		Less Advance	\$0.00
		Total Due (Owe)	\$0.00

LINE NO.	COMPANY	AMOUNT	ACCOUNT	CENTER	ACCRUAL CODE
0001					
0002					
0003					
0004					
0005					
0006					

Total Expense

\$0.00

Approved as to proper travel chargeable to above accounting code verified as conforming to authorized reimbursable expenses

A/P Accountant		Date		A/P Approval		Date			
Travel (show each city visited)		Transportation			Subsistence			Other Expenses	
Day	from to	1*	In-State	Out-of-State	2*	In-State	Out-of-State	Explanation	Amount
2/6/2008	Wilmington to Raleigh and return	Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: 250 miles - using a per mile rate of: \$0.25		Private car	62.50	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
Depart		Ground			B				
Arrive		Air			L				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car		\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
Depart		Ground			B				
Arrive		Air			L				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car		\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
Depart		Ground			B				
Arrive		Air			L				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car		\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
Subsistence \$34.00 per day		Total In-State	Total Out-of-State		Total In-State	Total Out-of-State		Total Misc. Exp.	
Per Diem \$15.00 per day if authorized			\$0.00		\$0.00	\$0.00		\$0.00	
Housing (up to) \$63.75									
V [REDACTED] ized receipt									

* Documented by receipt from a commercial lodging establishment.

1* Mode of Travel:

Ground includes rail, bus, taxi, parking fees

2* Type of Subsistence:

B = Breakfast

L = Lunch

D = Dinner

H = Housing (Room)

NOTE: Daily total for subsistence not to exceed authorized amount for in-state or out-of-state travel.

COMMITTEE OR COMMISSION
REIMBURSEMENT INFORMATION

NC COURTS COMMISSION
(Name of Committee or Commission)

Date(s) of Meeting: February 6, 2008

Member: Senator Walter Dalton

Number of days subsistence claimed

(If you come the night before and spend
the night, you are entitled to an extra day.)

Car Mileage (Round Trip)
of round trips

(Member's Signature)

(Chairperson's Signature)

Names of other official legislative or state government meetings attended during this visit:

Number of days subsistence claimed for other meeting(s)

Car Mileage claimed for other meeting

Yes ☐

No ☐

COMMITTEE OR COMMISSION
REIMBURSEMENT INFORMATION

NC COURTS COMMISSION
(Name of Committee or Commission)

Date(s) of Meeting: February 6, 2008

Member: Representative Bonner Stiller

Number of days subsistence claimed

(If you come the night before and spend
the night, you are entitled to an extra day.)

Car Mileage (Round Trip)
of round trips

(Member's Signature)

(Chairperson's Signature)

Names of other official legislative or state government meetings attended during this visit:

Number of days subsistence claimed for other meeting(s) _____

Car Mileage claimed for other meeting

Yes ☐

No ☐

COMMITTEE OR COMMISSION
REIMBURSEMENT INFORMATION

NC COURTS COMMISSION
(Name of Committee or Commission)

Date(s) of Meeting: February 6, 2008

Member: Senator Daniel Clodfelter

Number of days subsistence claimed

(If you come the night before and spend
the night, you are entitled to an extra day.)

Car Mileage (Round Trip)
of round trips

(Member's Signature)

(Chairperson's Signature)

Names of other official legislative or state government meetings attended during this visit:

Number of days subsistence claimed for other meeting(s)

Car Mileage claimed for other meeting

Yes ☐

No ☐

COMMITTEE OR COMMISSION
REIMBURSEMENT INFORMATION

NC COURTS COMMISSION
(Name of Committee or Commission)

Date(s) of Meeting: February 6, 2008

Member: Senator Julia Boseman

Number of days subsistence claimed

(If you come the night before and spend
the night, you are entitled to an extra day.)

Car Mileage (Round Trip)
of round trips

(Member's Signature)

(Chairperson's Signature)

Names of other official legislative or state government meetings attended during this visit:

Number of days subsistence claimed for other meeting(s)

Car Mileage claimed for other meeting

Yes ☐

No ☐



North Carolina Courts Commission

AGENDA

May 13, 2008
Room 544, Legislative Office Building
9:30 AM

WELCOME AND INTRODUCTORY REMARKS

Senator Walter Dalton, Chair

PRESENTATIONS

Citizens' Salary Commissions for Setting Salaries of Elected Officials

Michael W. Mitchell, Attorney
Chair of NC Bar Subcommittee on Citizens' Commissions

Administration of Oaths in the NC Court System

Sara Preston, Legislative Counsel
ACLU of North Carolina

Administrative Office of the Courts

- Court Performance Measures
- Update on Court Technology Projects
Judge Ralph Walker – Director, AOC
Gregg Stahl – Senior Deputy Director, AOC

Committee Discussion

Instructions to Staff

COURTS COMMISSION MEETING
5/12/08

- Thank the Commission.
- Introduction.
 - Bar Association.
 - Bench-Bar Liaison Committee.
 - Citizen's Commission subcommittee: promote and educate people about a Citizen's Commission as a method to set or recommend compensation for elected officials in NC. *Howard Tvinge*
- What is a Citizen's Commission: it is a special entity created by the state, and comprised of a majority of average citizens who perform an extraordinarily important role—deciding what is fair and appropriate compensation for certain government positions. Typically, they set or recommend compensation for legislative, judicial, and some executive offices.
- One caveat: This idea is not suggested as a substitute for the Judicial Council's pay plan for the judiciary for the coming year. We support pay increases for judges in the immediate short term. But a Citizen's Commission offers a long-term solution to judicial pay increases, and even if the legislature created a citizen's commission that included the judiciary, it would not be in a position to recommend pay increases for the judiciary on a schedule that could substitute for the current judicial pay plan.
- Background.
 - There are 20 states that currently use a citizen's commission to set, or recommend, compensation for certain gov't positions.
 - The specific ~~elect~~^{positions} offices may be somewhat different depending upon which of the 20 states you look at, but the underlying system is designed for the same purpose, to allow a group of citizens to express their collective judgment about the fair and appropriate compensation for those positions.
 - Because the work of the commission is controlled by a majority of average citizens, the process has been recognized for its ability to liberate ~~legislators from the political stigma attached to increasing their own pay. In other words, the citizens give credibility to the commission's decision to increase the pay of government officials.~~^{compensation decisions} *pressures.*
- There are generally 3 types of citizen's commissions, which I will mention in the order of their ability to free the compensation process from politics.
 - First, the citizen's commission has the authority to set the compensation without input from the legislature. While this model is the one most free from politics, we have not yet studied whether it would require a constitutional amendment in North Carolina.
 - Second, the citizen's commission recommends compensation, and the recommendations automatically take effect unless specifically rejected by the legislature within a certain period of time. This model requires specific action by the legislature in order to reject the recommendations of the Commission. Again, we

have not yet studied whether this model would require a constitutional amendment, but it is less susceptible to such an attack than the first model I mentioned.

- Third, the citizen's commission recommends compensation, and the recommendations are not adopted unless there is specific action by the legislature. In our opinion, this model is the least effective b/c it is the least independent of the models.
- Composition of a citizen's commission is an important consideration. One recognized method for membership on the commission is to have one member selected randomly from the registered voter roles in each congressional district. That number—13 in NC—would be the majority. Other members could be chosen by the House and Senate, not to equal or exceed the number of congressional districts.
- Citizen's commissions have staffs to administer the work, organize the meetings, and produce the recommendations of the commission. The commissions hold hearings and gather evidence of (i) compensation in the private sector and other managerial government positions, (ii) compensation in other state's for comparable positions, and (iii) compensation in the federal government for comparable positions.
- One important limitation of these commissions is that they are prohibited from reducing compensation for officeholders, which is already constitutionally prohibited in NC for the judiciary.
- Currently, there is a bill in the General Assembly—HB 897—that has passed the House and is now in the Senate that would create a citizen's commission. However, the current version only provides for consideration of legislative pay, not judicial or executive pay. While our subcommittee fully supports a commission for consideration of legislative pay, the bill may present an opportunity to include at least judicial pay within the jurisdiction of the commission.
- One other improvement we see that could be made to the bill would be, assuming it would not require a constitutional amendment, to allow the commission's recommendations to take effect either without consideration by the legislature, or alternatively, only upon specific rejection by the legislature. Either of these revisions to the bill would offer an additional level of independence to the commission.

June 27, 2007

VIA CERTIFIED MAIL

Mr. Ralph A. Walker
Director
Administrative Office of the Courts
Justice Building
P.O. Box 2448
Raleigh, North Carolina 27602

Re: ACLU-NC & Mateen v. State of North Carolina, No. 05 CVS 9872

Dear Mr. Walker:

Thank you for speaking with me on Monday about the State's recent decision not to appeal Judge Ridgeway's ruling in ACLU-NC & Mateen v. State of North Carolina, No. 05 CVS 9872, regarding "the practice by which oaths are administered in courtrooms throughout North Carolina." As we discussed, Judge Ridgeway's ruling provides that all jurors and witnesses desiring to swear on their preferred religious texts should be treated equally in North Carolina courts. Specifically, Judge Ridgeway ruled that "as a matter of common law of North Carolina and under the authority of clear precedent of the North Carolina Supreme Court, oaths are to be administered in a form, and upon such sacred texts, including texts other than the Holy Bible, that a witness or juror holds to be 'most sacred and obligatory upon their conscience.'"

In light of Judge Ridgeway's ruling, as well as the State's decision not to appeal, the ACLU of North Carolina Legal Foundation (ACLU-NCLF) writes to repeat its two-year-old request that the Administrative Office of the Courts (AOC) adopt a uniform, statewide policy ensuring that individuals of all faiths are treated equally with regard to North Carolina courtroom oaths. Specifically, the ACLU-NCLF suggests that the best way to ensure that individuals are able to swear oaths in the "form most meaningful to them," as required by Judge Ridgeway's order, is for the AOC to adopt and publish a uniform, statewide policy providing the following:

- (1) Oaths administered pursuant to N.C. Gen. Stat. § 11-2, are to be administered in a form, and upon such sacred texts, that a witness or juror holds to be most sacred and obligatory upon their conscience;
- (2) ~~The AOC will stop the practice of purchasing and providing any religious texts for use in North Carolina courtrooms.~~
- (3) Pursuant to Judge Ridgeway's ruling, individuals who desire to swear on their preferred religious text may bring a copy of that text to the courtroom.
- (4) All individuals sworn in as witnesses or jurors in North Carolina courts also have the option of either (a) administering their oath with uplifted hand only and without the use of a religious text, pursuant to N.C. Gen. Stat. § 11-3; or

(b) administering an affirmation, rather than an oath, pursuant to N.C. Gen. Stat. § 11-4.

Such a policy would further "the search for truth" described by Judge Ridgeway and would avoid future legal challenges on the very same issue already litigated here. Additionally, we received a complaint recently from an individual who attempted to swear without use of a religious text under Section 11-3, but the judge was unaware of that provision. Incredibly, we also recently received a complaint from an individual who was banned from testifying after he informed the court that he was an atheist and therefore wanted to "affirm." The judge erroneously told him that he was not permitted to testify in North Carolina courts if he did not believe in God. Clearly, there is confusion as to the law on this issue, both on the part of individual citizens and, of more concern, on the part of the courts as well. A uniform, statewide policy, as set forth above, would serve to resolve all such confusion.

Please advise us of the AOC's response to this request by **Friday, July 13, 2007**. Please contact me with any questions or concerns.

Sincerely,

Katherine Lewis Parker
Staff Attorney
American Civil Liberties Union
of North Carolina Legal Foundation

THE NORTH CAROLINA JUDICIAL DEPARTMENT

2008-2009 EXPANSION BUDGET REQUEST AS OF MAY 12, 2008

PERSONNEL

ADDITIONAL DEPUTY CLERK PERSONNEL

New Deputy Clerks (15) are requested to provide necessary support in clerks' offices statewide. The additional positions would be consistent with the workload staffing formula.

<u>Expansion Budget Request FY 2008-2009</u>		<u>Governors Recommendations</u>	
\$593,325	R	\$593,325	R
\$34,605	NR	\$34,605	NR
<u>\$627,930</u>		<u>\$627,930</u>	
15.00	FTE	15.00	FTE

DISTRICT COURT JUDGES

New District Court Judges (7) are requested to improve the efficiency of district court operations statewide. The continuous growth of district court filings has significantly increased the workload and responsibilities of the district court. (Effective 1/1/09)

\$547,099	R	\$0	R
\$68,824	NR	\$0	NR
<u>\$615,923</u>		<u>\$0</u>	
7.00	FTE	0.00	FTE

NEW MAGISTRATE POSITIONS

New Magistrates (23) are requested to provide adequate staff coverage statewide. Magistrates have substantial responsibilities including the power to hear and enter judgments in certain worthless check cases and to accept written appearances, waivers of trial or hearing, and pleas of guilty or admissions of responsibility, as well as to enter judgments in certain misdemeanor and infraction cases. This request reflects the need to respond to the increasing responsibilities of magistrates in light of the continued growth of court workload. (Effective 1/1/09)

\$551,287	R	\$0	R
\$109,526	NR	\$0	NR
<u>\$660,813</u>		<u>\$0</u>	
23.00	FTE	0.00	FTE

DISTRICT COURT JUDICIAL SUPPORT STAFF

New Judicial Assistant I (7) positions are requested to provide adequate support to district court judges and to various alternative dispute resolution (ADR) programs. Aligning with a national trend towards ADR programs, the General Assembly and the Supreme Court have expanded requirements for use of child custody mediation, arbitration, and family financial settlement. Expanding use of ADR programs requires additional judicial assistant support to schedule, track, and report outcomes of these cases. This request is necessary because judicial assistant positions were not allocated as these processes were implemented, and the number of cases referred to ADR programs continues to grow annually. (Effective 1/1/09)

\$168,091	R	\$0	R
\$23,331	NR	\$0	NR
<u>\$191,422</u>		<u>\$0</u>	
7.00	FTE	0.00	FTE

INNOCENCE INQUIRY COMMISSION STAFF

Two new positions, Investigator and Secretary II, are requested to provide adequate support to the Innocence Inquiry Commission. The Commission is charged with evaluating post-conviction claims of actual innocence.

\$121,537	R	\$0	R
\$18,700	NR	\$0	NR
<u>\$140,237</u>		<u>\$0</u>	
2.00	FTE	0.00	FTE

SENTENCING AND POLICY ADVISORY COMMISSION STAFF

One new Senior Research and Policy Associate is requested by the Sentencing and Policy Advisory Commission. This position will assist the commission in the formulation of sentencing laws and policies.

\$0	R	\$0	R
\$0	NR	\$0	NR
<u>\$0</u>		<u>\$0</u>	
1.00	FTE	0.00	FTE

CONTINUATION REVIEW - CLERKS CONFERENCE

The Judicial Department requests the restoration of FY 2008-2009 recurring funds for the clerks of superior court conference.

\$121,402	R	\$121,402	R
\$0	NR	\$0	NR
<u>\$121,402</u>		<u>\$121,402</u>	
2.00	FTE	2.00	FTE

THE NORTH CAROLINA JUDICIAL DEPARTMENT

2008-2009 EXPANSION BUDGET REQUEST

AS OF MAY 12, 2008

CONTINUATION REVIEW-DA CONFERENCE FUNDS

The Judicial Department requests the restoration of FY 2008-2009 recurring funds for the Conference of District Attorneys.

Expansion Budget Request FY 2008-2009

\$401,289	R
\$0	NR
<u>\$401,289</u>	
5.00	FTE

Governors Recommendations

\$401,289	R
\$0	NR
<u>\$401,289</u>	
5.00	FTE

PROGRAMS

FAMILY COURT PROGRAM EXPANSION

New positions (8) are requested to expand Family Court into one new district effective July 1, 2008. Family Courts provide management of one family's issues before one judge based on time standards and available court services. The addition of the new district is expected to reduce the median age of pending cases in those districts, decrease the number of case continuances, and increase the satisfaction level of families due to the more efficient, timely, and less adversarial manner in which Family Courts handle cases. Positions included in this request are 1 Family Court Administrator, 4 Family Court Case Coordinators, and 3 Deputy Clerks.

\$493,693	R
\$41,178	NR
<u>\$534,871</u>	
8.00	FTE

\$0	R
\$0	NR
<u>\$0</u>	
0.00	FTE

NEW GUARDIAN AD LITEM (GAL) PROGRAM STAFF

Funding is requested to provide for 5 new Program Supervisors and 1 upgrade of a 3/4 Program Supervisor position to a full-time position, and 7 upgrades of Program Assistant positions from 3/4 to full-time positions.

\$480,686	R
\$14,130	NR
<u>\$494,816</u>	
7.00	FTE

\$0	R
\$0	NR
<u>\$0</u>	
0.00	FTE

CLERKS OF SUPERIOR COURT - DNA EVIDENCE STORAGE

Funding is requested regarding the preservation and disposition of possible DNA evidence, in accordance with S.L. 2007-539, to provide defendants access to DNA testing of evidence when current testing procedures are more accurate than past testing procedures.

\$500,000	R
\$0	NR
<u>\$500,000</u>	

\$500,000	R
\$0	NR
<u>\$500,000</u>	

AOC ADMINISTRATION

FINANCIAL SERVICES DIVISION

Internal Auditor II (3) positions are requested to perform advanced and independent auditing work to include responsibility for financial audits and more complex accounting of records and procedures in connection with comprehensive systems audits. With the growth in the number and complexity of financial and accounting systems within the Judicial Branch, there is a need to implement Department audit procedures.

\$297,354	R
\$76,353	NR
<u>\$373,707</u>	
3.00	FTE

\$0	R
\$0	NR
<u>\$0</u>	
0.00	FTE

JUDICIAL OFFICIALS

JUDICIAL OFFICIALS LONGEVITY

Recurring funding is requested to add 30 years of service as longevity components to the statutory judicial longevity system. Under the current system, the final step is 25 years of service. This request would add an additional step for which judicial officials would be eligible. Eligible judicial officials include justices, judges, clerks, and prosecutors.

\$249,799	R
\$0	NR
<u>\$249,799</u>	

\$249,799	R
\$0	NR
<u>\$249,799</u>	

THE NORTH CAROLINA JUDICIAL DEPARTMENT

2008-2009 EXPANSION BUDGET REQUEST

AS OF MAY 12, 2008

COMPENSATION STUDY DIRECTIVES

IMPLEMENT COMPENSATION STUDY DIRECTIVES

Recurring funds are requested to set the salary of the Chief Justice at a level in line with market data for such an office in Southeastern states, and to increase other judicial salaries at a comparable rate. Judicial Branch salaries are among the lowest within the Southeastern states, and not competitive with comparable public and private sector jobs in North Carolina. As such, the Judicial Branch is unable to attract and retain a judiciary from among the most experienced and accomplished members of the legal profession. In addition, District Attorneys cannot recruit and retain able attorneys due to this disparity.

Expansion Budget Request FY 2008-2009

Governors Recommendations

\$25,900,160 R

\$0 R

\$0 NR

\$0 NR

\$25,900,160

\$0

TOTAL JUDICIAL BRANCH EXPANSION COMPARED TO THE GOVERNORS RECOMMENDATIONS

Judicial Expansion Budget Request

Governors Recommendations

JUDICIAL DEPARTMENT, TOTAL RECURRING:

\$ 30,425,722

\$ 1,865,815

JUDICIAL DEPARTMENT, TOTAL NON-RECURRING:

\$ 386,647

\$ 34,605

JUDICIAL DEPARTMENT, TOTAL REQUEST:

\$ 30,812,369

\$ 1,900,420

JUDICIAL DEPARTMENT, TOTAL NUMBER OF POSITIONS:

79.00

22.00

THE NORTH CAROLINA JUDICIAL DEPARTMENT

2008-2009 EXPANSION BUDGET REQUEST

AS OF MAY 12, 2008

REDUCTIONS

Eliminate Three Special Superior Court Judges

Eliminate three vacant special superior court judge positions, which were previously not included in the Judicial Branch expansion budget request.

Expansion Budget Request FY 2008-2009	Governors Recommendations
(\$478,954) R	\$0 R
\$0 NR	\$0 NR
(\$478,954)	\$0
(3.00)	0.00

Eliminate Drug Treatment Court Reserve

Eliminate 2.75 drug treatment court positions authorized during the 2007 long session to replace expiring federal and county grant funds. Of the 5.75 FTE positions of this nature, 3.00 FTE have been established. Funds for 2.75 FTE remain in a reserve for this purpose.

(\$294,613) R	\$0 R
\$0 NR	\$0 NR
(\$294,613)	\$0
(2.75)	0.00

Eliminate Judicial Assistants

Eliminate two judicial assistants authorized in the 2007 long session to assist the new special superior court judges. Generally judicial assistants are not provided for special superior court judges.

(\$84,862) R	\$0 R
(\$6,668) NR	\$0 NR
(\$91,530)	\$0
(2.00)	0.00

Reduce Telephone Service

Reduce funding for telephone service charges since the responsibility of telephone services will be the counties as of July 1, 2008 pursuant to G.S. 7A-302.

(\$927,972) R	R
\$0 NR	\$0 NR
(\$927,972)	\$0

Reduce Dispute Settlement Center Funding

Reduce funding for three dispute settlement centers which are currently not in operation. Locations are Scotland (\$35,000), 1st District (\$51,977) and Polk (\$16,831)

(\$103,808) R	(\$103,808) R
\$0 NR	\$0 NR
(\$103,808)	(\$103,808)

Reduce Telephone Equipment

Reduce telephone equipment funding since the responsibility of telephone services will be the counties as of July 1, 2008 pursuant to G.S. 7A-302

(\$730,277) R	(\$1,000,000) R
(\$1,695,084) NR	(\$500,000) NR
(\$2,425,361)	(\$1,500,000)

Reduce Ground Transportation, In-State

Proposed by Office of State Budget and Management

\$0 R	(\$267,319) R
\$0 NR	\$0 NR
\$0	(\$267,319)

Reduce Lodging, In-State

Proposed by Office of State Budget and Management

\$0 R	(\$50,000) R
\$0 NR	(\$50,000) NR
\$0	(\$100,000)

Reduce Registration Fees

Proposed by Office of State Budget and Management

\$0 R	(\$200,000) R
\$0 NR	\$0 NR
\$0	(\$200,000)

Reduce Employee Educational Assistance

Proposed by Office of State Budget and Management

\$0 R	\$0 R
\$0 NR	(\$8,873) NR
\$0	(\$8,873)

Reduce Other Employee Educational Expenses

Proposed by Office of State Budget and Management

\$0 R	(\$28,740) R
\$0 NR	(\$171,260) NR
\$0	(\$200,000)

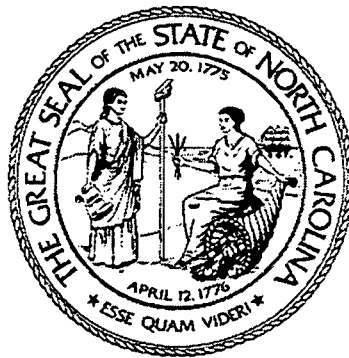
THE NORTH CAROLINA JUDICIAL DEPARTMENT

2008-2009 EXPANSION BUDGET REQUEST

AS OF MAY 12, 2008

	Expansion Budget Request FY 2008-2009	Governors Recommendations
Reduce Office Supplies	\$0 R	(\$200,000) R
Proposed by Office of State Budget and Management	\$0 NR	(\$200,000) NR
	\$0	(\$400,000)
Reduce Library and Learning Resources	\$0 R	(\$175,000) R
Proposed by Office of State Budget and Management	\$0 NR	(\$175,000) NR
	\$0	(\$350,000)
Reduce Other DP Equipment	\$0 R	(\$500,000) R
Proposed by Office of State Budget and Management	\$0 NR	(\$500,000) NR
	\$0	(\$1,000,000)
Reduce Memberships and Subscriptions	\$0 R	(\$20,619) R
Proposed by Office of State Budget and Management	\$0 NR	(\$21,619) NR
	\$0	(\$42,238)
Reduce Miscellaneous Expenses	\$0 R	(\$75,000) R
Proposed by Office of State Budget and Management	\$0 NR	(\$75,000) NR
	\$0	(\$150,000)
TOTAL RECURRING REDUCTIONS:	\$ (2,620,486)	\$ (2,620,486)
TOTAL NON-RECURRING REDUCTIONS:	\$ (1,701,752)	\$ (1,701,752)
TOTAL REDUCTIONS:	\$ (4,322,238)	\$ (4,322,238)
TOTAL NUMBER OF POSITION REDUCTIONS:	-7.75	0.00
TOTAL JUDICIAL BRANCH ADJUSTMENTS COMPARED TO THE GOVERNORS RECOMMENDED ADJUSTMENTS	Judicial Expansion Budget Request	Governors Recommendations
TOTAL RECURRING ADJUSTMENTS:	\$ 27,805,236	\$ (754,671)
TOTAL NON-RECURRING ADJUSTMENTS:	\$ (1,315,105)	\$ (1,667,147)
TOTAL ADJUSTMENTS:	\$ 26,490,131	\$ (2,421,818)
TOTAL NUMBER OF POSITION ADJUSTMENTS:	71.25	22.00

MEASURES OF COURT PERFORMANCE AND RESOURCE ALLOCATION



**Report Pursuant to
SL 2007-323, Sec. 14.18**

May 2008

**Administrative Office of the Courts
Research and Planning Division**

**MEASURES OF COURT PERFORMANCE
AND RESOURCE ALLOCATION**

Report Submitted Pursuant to SL 2007-323, Sec. 14.18

May 2008, Administrative Office of the Courts

CONTENTS

Introduction and Executive Summary	1
I. Workload Formulas for Resource Needs and Allocation	3
II. Court Performance and Management System (CPMS).....	4
III. Technology	7
IV. Feedback from Clerks and Prosecutors about the Impact of New Resources to Date	9
SUMMARY AND CONCLUSION.....	12
APPENDIX: CPMS Data	

INTRODUCTION AND EXECUTIVE SUMMARY

In its 2007 Session, the General Assembly was able to make substantial progress in additional resources for the operation of our court system. The bulk of \$30-plus million in expansion funding was for additional personnel (spread over the two years of the biennium), including for our understaffed Clerks of Superior Court, plus additional magistrates, prosecutors and support staff for district attorneys, some district court judges and judicial support staff, and program expansion and staff. In addition, for the first time in many years, a significant amount was provided for technology (some \$8 million recurring). In the wake of many years without adequate resources, there remains much catching up to do for the administration of justice, and the Judicial Branch is very grateful for this progress.

The 2007 General Assembly also enacted the following special provision (SL 2007-323, Sec. 14.18, which directed an interim report that was submitted last December, and this final report due May 1, 2008). In simple terms, this provision is a direction to the Judicial Branch to methodically measure its performance, document its resource needs, and be accountable to the Legislature, and the public, in the use of the recent and future resources:

"The Administrative Office of the Courts shall develop and implement a system to measure the impact of the funding provided in this act on the operation of the courts. The system shall include uniform performance measures and standards for caseload management and resource allocation, including funding, personnel, technology, and equipment at district and county levels."

According to the National Center for State Courts (NCSC), North Carolina is among a handful of states pioneering the development and implementation of such a comprehensive system of performance measurement and resource allocation. (The other states include Arizona, California, Massachusetts, Minnesota, and Utah.) While many states are at various stages in the design and use of performance standards, we are among the very few integrating this with resource assessment and allocation directly related to the budgetary process.

The basic components of such a system are being implemented, although much work remains, with much to be learned nationally and locally about how to measure justice. In our changing social and legal system, it will remain a challenging, innovative and evolving process. The following sections of this report summarize our substantial progress to date, and road map for improvements:

(1) Workload Formulas, Resource Allocation: Last year, with assistance from the NCSC, the AOC developed and implemented workload formulas for district court judges, clerks, and magistrates. Based on the amount of judicial or staff time needed for a given workload, these formulas provide a sound, empirical measure of the resources needed. Drawing again on the NCSC's extensive national experience, and

with an ambitious methodology in mind, the AOC is refining the existing formulas, and developing new ones for Family Court program staff and, in conjunction with the Conference of District Attorneys, for prosecutorial needs. 34:

(2) Court Performance and Management System (CPMS): The CPMS is a web-based performance standards and measurement system based on a nationally recognized model (CourtTools) developed by the NCSC over the past several years. Our system provides data, updated monthly, for every county and district, on three core measures of the court's ability to dispose of its workload, in a timely way. The CPMS is available to every court official, and the public, on the court web site - www.nccourts.org (click "Performance Management" in the "Quick Index").

(3) Technology: Technology plays a crucial role for both performance measurement and resource allocation. Performance and workload measurement depend on the ability of our automated systems to track the relevant data as cases are filed and make their way through the courts. Technology also has a direct, positive impact on resource needs. One recent example is eCitation under which law enforcement enter traffic citations from their patrol cars directly into the court system's computer, some 800,000 in 2007, resulting in improved accuracy and a workload savings for clerks, who previously entered all this data from handwritten citations.

The coordinated development of those three initiatives -- the CPMS, workload formulas, and technology -- is gradually giving shape to the pioneering system of measurement and accountability that the foregoing legislation directs, and to which the AOC is committed. Where workload formulas assess the quantity of work and the resources needed, performance measurement considers the quality of what those resources should accomplish. The evolving result is a system that documents court needs and performance in an accountable way, not just in terms of more and more resources, but also in terms of what can be done administratively to improve operations and results. These systems will better equip the courts to identify cost-effective best practices in one area that might help statewide. The ultimate benefit, and the core underlying values, are public service and public trust.

(4) Impact of resources provided in the 2007 session: That comprehensive and ambitious measurement and management system, here and nationally, cannot be promised or achieved overnight. From the six or so months since the effective date (October 2007) and hiring of the additional positions, it would be too early for any impact to be reflected even with fully developed performance measurement technology. Also, the court system remains critically under staffed -- half of the positions authorized by the 2007 Legislature do not take effect until next fiscal year. Nonetheless, the final section of this report summarizes input from Clerks of Superior Court who received a significant number of positions, and from prosecutors queried by the Conference of District Attorneys. In very grateful and optimistic terms, these officials report positive and promising results.

I. Workload Formulas for Resource Needs and Allocation

In the past, the AOC only had relative measures of staffing needs and allocations. That is, we measured the number of cases per staff in each county or district, and could identify which counties or districts were more or less in need of additional staff compared to the others. That did not, however, offer an absolute measure of staffing needs -- which is the question of how many people are needed to do the job, aside from how many have been provided before, or how many someone else has. Although virtually every district could explain a compelling need for more help, we had no objective measure of how much was needed, or where.

The AOC has developed workload formulas for district court judges, clerk offices, and magistrates to fill this need, and provide the General Assembly with a sound and documented basis for resource needs and allocations. A detailed report was provided to the legislature during the 2007 Session, and was favorably received (legislation was introduced to adopt the formulas in a statutory framework for the continuation budget). The formulas were developed with assistance from the National Center for State Courts, which has extensive experience in this area with several states.

The formulas are based first on the amount of time the respective personnel (judges, magistrates and clerks) can devote in a year to the workload at hand -- exclusive of weekends, holidays, sick and vacation leave, and time such as training or travel that is not available for the case-specific work. Second, the system defines and measures the categories of work that must be performed, corresponding of course, to the types of cases filed before the courts and the activities (trials, data entry for clerks, etc.) that must be performed. Third, the formulas assess the amount of time that *is* taken now, and that *should* be taken, to properly do each task.

With these basic ingredients --the amount of time a person can devote to the workload, and the amount of time the workload requires-- the formulas provide a sound, empirically based, objective measure of the staff needed for the workload that our court system faces, and when applied on the county or district levels, the appropriate allocation.

The AOC is finalizing a contract with the NCSC to improve the existing formulas and develop some new ones. In coordination with the Conference of District Attorneys, new formulas will be developed for prosecutorial resources, and the AOC will develop formulas for the staffing needs of our growing and very successful Family Courts. The AOC will also review and improve the existing formulas for clerks and magistrates.

Periodic review and improvement are inherent to the nature of these workload formulas. The amount of time required for the various tasks can change as the nature and complexity of caseloads change over time, or with technological innovations. For example, if a category of crime is made a felony instead of a

misdemeanor, then it will require more time to handle those cases. Or, in the area of technology, if a new system makes a clerk's bookkeeping or other data entry job easier, then less time would be required for that category of work. In addition, periodic review is necessary as experience is gained with the formulas and we learn that additional factors are relevant. For example, for clerk offices, the AOC and clerk representatives will review factors that might be added to the formulas to take into account differences in scale that affect resource needs differently for small, medium or large counties. Finally, with technical assistance from the NCSC, the AOC is planning ambitious "time studies" for some or all of the formulas, to provide an enhanced quality of base data; for a limited, sample time, staff will report on a daily basis the actual amount of time they devote to the various specific tasks they perform.

The result of these efforts is the emergence of a state-of-the art system for documenting the resource needs of the Judicial Branch. Along with the Court Performance and Management System outlined below, the AOC is piecing together a coordinated and complimentary system for measuring both quantity and quality -- the resources needed to do the job, and do it well.

II. Court Performance and Management System

Through the State Judicial Council, and with assistance of an expert consultant who was integral in the National Center for State Courts performance standards / CourtTools project, the AOC has developed and implemented a web-based Court Performance and Management System (CPMS). Accessible via the court system web site (www.nccourts.org), the CPMS provides up-to-date data, refreshed each month, for state totals, or any county or district, on three core measures of court performance:

Case clearance: cases disposed as a percent of cases filed (if the courts cannot dispose of the cases that are filed, then a backlog will result, and this measure will so indicate);

On-time processing: the percentage of cases disposed within time-guidelines; and

Aging case index: a measure of cases that are still pending, and older than times in the guidelines.

A sample page from the CPMS is shown below.

HOME THE NORTH CAROLINA COURT SYSTEM

Jobs | Judicial Directory | Forms | FAQs | Contact Us [SEARCH](#) [ADVANCE](#) [GO](#)

Statistics & Research Planning > CPMS Home > Summary > DISTRICT COURT CIVIL - STATE TOTALS

DISTRICT COURT CIVIL - STATE TOTALS

Data are current as of March 2008

State Totals

Superior Court District

District Court District

County Totals

Disclaimer

For comments and suggestions for further refinements to the CPMS, please e-mail us at court-performance@nccourts.org

CASE CLEARANCE (past 12 months)

Cases disposed as a % of cases filed (click for definitions)

Civil Magistrate	100%	↔	Click for Trend Graph
Domestic Relations	102%	↔	Click for Trend Graph
Civil	90%	↔	Click for Trend Graph

ON-TIME PROCESSING (past 12 months)

% of cases disposed within established guidelines (click for definitions)

Civil Magistrate	106%	↔	Click for Trend Graph
Domestic Relations	91%	↔	Click for Trend Graph
Civil	99%	↔	Click for Trend Graph

AGING CASE INDEX (as of March 2008)

Cases older than established guidelines as a % of total pending (click for definitions)

Civil Magistrate	1%	↔	Click for Trend Graph
Domestic Relations	11%	↔	Click for Trend Graph
Civil	4%	↔	Click for Trend Graph

For CPMS future plans click here

[Click here for statistical data \(# of cases\)](#)

[Back](#)

In its design, the CPMS is analogous to the dashboard on a car, which gives the driver visual cues about the vehicle's status, and any need to attend to some system, like low oil or over-heating. On initial screens, the CPMS shows an overview of the performance measures in broad case categories, with color-coded arrows (red, green or blue) indicating a negative, positive, or neutral trend. By clicking a case category, as one might where a measure does not appear favorable, or where a red arrow may signify a possible downward trend, a court manager (or anyone else) can delve down into more specific case categories and more detailed statistics.

The CPMS is a system that documents court performance, and enables managers to identify potential areas on which to focus, diagnose, and improve upon. In areas where measures are consistently top notch, the court can look into best practices from which other districts could benefit.

The Appendix to this report includes CPMS measures for the state.

- On the clearance measure, for the twelve month period ending March 2008, the court system was able to dispose of at least 100% of the cases in most case categories measured, with perhaps the most notable exception of district court civil cases (which was at 90%). A measure over 100%, which is being achieved in some areas in some months, indicates that progress is being made on backlogs.
- Results for the on-time processing and aging case index (backlog) measures appear at first glance less impressive, with some relatively low percentages (generally 60% to 90%) of cases disposed within time guidelines, and backlogs running around 5% or more.

These latter measures are not altogether surprising. An under-funded court system cannot be expected to dispose of a growing caseload in a just and timely manner, as was emphasized in the AOC's funding requests. Nonetheless, with the clearance rates high, there are promising signs. As older, backlog cases are disposed, the *average* age of the disposed cases will inevitably become older. That is, temporarily, the low (poor) on-time processing measures are not always a bad sign; the age of disposed cases will inevitably look worse (will be skewed) when the backlog cases, with very old ages, are finally disposed of. We are hopeful that the recent resources and the additional personnel that will be added next fiscal year will enable the courts to make more dramatic inroads and that we will see on-time processing measures going up and backlog measures down.

Phase II improvements to the CPMS will increase its precision and utility as a management tool. The principal categories of expansion being worked on now and planned for the next phase include:

- Expansion to additional case types: Currently, the performance measures are offered only for broad cases categories. For example, the case types for superior court criminal now are limited to murders, other felonies, and misdemeanors. AOC staff have identified and will be implementing a substantial improvement in the details that will be shown. On the criminal side, breakdowns will be by specific crime types, including for felonies, among others, drug trafficking, other drug offenses, sex offenses, and assaults, and at the district court level, domestic violence and DWI. Similar details will exist for civil cases as well, including for the work-intensive categories of equitable distribution and custody matters in district court domestic cases.
- Additional measures: Two key additional measures have been adopted by the Judicial Council, for which implementation is dependent on automation system improvements. The first is calendar date certainty, which means the number of times a case is put on a calendar before being disposed of. The second will measure recovery of restitution for crime victims compared to the amounts ordered.
- Evaluating and improving existing time guidelines, and adopting guidelines for case types that do not have them now: A court system goal, of course, is to dispose of cases in a timely way. The definitions of "timely," however, are neither cast in stone nor universally recognized. Our CPMS is part of a national endeavor toward defining exactly what "timely" means -- what realistically can and should be achieved, consistent with the full and fair resolution of disputes.
- Establishing user groups and other approaches to promote more practical use of the CPMS for local case management: Subject to staff resources, the AOC will more systematically evaluate and report trends and results, and

identify best practices from areas of the state with consistently strong performance.

Finally of note, the CPMS also includes a web-based survey that people who use our courts can complete. The results can be viewed on the web site for any county or district, although responses to date have been limited, and must be considered with considerable caution due to the biased nature of the results -- they reflect the views only of people with access to the web (anywhere in the world), who for whatever reasons decide to complete the survey. Based on results from a more comprehensive manual (and very labor-intensive) public survey coordinated by the AOC in every courthouse in 2003, a majority of respondents reported satisfaction with court courtesy, respect and fairness; major areas of dissatisfaction related to timeliness and parking (which is a county responsibility).

III. Technology

While it is beyond the scope of this report to detail the many technology projects and issues facing the Judicial Branch, significant progress has been made with funding and personnel to advance several projects, including eFiling, NCAware, ePayment and others. Technology is crucial to the goals in the legislation underlying this report, and to the initiatives described above that the AOC is undertaking to realize those goals.

The importance of technology in this context falls into two principal categories. First, good technology is a prerequisite to being able to measure workload and performance. Second, by making the work of court personnel more efficient and productive, technology offers opportunities to reduce the growth in resources, and expense, that would otherwise be needed.

Adequate technology funding is a prerequisite to measurement.

As mentioned above, among the areas planned for expansion of our CPMS are additional measures of importance to public service. One relates to a measure called "trial date certainty," which in practical terms for citizens, law enforcement and others, translates into whether people must make unnecessary trips to the courthouse before their business is finally resolved. A second new measure will track how well our state (be it through the courts, probation, tax liens or otherwise) is able to enforce judicial orders of restitution for crime victims. Implementing these measures, however, depends on the resources for technological enhancements, some quite substantial, such as integrating fiscal and case management systems. Technology also affects workload measurement in sometimes technical but fundamental ways. For one example, a unit of measure that permeates our criminal systems relates to whether we can count "cases" or "defendants," and for the latter, major improvements are needed.

For these examples, and many other important reasons, adequate funding for the ongoing improvement and rewrite of aged automation systems is critical. The basic reasons to measure workload and performance relate, of course, to determining whether state funds are allocated in the correct ways, and are achieving the desired results. The state cannot answer those questions very well, however, without proper investment in and continuation maintenance of the technological tools that enable measurement.

Cost-saving Efficiencies

When asked about the impact of new positions that the legislature provided in 2007, some clerks specifically mentioned work-saving gains from technology, and in particular, the relatively recent eCitation system. eCitation is a system in which law enforcement officers enter minor criminal and traffic citations from their patrol cars, with the information going directly into the court system's computer. Approximately 800,000 citations were entered this way during calendar 2007, and the number is increasing. In addition to gains in accuracy for the courts and law enforcement, it is possible to estimate a monetary savings for clerk personnel. If 1,000,000 citations are entered through eCitation each year, and if it otherwise would have taken clerk personnel an average of two minutes to manually enter the data into the computer from the handwritten citation forms, then we can estimate that growth in clerk staffing needs was reduced by some 25 deputy clerks, a first-year savings of about \$1 million.*

As explained above, the AOC's workload formulas in effect take existing savings (present practice) into account, and periodic reviews will factor in future time-savings from technology -- assuming that technology is funded well enough to realize future savings. And it must be understood that with caseloads and population increasing, technology offers a *reduction in the increase* of costs that would otherwise have been necessary. Nonetheless, the savings is important and real. Several AOC automation projects are due to come on line over approximately the next year: "ePayment" will relieve work for clerk offices by allowing citizens to pay some traffic tickets and other amounts on line; "discovery automation" will help prosecutors comply with the law that requires them to provide materials to the defense; "eFiling" will enable people to file some court papers electronically; and a major rewrite of the magistrate system will improve efficiency and public safety by providing statewide access to outstanding warrants and orders for arrest. One longer term project is to make our crowded district court calendars paperless and automate their scheduling. Another that will be of great savings to clerks is the "CCIS Clerks Component," a rewrite of the court system's 20-year old criminal and infraction system.

*The arithmetic for that estimate is as follows. At two-minutes per citation, for 1,000,000 citations, the time required for manual data entry would have been 2,000,000 minutes. Applying the time-factor from the AOC workload formula for deputy clerks --an availability of 79,898 minutes per year-- translates into 25 positions, and at the current position cost of \$41,862 (including first-year, non-recurring costs), the first year savings amounts to some \$1,046,550.

Under funding over the years has been at the expense of basic infrastructure for court technology. As for any substantial business operation, however, the efficiencies of technology are a cost-effective necessity.

IV. Feedback from Clerks and Prosecutors about the Impact of New Resources to Date*

Deputy Clerks

The 2007 Legislature provided funding for a substantial increase in deputy clerk positions, with 150 made effective this fiscal year (October 1, 2007), and 147 additional positions forthcoming, to be effective next fiscal year (July 1, 2008). The need for these positions was identified by the workload formulas developed by the AOC (summarized above). In accord with those formulas, the bulk of the positions were allocated to high case-volume counties which over the years had fallen further behind. Mecklenburg and Wake Counties were allocated the most positions (25 and 21 respectively), and eight other counties received at least five positions each.

We asked those ten Clerks for input into how they foresee the impact of the new positions. Responses emphasized that the improvements are a work in progress, with half of the positions to take effect next year, and with only about six months of experience since the new positions for this year were hired. Nonetheless, it would be hard to understate the sense of relief, optimism, and appreciation to the Legislature that these Clerks expressed.

The ways in which these Clerks foresee improvements offer insight not just into the positive impact of the funding, but also to the variety and extent of the duties Clerks perform for the public. In addition, it calls attention to how the public has been affected by the inadequacy of resources, in such basic ways as being able to reach someone on the telephone.

Among areas where improvements can already be seen are:

- improving the public's ability to reach clerk staff by phone, by having additional phone / switchboard operators;

*This section focuses on clerk and prosecutorial positions, although on the trial court level some significant funding was also provided for additional district court judges and magistrates. In general, however, those positions were effective or retained later than the clerk and prosecutorial positions, and were not as numerous and/or as concentrated in a relatively few counties or districts, making meaningful assessment of the impact unfeasible at this time. Six district court judge positions became effective January 1, 2008; three more will become effective next fiscal year, in January 2009. With respect to magistrates, 21 positions became effective October 1, 2007, and 21 more will become effective July 1, 2008. With the exception of Durham, which was allocated four, the other magistrate positions were allocated among 17 counties.

- keeping offices open to the public the entire workday, instead of having to close at lunch or other times when staff shortages arise from vacations or illnesses;
- improved service at the public counters, which is where citizens come for help concerning the filing and processing of criminal and civil cases;
- quicker customer service ("Our staff has been able to spend more time with [domestic violence] victims while reducing the overall wait time ...") (two additional positions assigned as cashiers enabled one clerk to reduce the time to process mail from 72 to under 48 hours);
- less wait time for citizens (one clerk cut wait time in the estates department by ten minutes, and in a criminal records department, "lines are long but [no longer] out the door");
- faster processing of small claims, evictions, and other actions (one Clerk reports that with an additional deputy clerk for adoptions, processing time can be reduced from six months to the statutory minimum ninety days from the date of a petition);
- additional staff is being used (and still needed) for such growing areas as foreclosures.

Some less direct but equally important aspects of improved public service arise from ways Clerks are able to manage their offices and workloads with greater efficiency and productivity, citing gains in such areas as:

- supervision ("the ability to have enough people to actually supervise what's going on");
- planning;
- flexibility in staffing decisions, including better and more flexible opportunities for cross training;
- inroads into backlogs, such as keeping up better on keying citations and the extensive other data entry required for civil and criminal cases;
- the ability to restructure divisions of the office, or add needed divisions, so that services will be provided by staff who can be more focused and specialized (a need cited in particular for victims of domestic violence);
- improved ability to cover additional sessions of courts, such as for DWI, without pulling deputies from other essential functions;
- more timely receipting of funds;
- one clerk was able to take responsibility for sorting district court criminal calendars, freeing an assistant district attorney to focus on prosecutorial duties.

Another telling item cited by almost every Clerk relates to the stress that personnel have heretofore faced. The relief of this stress translates into better public service in countless ways, one of which may be an improved ability to retain experienced staff, a long-standing problem for clerk offices. One Clerk commented: "I cannot begin to tell you what these extra positions have done for the morale of our staff. The stress the staff was under particularly when there were three or four

people on vacation, and then three or four would be sick, was tremendous. . . . it was impossible to cover everything. We are going to be able . . . to serve the public and take care of all of our responsibilities."

It would difficult to find something more fundamental and to the point.

Prosecutors

The 2007 General Assembly provided funding for 30 Assistant District Attorneys (ADAs), 40 Victim-Witness Legal Assistants, and seven Investigators effective October 1, 2007, with about the same numbers (two fewer ADAs) that will become effective next fiscal year. As for Clerks, with only half of the positions effective this fiscal year, District Attorneys point to ongoing needs for assistants and other staff. However, important improvements are already happening, in areas including:

- improved screening of charges, discovery and trial preparation from a new investigator position;
- improved staffing for domestic violence cases;
- headway on the backlog, and ability to start targeting over-age cases, especially DWI;
- fewer continuances (having an extra assistant district attorney available to meet with defense counsel, while other ADA's can still call dockets and try cases, reduces continuances and inefficient down- or wait- time in the courtroom);
- more timely and efficient felony processing in superior court (one DA explained that he no longer has to pull felony prosecutors away to cover district court, and foresees less pressure to negotiate plea arrangements merely to move a calendar)
- improved ability to meet with victims, witnesses, and law enforcement *prior to trial*, and otherwise screen cases, resulting in improved assessment of which cases to prosecute to the full extent of the law, versus negotiate or not indict;
- ability to add sessions of court and cover such specialty criminal courts as drug courts, and a domestic violence court;
- better prosecutions and more satisfied officers and victims (one DA cited more flexibility in scheduling ADAs, allowing them time to prepare felony probable cause hearings and more complex misdemeanor trials such as death by motor vehicle and domestic abuse);
- expand and improve services to victims (one DA explained that heretofore this could not be done well enough, that victims would not always know who their assigned VWLA is, and that it will become possible to start providing services and "real advocacy" for some victims who fall outside the Victim Rights Act, but who still need help, such as in misdemeanor death by vehicle or DWI cases);

- improved attention to violent felonies and drug crimes (one DA explained that by hiring new attorneys for misdemeanor courts, more experienced attorneys could advance to handle felonies)
- an ability for additional staff to receive important training opportunities (which is not possible when staffing is insufficient to cover court rotations);
- benefits to victims, the public and citizens that one DA cited include improved prosecutions in areas of white collar, non-violent, and gang cases; the ability of the drug crime team to focus on the most serious trafficking offenders; a benefit to counties from reduced jail population with improved capacity to sift out and dispose of cases; and a dramatic improvement in disposing of misdemeanor appeals (which go to superior court) resulting in improved turn-around time for domestic violence cases.

SUMMARY AND CONCLUSION

For many years, over the past decade plus, funding for our court system has not kept pace with caseloads that have been growing in size and complexity. In response to what has become a crisis in the administration of justice for our citizens, the 2007 General Assembly appropriated funds making substantial progress in court staffing and other resource needs. The 2007 Legislature also enacted a provision, in compliance with which this report is submitted, directing the Administrative Office of the Courts to develop and implement a system that would integrate measures and standards for both the performance and funding of the courts.

Such a system was already in development. We are one of a handful of states involved in what the National Center for State Courts has called a "pioneering" effort to link performance measures, resource allocations, and funding in this way. This report summarized the substantial progress being made with the principal components, consisting of workload formulas that identify resource needs and allocations, our web-based Court Performance and Management System, and the importance of technology in all aspects of this process. This report also summarized, to the extent possible this early, the positive impact that the appropriations from the 2007 Session are having on service to the public.

Our ambitious, comprehensive system of performance and resource measurement is and will remain an innovative and evolving undertaking. It is one to which the Judicial Branch is committed. We hope that, with court resource needs and performance soundly documented in an accountable way, we are entering an era in which no crisis in funding, or justice, will recur.

APPENDIX

Performance Measures in the Court Performance and Management System (CPMS)

Extensive additional information and statistics are available
from the CPMS on the Judicial Branch web site:

www.nccourts.org

(click on "Performance Management" in the "Quick Index")

INDEX OF CHARTS AND TABLES -- Page

Superior Court

Felony (non-murder)	A1
Misdemeanor Appeals	A2
Civil	A3

District Court

Felonies	A4
Criminal Non-Motor Vehicle	A5
Criminal Motor Vehicle	A6
General Civil	A7
Civil Domestic	A8
Civil Magistrate	A9



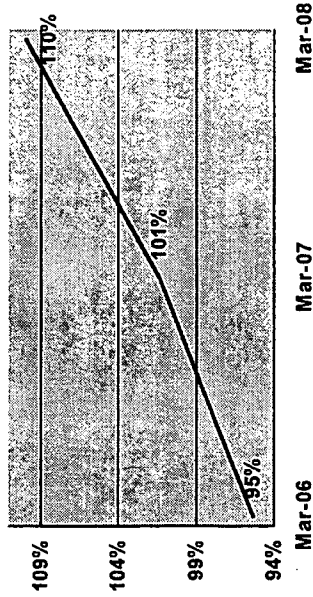
ADMINISTRATIVE OFFICE OF THE COURTS

COURT PERFORMANCE MANAGEMENT SYSTEM

Superior Court Criminal
Felonies (Non-Murder)

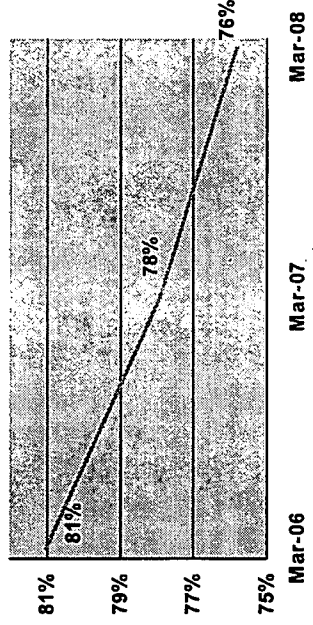
Statewide TOTAL

Case Clearance



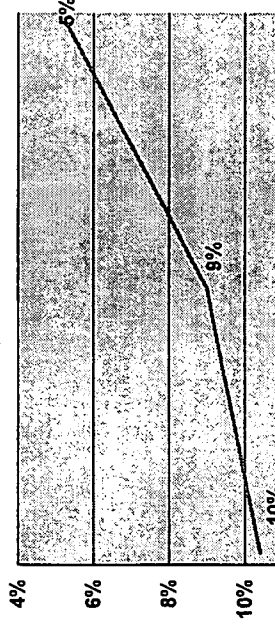
Cases disposed as a % of cases filed
(A higher percentage is better)

On-Time Processing



% of cases disposed within established guidelines
(A higher percentage is better)

Aging Case Index



Cases older than established guidelines as a % of total pending
(A lower percentage, which is an upward trend, is better)

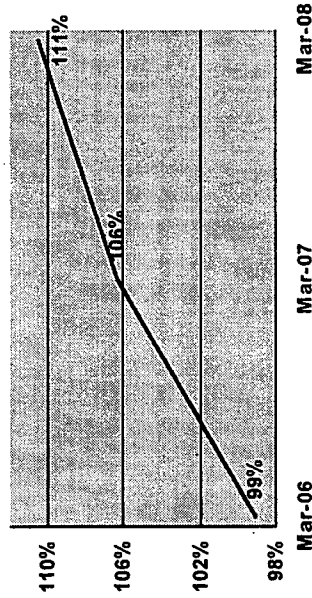


ADMINISTRATIVE OFFICE OF THE COURTS

COURT PERFORMANCE MANAGEMENT SYSTEM

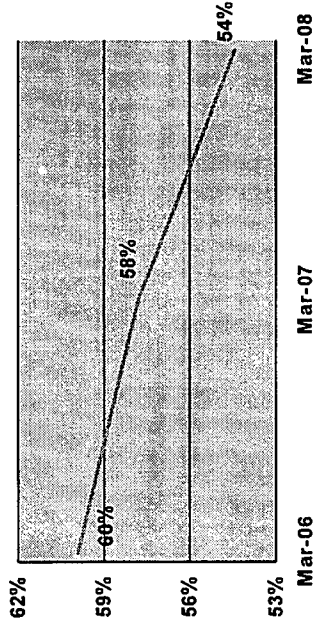
Superior Court Criminal
Misdemeanor Appeals
Statewide TOTAL

Case Clearance



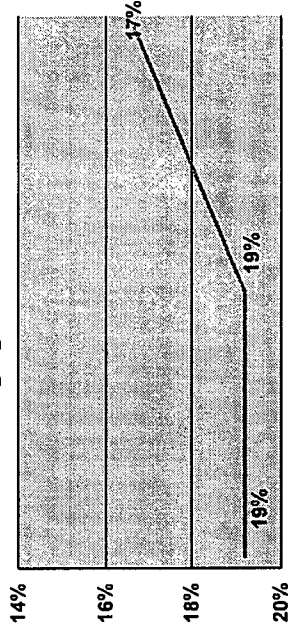
Cases disposed as a % of cases filed
(A higher percentage is better)

On-Time Processing



% of cases disposed within established guidelines
(A higher percentage is better)

Aging Case Index



Cases older than established guidelines as a % of total pending
(A lower percentage, which is an upward trend, is better)



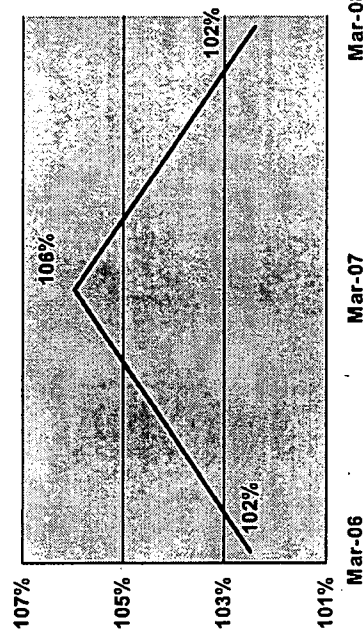
ADMINISTRATIVE OFFICE OF THE COURTS

COURT PERFORMANCE MANAGEMENT SYSTEM

Superior Court Civil
Civil

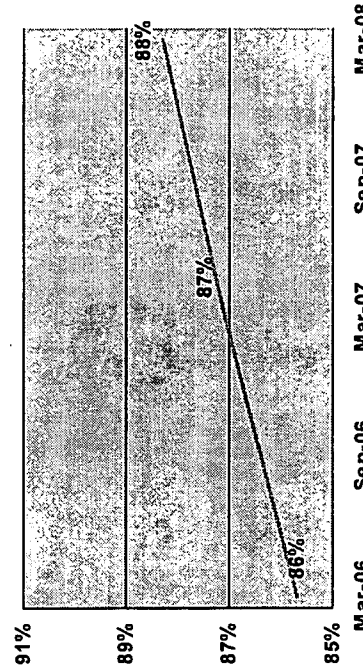
Statewide Total

Case Clearance



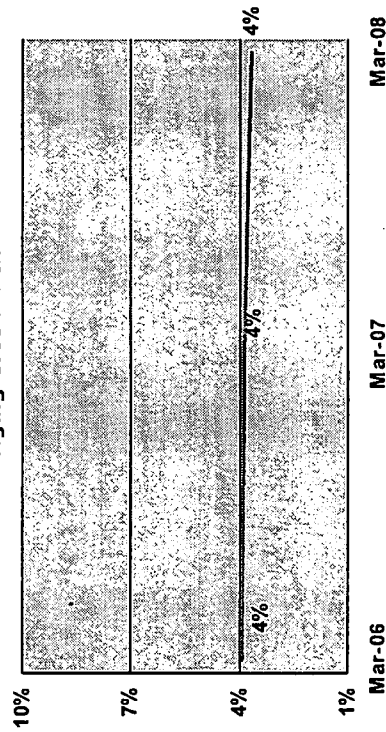
Cases disposed as a % of cases filed
(A higher percentage is better)

On-Time Processing



% of cases disposed within established guidelines
(A higher percentage is better)

Aging Case Index



Cases older than established guidelines as a % of total pending
(A lower percentage, which is an upward trend, is better)

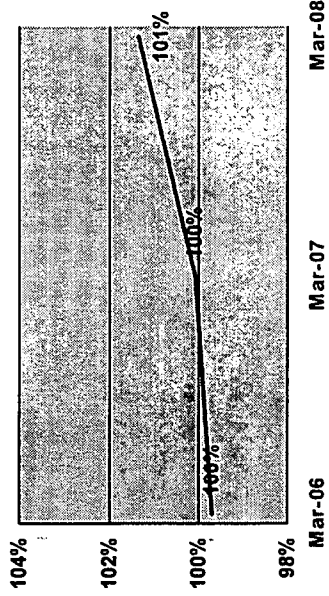


ADMINISTRATIVE OFFICE OF THE COURTS

COURT PERFORMANCE MANAGEMENT SYSTEM

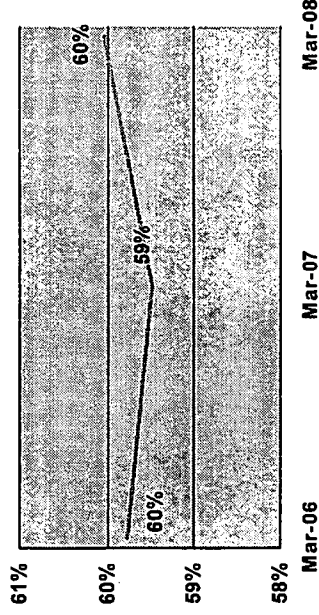
District Court Criminal
Felonies
Statewide TOTAL

Case Clearance



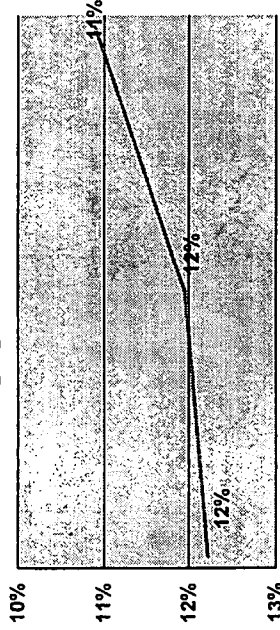
Cases disposed as a % of cases filed
(A higher percentage is better)

On-Time Processing



% of cases disposed within established guidelines
(A higher percentage is better)

Aging Case Index



Cases older than established guidelines as a % of total pending
(A lower percentage, which is an upward trend, is better)

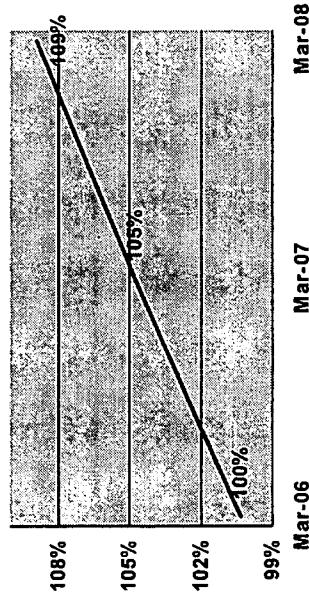


ADMINISTRATIVE OFFICE OF THE COURTS

COURT PERFORMANCE MANAGEMENT SYSTEM

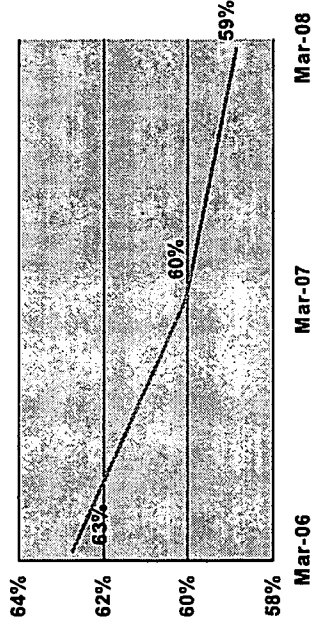
District Court Criminal
Non-Motor Vehicle
Statewide TOTAL

Case Clearance



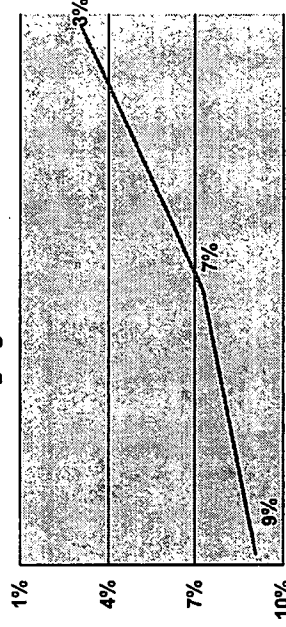
Cases disposed as a % of cases filed
(A higher percentage is better)

On-Time Processing



% of cases disposed within established guidelines
(A higher percentage is better)

Aging Case Index



Cases older than established guidelines as a % of total pending
(A lower percentage, which is an upward trend, is better)

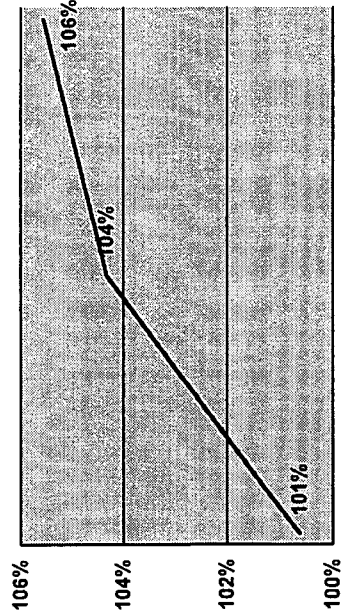


ADMINISTRATIVE OFFICE OF THE COURTS

COURT PERFORMANCE MANAGEMENT SYSTEM

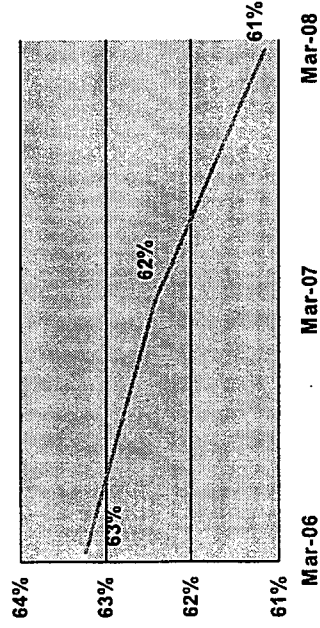
District Court Criminal
Motor Vehicle
Statewide TOTAL

Case Clearance



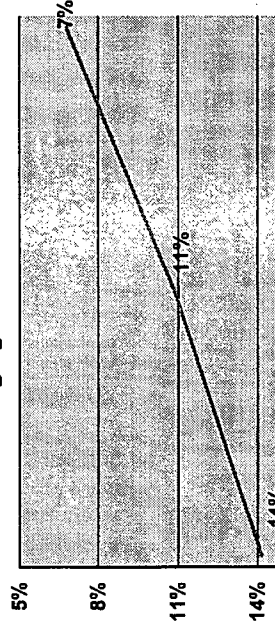
Cases disposed as a % of cases filed
(A higher percentage is better)

On-Time Processing



% of cases disposed within established guidelines
(A higher percentage is better)

Aging Case Index



Cases older than established guidelines as a % of total pending
(A lower percentage, which is an upward trend, is better)

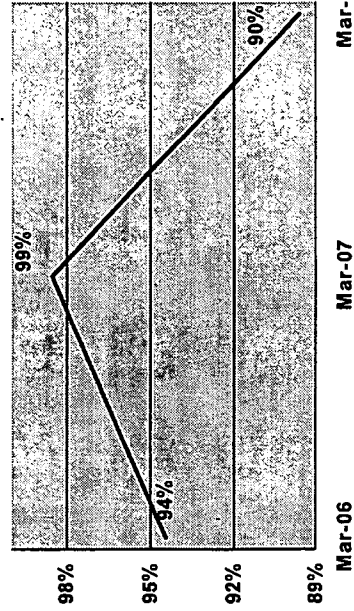


ADMINISTRATIVE OFFICE OF THE COURTS

COURT PERFORMANCE MANAGEMENT SYSTEM

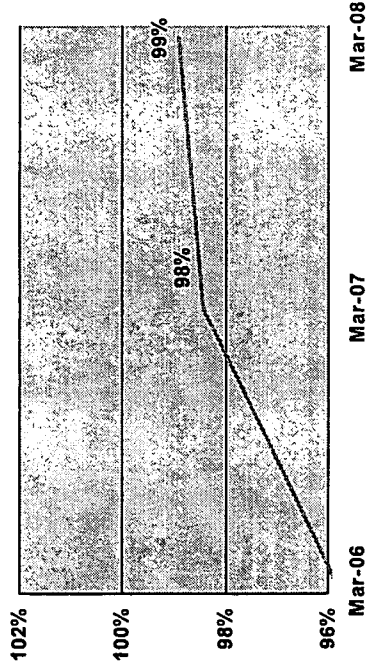
District Court Civil
General Civil
Statewide Total

Case Clearance



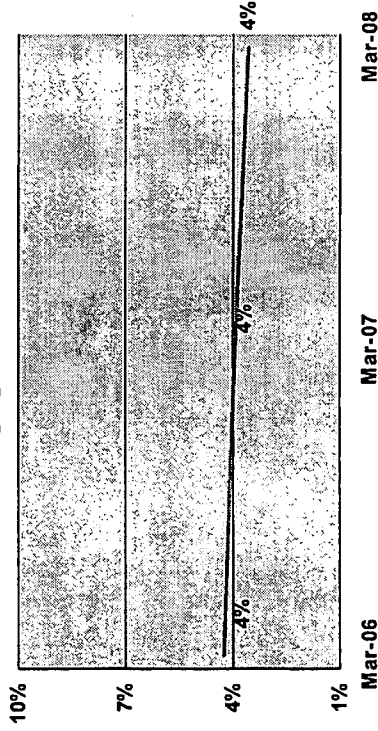
Cases disposed as a % of cases filed
(A higher percentage is better)

On-Time Processing



% of cases disposed within established guidelines
(A higher percentage is better)

Aging Case Index



Cases older than established guidelines as a % of total pending
(A lower percentage, which is an upward trend, is better)

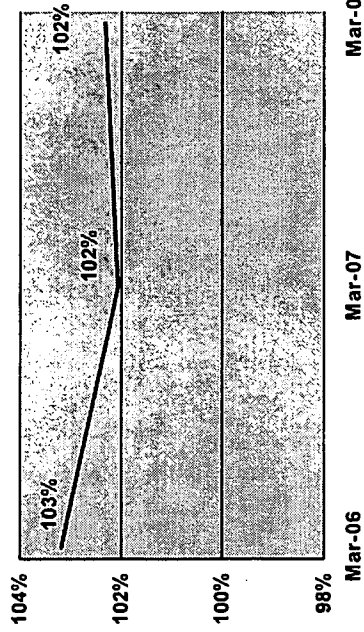


ADMINISTRATIVE OFFICE OF THE COURTS

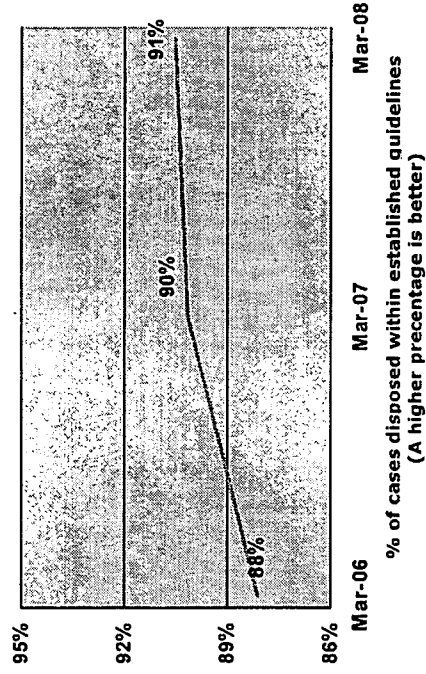
COURT PERFORMANCE MANAGEMENT SYSTEM

District Court Civil
Domestic Relations
Statewide Total

Case Clearance

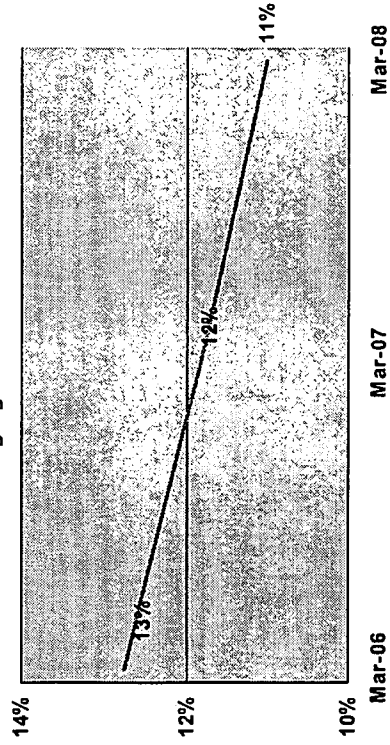


On-Time Processing



Cases disposed as a % of cases filed
(A higher percentage is better)

Aging Case Index



Cases older than established guidelines as a % of total pending
(A lower percentage, which is an upward trend, is better)

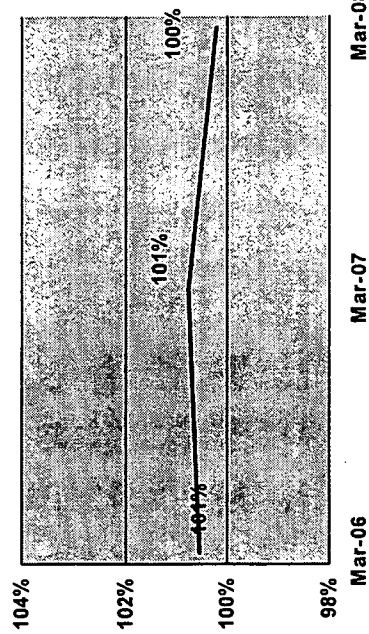


ADMINISTRATIVE OFFICE OF THE COURTS

COURT PERFORMANCE MANAGEMENT SYSTEM

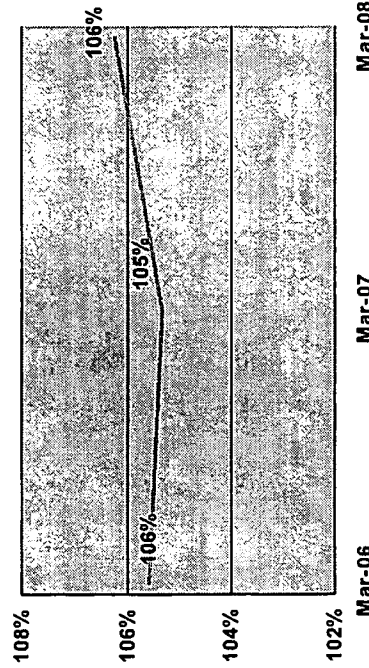
District Court Civil
Civil Magistrate
Statewide Total

Case Clearance



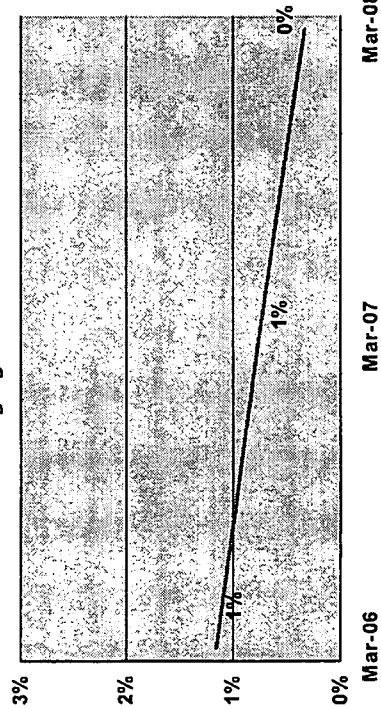
Cases disposed as a % of cases filed
(A higher percentage is better)

On-Time Processing



% of cases disposed within established guidelines
(A higher percentage is better)

Aging Case Index



Cases older than established guidelines as a % of total pending
(A lower percentage, which is an upward trend, is better)



Office of the Speaker
North Carolina House of Representatives
Raleigh, North Carolina 27601-1096

HOUSE SELECT COMMITTEE ON HIGH SPEED INTERNET IN RURAL AREAS

**TO THE HONORABLE MEMBERS OF THE
NORTH CAROLINA HOUSE OF REPRESENTATIVES**

Section 1. The House Select Committee on High Speed Internet in Rural Areas (hereinafter "Committee") is established by the Speaker of the House of Representatives pursuant to G.S. 120-19.6(a1) and Rule 26(a) of the Rules of the House of Representatives of the 2007 General Assembly.

Section 2. The Committee consists of the 8 members listed below, appointed by the Speaker of the House of Representatives. Members serve at the pleasure of the Speaker of the House of Representatives. The Speaker of the House of Representatives may dissolve the Committee at any time.

Representative Bill Faison, Chair
Representative Angela Bryant
Representative Jim Gulley
Representative Phillip Haire
Representative James Harrell, III
Representative Thom Tillis
Representative Joe Tolson
Representative Roger West

Section 3. The Committee may examine the availability of high speed internet access in rural areas. The Committee may:

1. Consider whether rural areas have adequate access to high speed internet and offer proposals to assure access to high speed internet in rural areas.
2. Examine the impact of high speed internet access on education, small businesses, and agriculture.
3. Evaluate the economic impact of high speed internet access for individuals, counties, and the State of North Carolina.
4. Identify technical issues associated with providing high speed internet access, including the availability of necessary equipment.
5. Identify the potential costs to internet providers.
6. Examine rate considerations, including whether customers will pay the total costs or whether the costs will be spread through the rate-making process.
7. Explore the impact of recent legislation allowing phone companies to provide cable service and high speed internet access.

8. Study any other issue the Committee deems relevant.

Section 4. The Committee shall meet upon the call of its Chair. A quorum of the Committee shall be a majority of its members.

Section 5. The Committee, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and Article 5A of Chapter 120 of the General Statutes.

Section 6. Members of the Committee shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1.

Section 7. The expenses of the Committee including per diem, subsistence, travel allowances for Committee members, and contracts for professional or consultant services shall be paid upon the written approval of the Speaker of the House of Representatives pursuant to G.S. 120-32.02(c) and G.S. 120-35 from funds available to the House of Representatives for its operations. Individual expenses of \$5,000 or less, including per diem, travel, and subsistence expenses of members of the Committee, and clerical expenses shall be paid upon the authorization of the Chair of the Committee. Individual expenses in excess of \$5,000 shall be paid upon the written approval of the Speaker of the House of Representatives.

Section 8. The Legislative Services Officer shall assign professional and clerical staff to assist the Committee in its work. The Director of Legislative Assistants of the House of Representatives shall assign clerical support staff to the Committee.

Section 9. The Committee may meet at various locations around the State in order to promote greater public participation in its deliberations.

Section 10. The Committee may submit an interim report on the results of the study, including any proposed legislation, on or before May 1, 2008, by filing a copy of the report with the Office of the Speaker of the House of Representatives, the House Principal Clerk, and the Legislative Library. The Committee shall submit a final report on the results of its study, including any proposed legislation, to the members of the House of Representatives on or before December 31, 2008, by filing the final report with the Office of the Speaker of the House of Representatives, the House Principal Clerk, and the Legislative Library. The Committee terminates on December 31, 2008, or upon the filing of its final report, whichever occurs first.

Effective this 17th day of January, 2008.



Joe Hackney
Speaker of the House of Representatives

1/17/2008 6:58 PM

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

U

D

BILL DRAFT 2007-RWz-10 [v.10] (04/01)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
5/6/2008 11:47:38 AM

Sponsors:

Referred to:

1 A JOINT RESOLUTION URGING CONGRESS TO END NORTH CAROLINA'S
2 STATUS AS A DONOR STATE OF FEDERAL HIGHWAY TAX REVENUES,
3 AND TO RETURN ONE HUNDRED PERCENT OF THE FEDERAL HIGHWAY
4 REVENUES THE STATE REMITS TO THE FEDERAL GOVERNMENT EACH
5 YEAR, IN ORDER FOR THE STATE TO ADDRESS ITS URGENT
6 TRANSPORTATION NEEDS, AS RECOMMENDED BY THE 21ST CENTURY
7 TRANSPORTATION COMMITTEE.

8 Whereas, under the federal Intermodal Surface Transportation Efficiency Act
9 of 1991 the State received an eighty-two and seven tenth percent (82.7%) return on the
10 federal highway tax revenue it remitted to the federal Highway Trust Fund; and

11 Whereas, under the federal 1998 Transportation Equity Act for the 21st
12 Century (TEA-21) the State received an eighty-nine and two tenth percent (89.2%)
13 return on the federal highway tax revenue it remitted to the federal Highway Trust
14 Fund; and

15 Whereas, the 2005 federal Safe, Accountable, Flexible, Efficient
16 Transportation Equity Act: A Legacy for Users (SAFETEA-LU) promised that the State
17 would increase its share of federal highway revenue to ninety-two percent (92%) by the
18 2008-2009 fiscal year; and

19 Whereas, under SAFETEA-LU the State has so far received only eighty-nine
20 and seven tenth percent (89.7%) of the federal highway tax revenue it remitted to the
21 federal Highway Trust Fund; and

22 Whereas, since 1956, the State has contributed eighteen billion one hundred
23 thirty-three million nine hundred and two thousand dollars (\$18,133,902,000) in federal
24 highway tax revenue, but only received sixteen billion, four hundred seventy-four
25 million one hundred seventy-four thousand dollars (\$16,474,174,000) in return; and

26 Whereas North Carolina is a rapidly growing State with urgent transportation
27 needs; and

1 Whereas, the State is strategically located along the east coast transportation
2 corridor; and

3 Whereas, the State is home to many important federal military installations
4 that would benefit from improved transportation infrastructure; and

5 Whereas, the State has complied with federal transportation safety mandates;
6 and

7 Whereas, the State's urgent transportation needs that could be addressed if the
8 State received a fair share of the federal highway tax revenue it remitted to the federal
9 Highway Trust Fund each year; Now, therefore,

10 Be it resolved by the House of Representatives, the Senate concurring:

11 **SECTION 1.** The President of the United States and the United States
12 Congress is urged to provide the State with all the federal highway tax funds it was
13 promised under the 2005 federal Safe, Accountable, Flexible, Efficient Transportation
14 Equity Act: A Legacy for Users (SAFETEA-LU), and to end the State's status as a
15 donor State of federal highway tax revenues in the next federal transportation
16 reauthorization act, due for enactment by Congress in 2009, by providing that State with
17 one hundred percent (100%) of the federal highway funds it remits to the federal taxes
18 to the federal Highway Trust Fund each year.

19 **SECTION 2.** The President of the United States and the United States
20 Congress are respectfully requested to advise the North Carolina General Assembly of
21 the actions they intend to take to address the current inequities in federal transportation
22 funding.

23 **SECTION 3.** The President of the United States and the United States
24 Congress are advised that the North Carolina General Assembly supports federal
25 legislation designating federal transportation funds for the replacement of the Yadkin
26 River Bridge on Interstate 85 in Davidson and Rowan Counties.

27 **SECTION 4.** The Secretary of State shall transmit a copy of this joint
28 resolution to the President of the United States and to each member of the United States
29 Congress representing North Carolina.

30 **SECTION 5.** This resolution is effective upon ratification.

VISITOR REGISTRATION SHEET

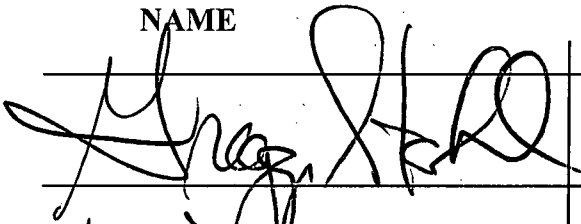
North Carolina Courts Commission

May 13, 2008

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
	AOC
Jim Drinnan	unc-506
Rich Kane	AOC
Cheryl Reed	OSBM
Paul M. Newby	Supreme Court * Pamela Wilson
Kim O'neal	NCBA
Jamie Fitzgerald	NC FPL
Daniel Baum	KENNEDY LOYALTY
Andy Munro	REBIC

VISITOR REGISTRATION SHEET

North Carolina Courts Commission

May 13, 2008

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Sarah Preston

ACLU-NC

Katy Parker

ACLU-NC

Barbara Moore

Conf. of Clerks of Sup. Ct.

~~Therrell~~

~~NC~~

Chapman

AOC

Julia Jacobson

NCVAN

Reggie Jones

NC Conference of DAs

MICHAEL CROWSON

UNC SCHOOL OF GOV'T

IN THE DISCHARGE OF OFFICIAL DUTY

INSTRUCTIONS TO CLAIMANT. Submit one original to Accounting. Attach all necessary receipts and other supporting documents to this form. Retain one (1) copy for your records. Please complete amount, company, account, and center fields. Must be filed at least monthly and not later than 30 days after month ends. Must be prepared in ink or typed.

Payee's Name (First, Middle Initial, Last) Allen W. Cobb, Jr.		Division/Section NC Courts Commission	Soc. Sec. # [REDACTED]
Payee's Address (Street) P.O. Box 188		Title: Member	Headquarters (City) RALEIGH
(City, State, Zip) Wrightsville Beach NC 28480	Period Covered by this Request (from/to) from 05-13-2008 - to 5-13-08		

Under penalties of perjury I certify this to be a true and accurate statement of the city of lodging, expenses and allowances incurred in the service of the State.

I have examined this reimbursement request and certify that it is just and reasonable.

W. Cobb (Claimant) 5-13-08 (Date) Walter Dalton (Supervisor) 5-13-08 (Date)

NOTE: ORIGINAL SIGNATURE AND DATES ARE REQUIRED FOR PROCESSING

NOTE TO CLAIMANT: Please Complete the Information at right according to your records.					Total Expense Less Advance Total Due (Owe)	
					\$0.00	

LINE NO.	COMPANY	AMOUNT	ACCOUNT	CENTER	ACCRUAL CODE
0001					
0002					
0003					
0004					
0005					
0006					
Total Expense		\$0.00			

Approved as to proper travel chargeable to above accounting code verified as conforming to authorized reimbursable expenses

Travel (show each city visited)		Transportation			Subsistence			Other Expenses	
Day	from to	1*	In-State	Out-of-State	2*	In-State	Out-of-State	Explanation	Amount
from 05-13-2008	Wilmington to Raleigh	Ground			B				
Depart	And return	Air			L				
Arrive		Other			D				
Daily Private Car Mileage: 250 miles - using a per mile rate of: \$0.25		Private car	62.50	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
#VALUE!		Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
#VALUE!		Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
#VALUE!		Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
Subsistence \$34.00 per day		Total In-State			Total In-State			Total Misc. Exp.	
Per Diem \$15.00 per day if authorized		Total Out-of-State			Total Out-of-State				
Housing (up to) \$63.75									
With Itemized receipt									
Documented by receipt from a commercial lodging establishment.									

2* Type of Subsistence:

B = Breakfast
L = Lunch

D = Dinner

H = Housing (Room)

NOTE: Daily total for subsistence not to exceed authorized amount for in-state or out-of-state travel.

IN THE DISCHARGE OF OFFICIAL DUTY

INSTRUCTIONS TO CLAIMANT. Submit one original to Accounting. Attach all necessary receipts and other supporting documents to this form. Retain one (1) copy for your records. Please complete amount, company, account, and center fields. Must be filed at least monthly and not later than 30 days after month ends. Must be prepared in ink or typed.

Employee's Name (First, Middle Initial, Last) Donald Bridges BRIDGES			Division/Section NC Courts Commission		Soc. Sec. # [REDACTED]
Payee's Address (Street) 100 Justice Place			Title: Member		Headquarters (City) RALEIGH
(City, State, Zip) Shelby NC 28150			Period Covered by this Request (from/to) from 05-13/2008 - to		

Under penalties of perjury I certify this to be a true and accurate statement of the city of lodging, expenses and allowances incurred in the service of the State.

I have examined this reimbursement request and certify that it is just and reasonable.

(Claimant) [Signature] 5/13/08 (Date) (Supervisor) Walker Dalton 5-13-08 (Date)

NOTE: ORIGINAL SIGNATURE AND DATES ARE REQUIRED FOR PROCESSING

NOTE TO CLAIMANT: Please Complete the Information at right according to your records.					Total Expense Less Advance Total Due (Owe)	
					\$0.00	
LINE NO	COMPANY	AMOUNT	ACCOUNT	CENTER	ACCRUAL CODE	
0001						
0002						
0003						
0004						
0005						
0006						
Total Expense		\$0.00				

Approved as to proper travel chargeable to above accounting code verified as conforming to authorized reimbursable expenses.

A/P Accountant		Date		A/P Approval		Date			
Travel (show each city visited)		Transportation		Subsistence		Other Expenses			
Day	from to	1*	In-State	Out-of-State	2*	In-State	Out-of-State	Explanation	Amount
from 05-13/2008	Shelby Raleigh	Ground	410		B			Parking	4.00
Depart		Air			C	8.00			
Arrive		Other			D				
Daily Private Car Mileage: 410 miles - using a per mile rate of: \$0.25		Private car	102.50	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
#VALUE!		Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
#VALUE!		Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
#VALUE!		Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
Subsistence \$34.00 per day		Total In-State		Total Out-of-State	Total In-State		Total Out-of-State	Total Misc. Exp.	
Per Diem \$15.00 per day if authorized		102.50		\$0.00	8.00		\$0.00	4.00	
Housing (up to) \$63.75									
With Itemized receipt									

1. If not accompanied by receipt from a commercial lodging establishment.

2. Type of Travel:

Ground includes rail, bus, taxi, parking fees

2* Type of Subsistence:

B = Breakfast

L = Lunch

D = Dinner

H = Housing (Room)

NOTE: Daily total for subsistence not to exceed authorized amount for in-state or out-of-state travel.

IN THE DISCHARGE OF OFFICIAL DUTY

INSTRUCTIONS TO CLAIMANT. Submit one original to Accounting. Attach all necessary receipts and other supporting documents to this form. Retain one (1) copy for your records. Please complete amount, company, account, and center fields. Must be filed at least monthly and not later than 30 days after month ends. Must be prepared in ink or typed.

Payee's Name (First, Middle Initial, Last) Karen C. Johnson	Division/Section NC Courts Commission	Soc. Sec. # [REDACTED]
Payee's Address (Street) 14 Provincetown Court	Title: Member	Headquarters (City) RALEIGH
(City, State, Zip) Greensboro NC 27408	Period Covered by this Request (from/to) from 05-13/2008 - to	

Under penalties of perjury I certify this to be a true and accurate statement of the city of lodging, expenses and allowances incurred in the service of the State.

I have examined this reimbursement request and certify that it is just and reasonable.

(Claimant) *Karen C. Johnson* 5-13-08 (Date) (Supervisor) *Walter Dalton* 5-13-08 (Date)

NOTE: ORIGINAL SIGNATURE AND DATES ARE REQUIRED FOR PROCESSING

NOTE TO CLAIMANT: Please Complete the Information at right according to your records.					Total Expense Less Advance Total Due (Owe)
					\$0.00
LINE NO.	COMPANY	AMOUNT	ACCOUNT	CENTER	ACCRUAL CODE
0001					
0002					
0003					
0004					
0005					
0006					
Total Expense		\$0.00			

Approved as to proper travel chargeable to above accounting code verified as conforming to authorized reimbursable expenses

A/P Accountant		Date		A/P Approval		Date				
Travel (show each city visited)		Transportation			Subsistence			Other Expenses		
Day	from	to	1*	In-State	Out-of-State	2*	In-State	Out-of-State	Explanation	Amount
from 05-13/2008	Greensboro	Raleigh	Ground	82		B				
Depart			Air			L				
Arrive			Other			D				
Daily Private Car Mileage: 82 miles - using a per mile rate of: \$0.25			Private car	26.50	\$0.00	H				
<input type="checkbox"/> Out of State?						Sub-total	\$0.00	\$0.00		
#VALUE!			Ground			B				
Depart			Air			L				
Arrive			Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25			Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?						Sub-total	\$0.00	\$0.00		
#VALUE!			Ground			B				
Depart			Air			L				
Arrive			Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25			Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?						Sub-total	\$0.00	\$0.00		
#VALUE!			Ground			B				
Depart			Air			L				
Arrive			Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25			Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?						Sub-total	\$0.00	\$0.00		
Subsistence \$34.00 per day			Total In-State	20.50	Total Out-of-State	\$0.00	Total In-State		Total Out-of-State	
Per Diem \$15.00 per day if authorized										Total Misc. Exp.
Housing (up to) \$63.75										
With itemized receipt										

* Represented by receipt from a commercial lodging establishment.

1* Mode of Travel:

Ground includes rail, bus, taxi, parking fees

2* Type of Subsistence:

B = Breakfast

L = Lunch

D = Dinner


H = Housing (Room)

NOTE: Daily total for subsistence not to exceed authorized amount for in-state or out-of-state travel.

FORM BD-403
(Rev. 1/97)
(ISD--1/99)

IN THE DISCHARGE OF OFFICIAL DUTY

INSTRUCTIONS TO CLAIMANT. Submit one original to Accounting. Attach all necessary receipts and other supporting documents to this form. Retain one (1) copy for your records.
Please complete amount, company, account, and center fields. Must be filed at least monthly and not later than 30 days after month ends. Must be prepared in ink or typed.

Payee's Name (First, Middle Initial, Last) Ronald M. Tyler	Division/Section NC Courts Commission	Signature 
Payee's Address (Street) PO Box 222	Title Member	Headquarters (City) RALEIGH
(City, State, Zip) Lake Waccamaw NC 28450	Period Covered by this Request (from/to) from 05-13-2008 to -	

Under penalties of perjury I certify this to be a true and accurate statement of the city of lodging, expenses and allowances incurred in the service of the State.

I have examined this reimbursement request and certify that it is just and reasonable.

Ronald M. Tyler 5/13/08 (Claimant) (Date)
Walter Dalton 5-13-08 (Supervisor) (Date)

NOTE: ORIGINAL SIGNATURE AND DATES ARE REQUIRED FOR PROCESSING

NOTE TO CLAIMANT: Please Complete the Information at right according to your records.	Total Expense Less Advance Total Due (Owe)
	\$0.00

LINE NO.	COMPANY	AMOUNT	ACCOUNT	CENTER	ACCRUAL CODE
0001					
0002					
0003					
0004					
0005					
0006					
Total Expense		\$0.00			

Approved as to proper travel chargeable to above accounting code verified as conforming to authorized reimbursable expenses.

A/P Accountant		Date		A/P Approval		Date			
Travel (show each city visited)		Transportation		Subsistence		Other Expenses			
Day	from to	1*	In-State	Out-of-State	2*	In-State	Out-of-State	Explanation	Amount
from 05-13-2008	Raleigh	Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: 260 miles - using a per mile rate of: \$0.25		Private car	65.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
#VALUE!		Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
#VALUE!		Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
#VALUE!		Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
Subsistence \$34.00 per day		Total In-State	Total Out-of-State		Total In-State	Total Out-of-State		Total Misc. Exp.	
Per Diem \$15.00 per day if authorized		65.00	\$0.00			\$0.00			

Housing (up to) \$63.75

When itemized receipt

* Documented by receipt from a commercial lodging establishment.

1* Mode of Travel:

Ground includes rail, bus, taxi, parking fees

2* Type of Subsistence:

B = Breakfast

L = Lunch

D = Dinner

H = Housing (Room)

NOTE. Daily total for subsistence not to exceed authorized amount for in-state or out-of-state travel.

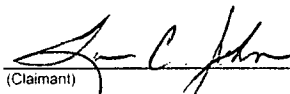
IN THE DISCHARGE OF OFFICIAL DUTY

INSTRUCTIONS TO CLAIMANT. Submit one original to Accounting. Attach all necessary receipts and other supporting documents to this form. Retain one (1) copy for your records.
Complete amount, company, account, and center fields. Must be filed at least monthly and not later than 30 days after month ends. Must be prepared in ink or typed.

Payee's Name (First, Middle Initial, Last) Karen C. Johnson	Division/Section NC Courts Commission	Soc. Sec. # [REDACTED]
Payee's Address (Street) 14 Provincetown Court	Title: Member	Headquarters (City) RALEIGH
(City, State, Zip) Greensboro NC 27408	Period Covered by this Request (from/to) from 05-13/2008 - to	

Under penalties of perjury I certify this to be a true and accurate statement of the city of lodging, expenses and allowances incurred in the service of the State.

I have examined this reimbursement request and certify that it is just and reasonable.

 (Claimant) 5-13-08 (Date) _____ (Supervisor) _____ (Date)

NOTE: ORIGINAL SIGNATURE AND DATES ARE REQUIRED FOR PROCESSING

NOTE TO CLAIMANT: Please Complete the Information at right according to your records.	Total Expense Less Advance Total Due (Owe)	 \$0.00
---	--	-------------------

LINE NO.	COMPANY	AMOUNT	ACCOUNT	CENTER	ACCRUAL CODE
0001					
0002					
0003					
0004					
0005					
0006					
Total Expense		\$0.00	Approved as to proper travel chargeable to above accounting code verified as conforming to authorized reimbursable expenses		

Travel (show each city visited)		Transportation			Subsistence			Other Expenses		
Day	from	to	1*	In-State	Out-of-State	2*	In-State	Out-of-State	Explanation	Amount
from	05-13/2008	Greensboro	Raleigh	Ground	82		B			
Depart			Air			L				
Arrive			Other			D				
Daily Private Car Mileage: 82 miles - using a per mile rate of: \$0.25			Private car	26.50	\$0.00	H				
<input type="checkbox"/> Out of State?						Sub-total	\$0.00	\$0.00		
#VALUE!			Ground			B				
Depart			Air			L				
Arrive			Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25			Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?						Sub-total	\$0.00	\$0.00		
#VALUE!			Ground			B				
Depart			Air			L				
Arrive			Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25			Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?						Sub-total	\$0.00	\$0.00		
#VALUE!			Ground			B				
Depart			Air			L				
Arrive			Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25			Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?						Sub-total	\$0.00	\$0.00		
Subsistence \$34.00 per day			Total In-State	Total Out-of-State		Total In-State	Total Out-of-State		Total Misc. Exp.	
Per Diem \$15.00 per day if authorized			20.50	\$0.00			\$0.00			
Housing (up to) \$63.75										
With itemized receipt										
Documented by receipt from a commercial lodging establishment.										

1* Mode of Travel:
Ground includes rail, bus, taxi, parking fees

2* Type of Subsistence:
B = Breakfast
L = Lunch
D = Dinner
H = Housing (Room)

NOTE: Daily total for subsistence not to exceed authorized amount for in-state or out-of-state travel.

IN THE DISCHARGE OF OFFICIAL DUTY

INSTRUCTIONS TO CLAIMANT. Submit one original to Accounting. Attach all necessary receipts and other supporting documents to this form. Retain one (1) copy for your records. Please complete amount, company, account, and center fields. Must be filed at least monthly and not later than 30 days after month ends. Must be prepared in ink or typed.

Payee's Name (First, Middle Initial, Last) Allen W. Cobb, Jr.	Division/Section NC Courts Commission	Soc. Sec. # [REDACTED]
Payee's Address (Street) P.O. Box 188	Title Member	Headquarters (City) RALEIGH
(City, State, Zip) Wrightsville Beach NC 28480	Period Covered by this Request (from/to) from 05-13/2008 - to 5-13-08	

Under penalties of perjury I certify this to be a true and accurate statement of the city of lodging, expenses and allowances incurred in the service of the State.

I have examined this reimbursement request and certify that it is just and reasonable.

W. Cobb (Claimant) 5-13-08 (Date) _____ (Supervisor) _____ (Date)

NOTE: ORIGINAL SIGNATURE AND DATES ARE REQUIRED FOR PROCESSING

NOTE TO CLAIMANT: Please Complete the Information at right according to your records.					Total Expense Less Advance Total Due (Owe)	
					\$0.00	

LINE NO.	COMPANY	AMOUNT	ACCOUNT	CENTER	ACCRUAL CODE
0001					
0002					
0003					
0004					
0005					
0006					
Total Expense		\$0.00			

Approved as to proper travel chargeable to above accounting code verified as conforming to authorized reimbursable expenses.

		A/P Accountant		Date		A/P Approval		Date	
Travel (show each city visited)		Transportation			Subsistence			Other Expenses	
Day	from to	1*	In-State	Out-of-State	2*	In-State	Out-of-State	Explanation	Amount
from 05-13/2008	Wilmington to Raleigh	Ground			B				
Depart	And return	Air			L				
Arrive		Other			D				
Daily Private Car Mileage: 250 miles - using a per mile rate of: \$0.25		Private car	62.50	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
#VALUE!		Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
#VALUE!		Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
#VALUE!		Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
Subsistence \$34.00 per day		Total In-State	Total Out-of-State		Total In-State	Total Out-of-State		Total Misc. Exp.	
Per Diem \$15.00 per day if authorized			\$0.00			\$0.00			
Housing (up to) \$63.75									

With Itemized receipt

Documented by receipt from a commercial lodging establishment.

1* Mode of Travel:

Ground includes rail, bus, taxi, parking fees

2* Type of Subsistence:

B = Breakfast

L = Lunch

D = Dinner

H = Housing (Room)

NOTE: Daily total for subsistence not to exceed authorized amount for in-state or out-of-state travel.

IN THE DISCHARGE OF OFFICIAL DUTY

INSTRUCTIONS TO CLAIMANT: Submit one original to Accounting. Attach all necessary receipts and other supporting documents to this form. Retain one (1) copy for your records.
Complete amount, company, account, and center fields. Must be filed at least monthly and not later than 30 days after month ends. Must be prepared in ink or typed.

Payee's Name (First, Middle Initial, Last) Donald Bridges BRIDGES	Division/Section NC Courts Commission	Soc. Sec. # [REDACTED]
Payee's Address (Street) 100 Justice Place	Title: Member	Headquarters (City) RALEIGH
(City, State, Zip) Shelby NC 28150	Period Covered by this Request (from/to) from 05-13/2008 to	

Under penalties of perjury I certify this to be a true and accurate statement of the city of lodging, expenses and allowances incurred in the service of the State.

I have examined this reimbursement request and certify that it is just and reasonable.

[Signature]
(Claimant)

5/13/08
(Date)

(Supervisor)

(Date)

NOTE: ORIGINAL SIGNATURE AND DATES ARE REQUIRED FOR PROCESSING

NOTE TO CLAIMANT: Please Complete the Information at right according to your records.	Total Expense Less Advance Total Due (Owe)	\$0.00
---	--	---------------

LINE NO.	COMPANY	AMOUNT	ACCOUNT	CENTER	ACCRUAL CODE
0001					
0002					
0003					
0004					
0005					
0006					

Total Expense

\$0.00

Approved as to proper travel chargeable to above accounting code verified as conforming to authorized reimbursable expenses.

A/P Accountant		Date		A/P Approval		Date			
Travel (show each city visited)		Transportation		Subsistence		Other Expenses			
Day	from to	1*	In-State	Out-of-State	2*	In-State	Out-of-State	Explanation	Amount
from 05-13/2008	Shelby Raleigh	Ground	410		B			Parking	4.00
Depart		Air			C	8.00			
Arrive		Other			D				
Daily Private Car Mileage: 410 miles - using a per mile rate of: \$0.25		Private car	102.50	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
#VALUE!		Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
#VALUE!		Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
#VALUE!		Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
Subsistence \$34.00 per day		Total In-State	102.50	Total Out-of-State		Total In-State	8.00	Total Out-of-State	4.00
Per Diem \$15.00 per day if authorized									
Housing (up to) \$63.75									
With Itemized receipt									

Documented by receipt from a commercial lodging establishment.

1* Mode of Travel:

Ground includes rail, bus, taxi, parking fees

2* Type of Subsistence:

B = Breakfast

L = Lunch

D = Dinner

H = Housing (Room)

NOTE: Daily total for subsistence not to exceed authorized amount for in-state or out-of-state travel.

FORM BD-403
(Rev 1/97)
(ISD--1/99)

IN THE DISCHARGE OF OFFICIAL DUTY

INSTRUCTIONS TO CLAIMANT. Submit one original to Accounting. Attach all necessary receipts and other supporting documents to this form. Retain one (1) copy for your records.
 Complete amount, company, account, and center fields. Must be filed at least monthly and not later than 30 days after month ends. Must be prepared in ink or typed.

Payee's Name (First, Middle Initial, Last) Ronald M. Tyler	Division/Section NC Courts Commission	Soc. Sec. # [REDACTED]
Payee's Address (Street) PO Box 222	Title: Member	Headquarters (City) RALEIGH
(City, State, Zip) Lake Waccamaw NC 28450	Period Covered by this Request (from/to) from 05-13/2008 to	

Under penalties of perjury I certify this to be a true and accurate statement of the city of lodging, expenses and allowances incurred in the service of the State.

I have examined this reimbursement request and certify that it is just and reasonable.

Ronald M Tyler 5/13/08
(Claimant) (Date)

(Supervisor)

(Date)

NOTE: ORIGINAL SIGNATURE AND DATES ARE REQUIRED FOR PROCESSING

NOTE TO CLAIMANT: Please Complete the Information at right according to your records.

Total Expense
Less Advance
Total Due (Owe) **\$0.00**

LINE NO.	COMPANY	AMOUNT	ACCOUNT	CENTER	ACCRUAL CODE
0001					
0002					
0003					
0004					
0005					
0006					
Total Expense		\$0.00			

Approved as to proper travel chargeable to above accounting code verified as conforming to authorized reimbursable expenses.

A/P Accountant		Date		A/P Approval		Date			
Travel (show each city visited)		Transportation			Subsistence			Other Expenses	
Day	from to	1*	In-State	Out-of-State	2*	In-State	Out-of-State	Explanation	Amount
from 05-13/2008	Raleigh	Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: 260 miles - using a per mile rate of: \$0.25		Private car	65.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
#VALUE!		Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: 0 miles - using a per mile rate of: \$0.25		Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
#VALUE!		Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: 0 miles - using a per mile rate of: \$0.25		Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
#VALUE!		Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: 0 miles - using a per mile rate of: \$0.25		Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
Subsistence \$34.00 per day		Total In-State	Total Out-of-State		Total In-State	Total Out-of-State		Total Misc. Exp.	
Per Diem \$15.00 per day if authorized		65.00	\$0.00			\$0.00			

Housing (up to) **\$63.75**

amized receipt

* Documented by receipt from a commercial lodging establishment.

1* Mode of Travel:

Ground includes rail, bus, taxi, parking fees

2* Type of Subsistence.

B = Breakfast

L = Lunch

D = Dinner

H = Housing (Room)

NOTE: Daily total for subsistence not to exceed authorized amount for in-state or out-of-state travel.

IN THE DISCHARGE OF OFFICIAL DUTY

INSTRUCTIONS TO CLAIMANT. Submit one original to Accounting. Attach all necessary receipts and other supporting documents to this form. Retain one (1) copy for your records.
Provide complete amount, company, account, and center fields. Must be filed at least monthly and not later than 30 days after month ends. Must be prepared in ink or typed.

Payee's Name (First, Middle Initial, Last) Robert C. Hunter	Division/Section NC Courts Commission	Soc. Sec. # 000-00-0000
Payee's Address (Street) P.O. Box 888	Title: Member	Headquarters (City) RALEIGH
(City, State, Zip) Raleigh NC 27602	Period Covered by this Request (from/to) from 05-13/2008 - to	

Under penalties of perjury I certify this to be a true and accurate statement of the city of lodging, expenses and allowances incurred in the service of the State.

I have examined this reimbursement request and certify that it is just and reasonable.

(Claimant) N/A (Date) KCH (Supervisor) _____ (Date) _____
NOTE: ORIGINAL SIGNATURE AND DATES ARE REQUIRED FOR PROCESSING

NOTE TO CLAIMANT: Please Complete the Information at right according to your records.	Total Expense Less Advance Total Due (Owe) \$0.00
---	---

LINE NO.	COMPANY	AMOUNT	ACCOUNT	CENTER	ACCRUAL CODE
0001					
0002					
0003					
0004					
0005					
0006					

Total Expense

\$0.00

Approved as to proper travel chargeable to above accounting code verified as conforming to authorized reimbursable expenses.

A/P Accountant		Date		A/P Approval		Date			
Travel (show each city visited)		Transportation		Subsistence		Other Expenses			
Day	from to	1*	In-State	Out-of-State	2*	In-State	Out-of-State	Explanation	Amount
from 05-13/2008	Raleigh	Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car		\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
#VALUE!		Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
#VALUE!		Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
#VALUE!		Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
Subsistence \$34.00 per day		Total In-State	Total Out-of-State		Total In-State	Total Out-of-State		Total Misc. Exp.	
Per Diem \$15.00 per day if authorized			\$0.00			\$0.00			

Housing (up to) \$63.75

With Itemized receipt

* Documented by receipt from a commercial lodging establishment.

1* Mode of Travel:

Ground includes rail, bus, taxi, parking fees

2* Type of Subsistence:

B = Breakfast

L = Lunch

D = Dinner

H = Housing (Room)

NOTE: Daily total for subsistence not to exceed authorized amount for in-state or out-of-state travel.

IN THE DISCHARGE OF OFFICIAL DUTY

INSTRUCTIONS TO CLAIMANT. Submit one original to Accounting. Attach all necessary receipts and other supporting documents to this form. Retain one (1) copy for your records. Complete amount, company, account, and center fields. Must be filed at least monthly and not later than 30 days after month ends. Must be prepared in ink or typed.

Payee's Name (First, Middle Initial, Last) F. Wayne Hughes	Division/Section NC Courts Commission	Soc. Sec. #
Payee's Address (Street) P.O. Box 685	Title: Member	Headquarters (City) RALEIGH
(City, State, Zip) Burnsville NC 28714	Period Covered by this Request (from/to) from 05-13/2008 - to	

Under penalties of perjury I certify this to be a true and accurate statement of the city of lodging, expenses and allowances incurred in the service of the State.

I have examined this reimbursement request and certify that it is just and reasonable.

(Claimant) _____ (Date) _____ (Supervisor) _____ (Date) _____
NOTE: ORIGINAL SIGNATURE AND DATES ARE REQUIRED FOR PROCESSING

NOTE TO CLAIMANT: Please Complete the Information at right according to your records.	Total Expense	\$0.00
	Less Advance	\$0.00
	Total Due (Owe)	\$0.00

LINE NO.	COMPANY	AMOUNT	ACCOUNT	CENTER	ACCRUAL CODE
0001					
0002					
0003					
0004					
0005					
0006					
Total Expense		\$0.00			

Approved as to proper travel chargeable to above accounting code verified as conforming to authorized reimbursable expenses.

A/P Accountant		Date		A/P Approval		Date				
Travel (show each city visited)			Transportation			Subsistence			Other Expenses	
Day	from	to	1*	In-State	Out-of-State	2*	In-State	Out-of-State	Explanation	Amount
from 05-13/2008	Burnsville	Raleigh	Ground			B				
Depart			Air			L				
Arrive			Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25			Private car		\$0.00	H				
<input type="checkbox"/> Out of State?						Sub-total	\$0.00	\$0.00		
#VALUE!			Ground			B				
Depart			Air			L				
Arrive			Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25			Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?						Sub-total	\$0.00	\$0.00		
#VALUE!			Ground			B				
Depart			Air			L				
Arrive			Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25			Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?						Sub-total	\$0.00	\$0.00		
#VALUE!			Ground			B				
Depart			Air			L				
Arrive			Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25			Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?						Sub-total	\$0.00	\$0.00		
Subsistence \$34.00 per day			Total In-State	Total Out-of-State		Total In-State	Total Out-of-State		Total Misc. Exp.	
Per Diem \$15.00 per day if authorized				\$0.00			\$0.00			
Housing (up to) \$63.75										
With Itemized receipt										

* Lodged by receipt from a commercial lodging establishment.

1* Mode of Travel:

Ground includes rail, bus, taxi, parking fees

2* Type of Subsistence:

B = Breakfast

L = Lunch

D = Dinner

H = Housing (Room)

NOTE: Daily total for subsistence not to exceed authorized amount for in-state or out-of-state travel.

STATE OF NORTH CAROLINA

PUBLIC MEMBER

FORM BD-403
(Rev. 1/97)
(ISD--1/99)

IN THE DISCHARGE OF OFFICIAL DUTY

INSTRUCTIONS TO CLAIMANT: Submit one original to Accounting. Attach all necessary receipts and other supporting documents to this form. Retain one (1) copy for your records. Complete amount, company, account, and center fields. Must be filed at least monthly and not later than 30 days after month ends. Must be prepared in ink or typed.

Payee's Name (First, Middle Initial, Last) Patricia Nickens Willoughby	Division/Section NC Courts Commission	Soc. Sec. #
Payee's Address (Street) 2700 Peachtree Street	Title: Member	Headquarters (City) RALEIGH
(City, State, Zip) Raleigh NC 27608	Period Covered by this Request (from/to) from 05-13/2008 - to	

Under penalties of perjury I certify this to be a true and accurate statement of the city of lodging, expenses and allowances incurred in the service of the State.

I have examined this reimbursement request and certify that it is just and reasonable.

(Claimant) _____ (Date) _____ (Supervisor) _____ (Date) _____
NOTE: ORIGINAL SIGNATURE AND DATES ARE REQUIRED FOR PROCESSING

NOTE TO CLAIMANT: Please Complete the Information at right according to your records.	Total Expense Less Advance Total Due (Owe)	\$0.00
---	--	---------------

LINE NO.	COMPANY	AMOUNT	ACCOUNT	CENTER	ACCRUAL CODE
0001					
0002					
0003					
0004					
0005					
0006					
Total Expense		\$0.00			

Approved as to proper travel chargeable to above accounting code verified as conforming to authorized reimbursable expenses.

A/P Accountant		Date		A/P Approval		Date			
Travel (show each city visited)		Transportation			Subsistence			Other Expenses	
Day	from to	1*	In-State	Out-of-State	2*	In-State	Out-of-State	Explanation	Amount
from 05-13/2008	Raleigh	Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car		\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
#VALUE!		Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
#VALUE!		Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$0.00		
#VALUE!		Ground			B				
Depart		Air			L				
Arrive		Other			D				
Daily Private Car Mileage: miles - using a per mile rate of: \$0.25		Private car	\$0.00	\$0.00	H				
<input type="checkbox"/> Out of State?					Sub-total	\$0.00	\$8.00		
Subsistence	\$34.00 per day	Total In-State	Total Out-of-State		Total In-State	Total Out-of-State		Total Misc. Exp.	
Per Diem	\$15.00 per day if authorized		\$0.00			\$0.00			
Housing (up to)	\$63.75								

With Itemized receipt

* L = Lodging by receipt from a commercial lodging establishment.

1* Mode of Travel:

Ground includes rail, bus, taxi, parking fees

2* Type of Subsistence:

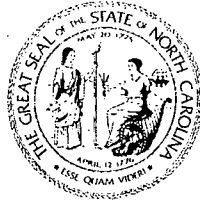
B = Breakfast

L = Lunch

D = Dinner

H = Housing (Room)

NOTE: Daily total for subsistence not to exceed authorized amount for in-state or out-of-state travel.



North Carolina Courts Commission

AGENDA

December 9, 2008
Room 415, Legislative Office Building
9:30 AM

WELCOME AND INTRODUCTORY REMARKS

Senator Walter Dalton, Chair

PRESENTATIONS

Fiscal Year 2008-09 Budget Outlook

Marilyn Chism, Fiscal Research Division

Commission for the Future of Justice and the Courts in North Carolina: Its History, Findings and Recommendations

Michael Crowell, Professor of Public Law and Government
UNC School of Government

Statute Governing Selection of Chief Resident Superior Court Judge

Gregg Stahl, Senior Deputy Director, AOC

Judicial Salaries

Peter Gilchrist, District Attorney Mecklenburg County
Rick Kane, AOC

Committee Discussion

Instructions to Staff

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

H

2

HOUSE BILL 897
Committee Substitute Favorable 7/26/07

Short Title: Citizens' Legislative Compensation Commission.

(Public)

Sponsors:

Referred to:

March 20, 2007

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH THE NORTH CAROLINA CITIZENS' COMMISSION ON
LEGISLATIVE COMPENSATION.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 120 of the General Statutes is amended by adding a new Article to read:

"Article 32.

"North Carolina Citizens' Commission on Legislative Compensation.

"§ 120-291. Statement of purpose.

The General Assembly declares it to be the policy of this State to base compensation of members and officers of the General Assembly on realistic standards in order that such officials may be paid according to the duties of their offices and so that citizens of the highest quality may be attracted to public service. It is the purpose of this Article to effectuate this policy by creating a citizens' commission to establish proper compensation for such officials, thus removing political considerations in fixing the appropriateness of the amount of such salaries.

"§ 120-292. North Carolina Citizens' Commission on Legislative Salaries.

(a) There is created a commission to be known as the North Carolina Citizens' Commission on Legislative Compensation to consist of members appointed as follows:

- (1) One member shall be selected by lot by the Secretary of State from among those registered voters in each congressional district. The secretary shall establish policies and procedures for conducting the selection by lot. The policies and procedures shall include, but not be limited to, notifying persons selected and providing a new selection from a congressional district if a person selected from the district is ineligible under subsections (d) or (f) of this section, declines appointment to the commission, or if a vacancy occurs in one of those positions. The Secretary of State shall forward the names of persons selected under this subdivision to the Governor who shall appoint

these persons to the Commission. A person appointed to the Commission, except if removed under this section, may serve the entire term even if the person moves to another congressional district or a congressional redistricting places that person in another district.

(2) Four persons appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives and four persons appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate. The persons selected under this subdivision shall have had experience in the field of personnel management.

(b) Initial appointments to the Commission shall be made for terms beginning October 1, 2007, and expiring September 30, 2009, or for terms beginning October 1, 2007, and expiring September 30, 2011, and shall be drawn by lot with 10 of the initial members serving two-year terms and the other 11 serving four-year terms. Subsequent terms shall be for four years. Members appointed to fill vacancies shall serve the remainder of the unexpired term. The Secretary of State shall select the members appointed under subdivision (a)(1) of this section during the months of July or August of the year the terms are to commence.

(c) The Commission shall choose from among its membership annually a chair to serve a one-year term beginning October 1.

(d) No person may be appointed to more than two terms on the Commission. Any member of the Commission may be removed by the governor during his or her term of office for cause of incapacity, incompetence, neglect of duty, malfeasance in office, or removal from the State.

(e) The unexcused absence of any person who is a member of the Commission from two consecutive meetings of the Commission shall constitute the relinquishment of that person's membership on the Commission. Such a relinquishment creates a vacancy in that person's position on the Commission. A member's absence may be excused by the chair of the Commission upon the member's written request if the chair believes there is just cause for the absence. Such a request must be received by the chair before the meeting for which the absence is to be excused. A member's absence from a meeting of the Commission may also be excused during the meeting for which the member is absent by the affirmative vote of a majority of the members of the Commission present at the meeting.

(f) No officer or employee of the State, nor any lobbyist registered under Chapter 120C of the General Statutes, nor any immediate family member of such an officer, employee, or lobbyist is eligible for membership on the Commission. As used in this subsection, the phrase "immediate family" means the parents, spouse, siblings, children, or dependent relative of the officer, employee, or lobbyist whether or not living in the household of the officer, employee, or lobbyist.

"§ 120-293. Administration.

(a) Members of the Commission shall receive compensation and per diem and travel allowances in accordance with G.S. 138-5.

(b) The Commission may contract for consultants or hire employees in accordance with G.S. 120-32.02. The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Commission in its work. Upon the direction of the Legislative Services Commission, the Directors of Legislative Assistants of the Senate and of the House of Representatives shall assign clerical staff to the Commission. The expenses for clerical employees shall be borne by the Legislative Services Commission.

"§ 120-294. Duties.

(a) The Commission officials shall study the relationship of all forms of compensation to the duties of members and officers of the General Assembly, examining compensation paid to other elected officials in North Carolina and other states. The Commission every two years shall recommend to the General Assembly a compensation schedule for members and officers of the General Assembly including the following components:

- (1) Salary.
- (2) Mileage and travel allowance.
- (3) Expense allowance.
- (4) Per diem.

(b) As used in this Article "officers of the General Assembly" does not include the Lieutenant Governor, Principal Clerks, Sergeants-at-Arms, or Reading Clerks.

(c) Before adopting any compensation schedule, the Commission shall first develop a proposed compensation and then hold no fewer than four public hearings within four months of its final action. At those hearings it shall take public testimony on the proposed schedule. After the final hearing, the Commission shall adopt its recommended compensation schedule as originally proposed or as amended. At the last public hearing that is held as a regular meeting on the proposed schedule, the Commission shall adopt the salary schedule as originally proposed or as amended.

(d) The Commission shall make its recommendation to the General Assembly not later than March 1 of each even-numbered year. The recommendation shall be transmitted to the Principal Clerk of each house, the Secretary of State, and to the Revisor of Statutes.

(e) The recommended mileage and travel allowance may not exceed the business standard mileage rate set by the Internal Revenue Service. The recommended per diem for attendance at session may not exceed the allowance for federal employees traveling to Raleigh.

"§ 120-295. Current compensation to remain in effect until changed.

The current rates for salary, mileage and travel allowance, expense allowance, and per diem established in G.S. 120-3 and G.S. 120-3.1 shall remain in effect until changed under this Article.

"§ 120-296. Effectiveness of recommendations.

The compensation schedule recommended by the Commission shall not become effective unless approved by the General Assembly and if so approved by law shall become effective upon convening of the next Regular Session of the General Assembly."

1

SECTION 2. This act is effective when it becomes law.

March 19, 2007

H 897. UPDATE LEGISLATOR PER DIEM TO FEDERAL RATE. Filed 3/19/07. *TO UPDATE LEGISLATORS' PER DIEM TO THE CURRENT FEDERAL RATES.* Amends GS 120-3.1 to update references to the federal per diem rates and to set the subsistence allowance for General Assembly members at \$134 per day (was, maximum federal per diem for employees traveling to Raleigh), effective upon the convening of the 2009 Regular Session of the General Assembly.
Intro. by Sutton. GS 120

July 26, 2007

H 897. CITIZENS' LEGISLATIVE COMPENSATION COMMISSION (NEW). Filed 3/19/07. House committee substitute deletes all provisions of the 1st edition and replaces it with *AN ACT TO ESTABLISH THE NORTH CAROLINA CITIZENS' COMMISSION ON LEGISLATIVE COMPENSATION.* Enacts new Article 32 of GS Chapter 120, creating the NC Citizens' Commission on Legislative Compensation, which must recommend a compensation schedule for legislative members and officers every two years. The commission members will include (1) one citizen from each congressional district, chosen by lot and appointed by the Governor and (2) eight individuals with experience in personnel management, appointed by the General Assembly. The following are not eligible for membership on the commission: (1) NC officers and employees, (2) registered NC lobbyists, and (3) immediate family members of either group. The members serve four-year staggered terms.

The commission must study the relationship of compensation to the duties of legislative members and officers, including a comparison of compensation paid to other elected officials in NC and other states. After holding four public hearings, the commission must recommend a compensation schedule by March 1 of every even-numbered year. The schedule must cover salary, travel and expense allowances, and per diem.

The recommended schedule goes into effect upon the convening of the next regular session following the session at which the General Assembly approves the schedule by law. If it is not approved, it does not go into effect.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

H

2

HOUSE BILL 897
Committee Substitute Favorable 7/26/07

Short Title: Citizens' Legislative Compensation Commission.

(Public)

Sponsors:

Referred to:

March 20, 2007

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH THE NORTH CAROLINA CITIZENS' COMMISSION ON
LEGISLATIVE COMPENSATION.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 120 of the General Statutes is amended by adding a
new Article to read:

"Article 32.

"North Carolina Citizens' Commission on Legislative Compensation.

"§ 120-291. Statement of purpose.

The General Assembly declares it to be the policy of this State to base compensation of members and officers of the General Assembly on realistic standards in order that such officials may be paid according to the duties of their offices and so that citizens of the highest quality may be attracted to public service. It is the purpose of this Article to effectuate this policy by creating a citizens' commission to establish proper compensation for such officials, thus removing political considerations in fixing the appropriateness of the amount of such salaries.

"§ 120-292. North Carolina Citizens' Commission on Legislative Salaries.

(a) There is created a commission to be known as the North Carolina Citizens' Commission on Legislative Compensation to consist of members appointed as follows:

- (1) One member shall be selected by lot by the Secretary of State from among those registered voters in each congressional district. The secretary shall establish policies and procedures for conducting the selection by lot. The policies and procedures shall include, but not be limited to, notifying persons selected and providing a new selection from a congressional district if a person selected from the district is ineligible under subsections (d) or (f) of this section, declines appointment to the commission, or if a vacancy occurs in one of those positions. The Secretary of State shall forward the names of persons selected under this subdivision to the Governor who shall appoint

1 these persons to the Commission. A person appointed to the
2 Commission, except if removed under this section, may serve the
3 entire term even if the person moves to another congressional district
4 or a congressional redistricting places that person in another district.

5 (2) Four persons appointed by the General Assembly upon the
6 recommendation of the Speaker of the House of Representatives and
7 four persons appointed by the General Assembly upon the
8 recommendation of the President Pro Tempore of the Senate. The
9 persons selected under this subdivision shall have had experience in
10 the field of personnel management.

11 (b) Initial appointments to the Commission shall be made for terms beginning
12 October 1, 2007, and expiring September 30, 2009, or for terms beginning October 1,
13 2007, and expiring September 30, 2011, and shall be drawn by lot with 10 of the initial
14 members serving two-year terms and the other 11 serving four-year terms. Subsequent
15 terms shall be for four years. Members appointed to fill vacancies shall serve the
16 remainder of the unexpired term. The Secretary of State shall select the members
17 appointed under subdivision (a)(1) of this section during the months of July or August
18 of the year the terms are to commence.

19 (c) The Commission shall choose from among its membership annually a chair to
20 serve a one-year term beginning October 1.

21 (d) No person may be appointed to more than two terms on the Commission. Any
22 member of the Commission may be removed by the governor during his or her term of
23 office for cause of incapacity, incompetence, neglect of duty, malfeasance in office, or
24 removal from the State.

25 (e) The unexcused absence of any person who is a member of the Commission
26 from two consecutive meetings of the Commission shall constitute the relinquishment
27 of that person's membership on the Commission. Such a relinquishment creates a
28 vacancy in that person's position on the Commission. A member's absence may be
29 excused by the chair of the Commission upon the member's written request if the chair
30 believes there is just cause for the absence. Such a request must be received by the chair
31 before the meeting for which the absence is to be excused. A member's absence from a
32 meeting of the Commission may also be excused during the meeting for which the
33 member is absent by the affirmative vote of a majority of the members of the
34 Commission present at the meeting.

35 (f) No officer or employee of the State, nor any lobbyist registered under
36 Chapter 120C of the General Statutes, nor any immediate family member of such an
37 officer, employee, or lobbyist is eligible for membership on the Commission. As used in
38 this subsection, the phrase "immediate family" means the parents, spouse, siblings,
39 children, or dependent relative of the officer, employee, or lobbyist whether or not
40 living in the household of the officer, employee, or lobbyist.

41 **"§ 120-293. Administration.**

42 (a) Members of the Commission shall receive compensation and per diem and
43 travel allowances in accordance with G.S. 138-5.

(b) The Commission may contract for consultants or hire employees in accordance with G.S. 120-32.02. The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Commission in its work. Upon the direction of the Legislative Services Commission, the Directors of Legislative Assistants of the Senate and of the House of Representatives shall assign clerical staff to the Commission. The expenses for clerical employees shall be borne by the Legislative Services Commission.

"§ 120-294. Duties.

(a) The Commission officials shall study the relationship of all forms of compensation to the duties of members and officers of the General Assembly, examining compensation paid to other elected officials in North Carolina and other states. The Commission every two years shall recommend to the General Assembly a compensation schedule for members and officers of the General Assembly including the following components:

- (1) Salary.
- (2) Mileage and travel allowance.
- (3) Expense allowance.
- (4) Per diem.

(b) As used in this Article "officers of the General Assembly" does not include the Lieutenant Governor, Principal Clerks, Sergeants-at-Arms, or Reading Clerks.

(c) Before adopting any compensation schedule, the Commission shall first develop a proposed compensation and then hold no fewer than four public hearings within four months of its final action. At those hearings it shall take public testimony on the proposed schedule. After the final hearing, the Commission shall adopt its recommended compensation schedule as originally proposed or as amended. At the last public hearing that is held as a regular meeting on the proposed schedule, the Commission shall adopt the salary schedule as originally proposed or as amended.

(d) The Commission shall make its recommendation to the General Assembly not later than March 1 of each even-numbered year. The recommendation shall be transmitted to the Principal Clerk of each house, the Secretary of State, and to the Revisor of Statutes.

(e) The recommended mileage and travel allowance may not exceed the business standard mileage rate set by the Internal Revenue Service. The recommended per diem for attendance at session may not exceed the allowance for federal employees traveling to Raleigh.

"§ 120-295. Current compensation to remain in effect until changed.

The current rates for salary, mileage and travel allowance, expense allowance, and per diem established in G.S. 120-3 and G.S. 120-3.1 shall remain in effect until changed under this Article.

"§ 120-296. Effectiveness of recommendations.

The compensation schedule recommended by the Commission shall not become effective unless approved by the General Assembly and if so approved by law shall become effective upon convening of the next Regular Session of the General Assembly."

1

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

S

1

SENATE BILL 2108*

Short Title: Equitable Judicial Salary Structure.

(Public)

Sponsors: Senators Clodfelter; and Atwater.

Referred to: Appropriations/Base Budget.

May 28, 2008

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPROVE THE ADMINISTRATION OF JUSTICE AND PRESERVE
3 THE QUALITY OF THE JUDICIARY BY IMPROVING SALARIES AND
4 ESTABLISHING AN EQUITABLE SALARY STRUCTURE FOR JUDICIAL
5 OFFICIALS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Subchapter I of Chapter 7A of the General Statutes is amended
8 by adding a new Article to read:

9 "Article 1C.

10 "Equitable Salary Structure for Justices and Judges.

11 "**§ 7A-4.30. Compensation of justices and judges.**

12 (a) The annual salary of the Chief Justice of the Supreme Court shall be an
13 amount commensurate with the judicial and administrative authorities, duties, and
14 stature of that office taking into consideration comparable judicial salaries in other
15 states, relevant positions in State government and the private sector, and
16 recommendations of the State Judicial Council.

17 (b) The annual salary of each other justice and judge of the General Court of
18 Justice shall be set as follows:

19 (1) The annual salary of an associate justice of the Supreme Court shall be
20 four percent (4%) below the annual salary of the Chief Justice;

21 (2) The annual salary of the Chief Judge of the Court of Appeals shall be
22 five percent (5%) below the annual salary of the Chief Justice;

23 (3) The annual salary of each associate judge of the Court of Appeals shall
24 be five percent (5%) below the annual salary of an associate justice of
25 the Supreme Court;

26 (4) The annual salary of each senior resident superior court judge shall be
27 five percent (5%) below the annual salary of the Chief Judge of the
28 Court of Appeals;

(5) The annual salary of each special or regular resident superior court judge shall be five percent (5%) below the annual salary of an associate judge of the Court of Appeals;

(6) The annual salary of each chief district court judge shall be five percent (5%) below the annual salary of a senior resident superior court judge; and

(7) The annual salary of each other district court judge shall be five percent (5%) below the annual salary of a superior court judge."

SECTION 2. G.S. 7A-10(b) reads as rewritten:

"(b) The Chief Justice and each of the associate justices shall receive the annual salary provided in Current Operations Appropriations Act. Act, in an amount as specified in G.S. 7A-4.30. Each justice is entitled to reimbursement for travel and subsistence expenses at the rate allowed State employees generally."

SECTION 3. G.S. 7A-18(a) reads as rewritten:

"(a) The Chief Judge and each associate judge of the Court of Appeals shall receive the annual salary provided in the Current Operations Appropriations Act. Act, in an amount as specified in G.S. 7A-4.30. Each judge is entitled to reimbursement for travel and subsistence expenses at the rate allowed State employees generally."

SECTION 4. G.S. 7A-44(a) reads as rewritten:

"(a) A judge of the superior court, regular or special, shall receive the annual salary set forth in the Current Operations Appropriations Act, in an amount as specified in G.S. 7A-4.30, and in addition shall be paid the same travel allowance as State employees generally by G.S. 138-6(a)(1) and (2), provided that no travel allowance be paid for travel within his county of residence. In addition, a judge of the superior court shall be allowed seven thousand dollars (\$7,000) per year, payable monthly, in lieu of necessary subsistence expenses while attending court or transacting official business at a place other than in the county of his residence and in lieu of other professional expenses incurred in the discharge of his official duties. The Administrative Officer of the Courts may also reimburse superior court judges, in addition to the above funds for travel and subsistence, for travel and subsistence expenses incurred for professional education."

SECTION 5. G.S. 7A-144(a) reads as rewritten:

"(a) Each judge shall receive the annual salary provided in the Current Operations Appropriations Act, in an amount as specified in G.S. 7A-4.30, and reimbursement on the same basis as State employees generally, for his necessary travel and subsistence expenses."

SECTION 6. Section 28.4 of S.L. 2007-323 reads as rewritten:

"**SECTION 28.4(a)** The annual salaries, payable monthly, for specified judicial branch officials for the 2007-2008 ~~and 2008-2009 fiscal years~~ fiscal year are:

<u>Judicial Branch Officials</u>	<u>Annual Salary</u>
Chief Justice, Supreme Court	\$ 137,160
Associate Justice, Supreme Court	133,576
Chief Judge, Court of Appeals	130,236

1	Judge, Court of Appeals	128,011
2	Judge, Senior Regular Resident Superior Court	124,532
3	Judge, Superior Court	121,053
4	Chief Judge, District Court	109,923
5	Judge, District Court	106,445
6	District Attorney	116,112
7	Administrative Officer of the Courts	123,346
8	Assistant Administrative Officer of the Courts	112,665
9	Public Defender	116,112

10
11 The annual salaries, payable monthly, for specified judicial branch officials for the
12 2008-2009 fiscal year are:

13		
14	<u>Judicial Branch Officials</u>	<u>Annual Salary</u>
15	<u>Chief Justice, Supreme Court</u>	<u>\$ 150,000</u>
16	<u>Associate Justice, Supreme Court</u>	<u>144,000</u>
17	<u>Chief Judge, Court of Appeals</u>	<u>142,500</u>
18	<u>Judge, Court of Appeals</u>	<u>136,800</u>
19	<u>Judge, Senior Regular Resident Superior Court</u>	<u>135,375</u>
20	<u>Judge, Superior Court</u>	<u>129,960</u>
21	<u>Chief Judge, District Court</u>	<u>128,606</u>
22	<u>Judge, District Court</u>	<u>123,462</u>
23	<u>District Attorney</u>	<u>131,991</u>
24	<u>Administrative Officer of the Courts</u>	<u>135,375</u>
25	<u>Assistant Administrative Officer of the Courts</u>	<u>123,191</u>
26	<u>Public Defender</u>	<u>131,991"</u>

27 **SECTION 7.** G.S. 7A-65(a) reads as rewritten:

28 "(a) The annual salary of:

- 29 (1) District attorneys shall be ~~as provided in the Current Operations~~
30 ~~Appropriations Act.~~ the midpoint amount between the salary of a
31 senior resident superior court judge and the salary of a chief district
32 court judge, as provided by law.
- 33 (2) Full-time assistant district attorneys shall be ~~as provided in the Current~~
34 ~~Operations Appropriations Act.~~ set by the district attorney of each
35 district, with the approval of the Administrative Office of the Courts,
36 such that the average of the salaries of all assistant district attorneys in
37 the district do not exceed sixty percent (60%) of the salary of a district
38 attorney, and the minimum salary of any assistant district attorney is at
39 least thirty percent (30%) of the salary of the district attorney.

40 When traveling on official business, each district attorney and assistant district
41 attorney is entitled to reimbursement for his subsistence and travel expenses to the same
42 extent as State employees generally."

43 **SECTION 8.** G.S. 7A-498.7 is amended by adding a new subsection to read:

"(b1) The annual salary of public defenders shall be the midpoint amount between the salary of a senior resident superior court judge and the salary of a chief district court judge, as provided by law."

SECTION 9. G.S. 7A-398.7(f) reads as rewritten:

"(f) Each public defender is entitled to assistant public defenders, investigators, and other staff, full-time or part-time, as may be authorized by the Commission. Assistants, investigators, and other staff are appointed by the public defender and serve at the pleasure of the public defender. ~~Average and minimum compensation of assistants shall be as provided in the biennial Current Operations Appropriations Act.~~ The actual salaries of assistants shall be set by the public defender in charge of the office, subject to approval by the ~~Commission.~~ Commission, such that the average salaries of all assistant public defenders in the office do not exceed sixty percent (60%) of the salary of a public defender, and the minimum salary of any assistant public defender is at least thirty percent (30%) of the salary of the public defender. The Commission shall fix the compensation of investigators. Assistants and investigators shall perform such duties as may be assigned by the public defender."

SECTION 10. Section 28.4(b) of S.L. 2007-323 is repealed.

SECTION 11. G.S. 7A-101(a) reads as rewritten:

"(a) The clerk of superior court is a full-time employee of the State and shall receive an annual salary, payable in equal monthly installments, based on the population of the county as determined in subsection (a1) of this section, according to the following ~~schedule:~~ schedule, in which the annual salary of the clerk shall be the following percentage of the salary of a chief district court judge:

Population	Annual Salary	<u>Percentage</u>
Less than 100,000	\$ 80,196	<u>73%</u>
100,000 to 149,999	89,993	<u>82%</u>
150,000 to 249,999	99,792	<u>91%</u>
250,000 and above	109,593	<u>100%</u>

When a county changes from one population group to another, the salary of the clerk shall be changed, on July 1 of the fiscal year for which the change is reported, to the salary appropriate for the new population group, except that the salary of an incumbent clerk shall not be decreased by any change in population group during his continuance in office."

SECTION 12. G.S. 7A-171.1(a) reads as rewritten:

"(a) The Administrative Officer of the Courts, after consultation with the chief district judge and pursuant to the following provisions, shall set an annual salary for each magistrate.

- (1) A full-time magistrate shall be paid the annual salary indicated in the table set out in this subdivision. The annual salaries for full-time magistrates shall be the percentages of the salary of a district court judge indicated in the table in this subdivision. A full-time magistrate is a magistrate who is assigned to work an average of not less than 40 hours a week during the term of office. The Administrative Officer of the Courts shall designate whether a magistrate is full-time. Initial

appointment shall be at the entry rate. A magistrate's salary shall increase to the next step every two years on the anniversary of the date the magistrate was originally appointed for increases to Steps 1 through 3, ~~and~~ every four years on the anniversary of the date the magistrate was originally appointed for increases to ~~Steps 4 through 6.~~ Steps 3 through 6, and after five years on the anniversary of the date the magistrate was originally appointed for an increase from Step 6 to Step 7.

Table of Salaries of Full-Time Magistrates

Step Level	Annual Salary	Percentage
Entry Rate	\$ 31,533	<u>33%</u>
Step 1	34,425	<u>35%</u>
Step 2	37,571	<u>37%</u>
Step 3	41,006	<u>41%</u>
Step 4	44,768	<u>45%</u>
Step 5	49,007	<u>49%</u>
Step 6	53,760	<u>53%</u>
Step 7		<u>58%</u>

- (2) A part-time magistrate is a magistrate who is assigned to work an average of less than 40 hours of work a week during the term, except that no magistrate shall be assigned an average of less than 10 hours of work a week during the term. A part-time magistrate is included, in accordance with G.S. 7A-170, under the provisions of G.S. 135-1(10) and G.S. 135-40.2(a). The Administrative Officer of the Courts designates whether a magistrate is a part-time magistrate. A part-time magistrate shall receive an annual salary based on the following formula: The average number of hours a week that a part-time magistrate is assigned work during the term shall be multiplied by the annual salary payable to a full-time magistrate who has the same number of years of service prior to the beginning of that term as does the part-time magistrate and the product of that multiplication shall be divided by the number 40. The quotient shall be the annual salary payable to that part-time magistrate.
- (3) Notwithstanding any other provision of this subsection, a magistrate who is licensed to practice law in North Carolina or any other state shall receive the annual salary provided in the Table in subdivision (1) of this subsection for ~~Step 4.~~ Step 3."

SECTION 13. There is appropriated from the General Fund to the Judicial Department the amount of twenty-nine million four hundred thousand four hundred forty-five dollars (\$29,400,445) for the 2008-2009 fiscal year to implement the provision of this act.

SECTION 14. This act becomes effective July 1, 2008.

May 27, 2008

H 2620. EQUITABLE JUDICIAL SALARY STRUCTURE. Filed 5/27/08. *TO IMPROVE THE ADMINISTRATION OF JUSTICE AND PRESERVE THE QUALITY OF THE JUDICIARY BY IMPROVING SALARIES AND ESTABLISHING AN EQUITABLE SALARY STRUCTURE FOR JUDICIAL OFFICIALS.*

Enacts new Article 1C to GS Chapter 7A to establish a salary structure for justices and judges. Each separate category of judge is determined by reference to salary of another level of judge. Sets chief justice's salary for 2008-09 at \$150,000. Associate justices are paid 96% of that amount, and chief judge of court of appeals, 95%. Associate appeals court judges are paid 95% of an associate justice's salary. Senior resident superior court judges are paid 95% of Chief Judge of Court of Appeals salary and regular superior court judge is paid 95% of associate appeals court judge's salary. Chief district court judges are paid 95% of senior resident's salary and regular district judge paid 95% of regular superior court judge. Makes similar provisions for district attorneys and public defenders by setting their salary at the midpoint between senior resident and chief district judge. Sets salaries of clerks of court as percentage of chief district judge's salary, with percentages ranging from 100% for clerks in counties with 250,000 or more people to 73% for clerks in counties with less than 100,000 people. Sets magistrates' salaries as percentage of district court judge's salary, with ranges from 33% for entry level magistrate to 58% for magistrates at step 7. Under the new structure, judges' salaries would range from the chief justice's salary of \$150,000 to \$123,462 for a district judge. Appropriates \$29,400,455 for 2008-09 from the General Fund to the Judicial Department to fund increases. Effective July 1, 2008.

Intro. by Blue.

GS 7A, APPROP

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

H

1

HOUSE BILL 2620

Short Title: Equitable Judicial Salary Structure.

(Public)

Sponsors: Representatives Blue; Avila, Faison, Harrison, Jones, Lucas, Samuelson,
and R. Warren.

Referred to: Appropriations.

May 28, 2008

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPROVE THE ADMINISTRATION OF JUSTICE AND PRESERVE
3 THE QUALITY OF THE JUDICIARY BY IMPROVING SALARIES AND
4 ESTABLISHING AN EQUITABLE SALARY STRUCTURE FOR JUDICIAL
5 OFFICIALS.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. Subchapter I of Chapter 7A of the General Statutes is amended
8 by adding a new Article to read:

9 "Article 1C.

10 "Equitable Salary Structure for Justices and Judges.

11 "§ 7A-4.30. Compensation of justices and judges.

12 (a) The annual salary of the Chief Justice of the Supreme Court shall be an
13 amount commensurate with the judicial and administrative authorities, duties, and
14 stature of that office taking into consideration comparable judicial salaries in other
15 states, relevant positions in State government and the private sector, and
16 recommendations of the State Judicial Council.

17 (b) The annual salary of each other justice and judge of the General Court of
18 Justice shall be set as follows:

19 (1) The annual salary of an associate justice of the Supreme Court shall be
20 four percent (4%) below the annual salary of the Chief Justice;

21 (2) The annual salary of the Chief Judge of the Court of Appeals shall be
22 five percent (5%) below the annual salary of the Chief Justice;

23 (3) The annual salary of each associate judge of the Court of Appeals shall
24 be five percent (5%) below the annual salary of an associate justice of
25 the Supreme Court;

26 (4) The annual salary of each senior resident superior court judge shall be
27 five percent (5%) below the annual salary of the Chief Judge of the
28 Court of Appeals;

(5) The annual salary of each special or regular resident superior court judge shall be five percent (5%) below the annual salary of an associate judge of the Court of Appeals;

(6) The annual salary of each chief district court judge shall be five percent (5%) below the annual salary of a senior resident superior court judge; and

(7) The annual salary of each other district court judge shall be five percent (5%) below the annual salary of a superior court judge."

SECTION 2. G.S. 7A-10(b) reads as rewritten:

"(b) The Chief Justice and each of the associate justices shall receive the annual salary provided in Current Operations Appropriations ~~Act~~ Act, in an amount as specified in G.S. 7A-4.30. Each justice is entitled to reimbursement for travel and subsistence expenses at the rate allowed State employees generally."

SECTION 3. G.S. 7A-18(a) reads as rewritten:

"(a) The Chief Judge and each associate judge of the Court of Appeals shall receive the annual salary provided in the Current Operations Appropriations ~~Act~~ Act, in an amount as specified in G.S. 7A-4.30. Each judge is entitled to reimbursement for travel and subsistence expenses at the rate allowed State employees generally."

SECTION 4. G.S. 7A-44(a) reads as rewritten:

"(a) A judge of the superior court, regular or special, shall receive the annual salary set forth in the Current Operations Appropriations Act, in an amount as specified in G.S. 7A-4.30, and in addition shall be paid the same travel allowance as State employees generally by G.S. 138-6(a)(1) and (2), provided that no travel allowance be paid for travel within his county of residence. In addition, a judge of the superior court shall be allowed seven thousand dollars (\$7,000) per year, payable monthly, in lieu of necessary subsistence expenses while attending court or transacting official business at a place other than in the county of his residence and in lieu of other professional expenses incurred in the discharge of his official duties. The Administrative Officer of the Courts may also reimburse superior court judges, in addition to the above funds for travel and subsistence, for travel and subsistence expenses incurred for professional education."

SECTION 5. G.S. 7A-144(a) reads as rewritten:

"(a) Each judge shall receive the annual salary provided in the Current Operations Appropriations Act, in an amount as specified in G.S. 7A-4.30, and reimbursement on the same basis as State employees generally, for his necessary travel and subsistence expenses."

SECTION 6. Section 28.4 of S.L. 2007-323 reads as rewritten:

"**SECTION 28.4.(a)** The annual salaries, payable monthly, for specified judicial branch officials for the 2007-2008 ~~and 2008-2009 fiscal years~~ fiscal year are:

<u>Judicial Branch Officials</u>	<u>Annual Salary</u>
Chief Justice, Supreme Court	\$ 137,160
Associate Justice, Supreme Court	133,576
Chief Judge, Court of Appeals	130,236

1	Judge, Court of Appeals	128,011
2	Judge, Senior Regular Resident Superior Court	124,532
3	Judge, Superior Court	121,053
4	Chief Judge, District Court	109,923
5	Judge, District Court	106,445
6	District Attorney	116,112
7	Administrative Officer of the Courts	123,346
8	Assistant Administrative Officer of the Courts	112,665
9	Public Defender	116,112

10
11 The annual salaries, payable monthly, for specified judicial branch officials for the
12 2008-2009 fiscal year are:

14	<u>Judicial Branch Officials</u>	<u>Annual Salary</u>
15	<u>Chief Justice, Supreme Court</u>	<u>\$ 150,000</u>
16	<u>Associate Justice, Supreme Court</u>	<u>144,000</u>
17	<u>Chief Judge, Court of Appeals</u>	<u>142,500</u>
18	<u>Judge, Court of Appeals</u>	<u>136,800</u>
19	<u>Judge, Senior Regular Resident Superior Court</u>	<u>135,375</u>
20	<u>Judge, Superior Court</u>	<u>129,960</u>
21	<u>Chief Judge, District Court</u>	<u>128,606</u>
22	<u>Judge, District Court</u>	<u>123,462</u>
23	<u>District Attorney</u>	<u>131,991</u>
24	<u>Administrative Officer of the Courts</u>	<u>135,375</u>
25	<u>Assistant Administrative Officer of the Courts</u>	<u>123,191</u>
26	<u>Public Defender</u>	<u>131,991"</u>

27 **SECTION 7.** G.S. 7A-65(a) reads as rewritten:

28 "(a) The annual salary of:

- 29 (1) District attorneys shall be as ~~provided in the Current Operations~~
30 ~~Appropriations Act.~~ the midpoint amount between the salary of a
31 senior resident superior court judge and the salary of a chief district
32 court judge, as provided by law.
- 33 (2) Full-time assistant district attorneys shall be as ~~provided in the Current~~
34 ~~Operations Appropriations Act.~~ set by the district attorney of each
35 district, with the approval of the Administrative Office of the Courts,
36 such that the average of the salaries of all assistant district attorneys in
37 the district do not exceed sixty percent (60%) of the salary of a district
38 attorney, and the minimum salary of any assistant district attorney is at
39 least thirty percent (30%) of the salary of the district attorney.

40 When traveling on official business, each district attorney and assistant district
41 attorney is entitled to reimbursement for his subsistence and travel expenses to the same
42 extent as State employees generally."

43 **SECTION 8.** G.S. 7A-498.7 is amended by adding a new subsection to read:

"(b1) The annual salary of public defenders shall be the midpoint amount between the salary of a senior resident superior court judge and the salary of a chief district court judge, as provided by law."

SECTION 9. G.S. 7A-398.7(f) reads as rewritten:

"(f) Each public defender is entitled to assistant public defenders, investigators, and other staff, full-time or part-time, as may be authorized by the Commission. Assistants, investigators, and other staff are appointed by the public defender and serve at the pleasure of the public defender. ~~Average and minimum compensation of assistants shall be as provided in the biennial Current Operations Appropriations Act.~~ The actual salaries of assistants shall be set by the public defender in charge of the office, subject to approval by the ~~Commission.~~ Commission, such that the average salaries of all assistant public defenders in the office do not exceed sixty percent (60%) of the salary of a public defender, and the minimum salary of any assistant public defender is at least thirty percent (30%) of the salary of the public defender. The Commission shall fix the compensation of investigators. Assistants and investigators shall perform such duties as may be assigned by the public defender."

SECTION 10. Section 28.4(b) of S.L. 2007-323 is repealed.

SECTION 11. G.S. 7A-101(a) reads as rewritten:

"(a) The clerk of superior court is a full-time employee of the State and shall receive an annual salary, payable in equal monthly installments, based on the population of the county as determined in subsection (a1) of this section, according to the following ~~schedule:~~ schedule, in which the annual salary of the clerk shall be the following percentage of the salary of a chief district court judge:

Population	Annual Salary	Percentage
Less than 100,000	\$ 80,196	<u>73%</u>
100,000 to 149,999	89,993	<u>82%</u>
150,000 to 249,999	99,792	<u>91%</u>
250,000 and above	109,593	<u>100%</u>

When a county changes from one population group to another, the salary of the clerk shall be changed, on July 1 of the fiscal year for which the change is reported, to the salary appropriate for the new population group, except that the salary of an incumbent clerk shall not be decreased by any change in population group during his continuance in office."

SECTION 12. G.S. 7A-171.1(a) reads as rewritten:

"(a) The Administrative Officer of the Courts, after consultation with the chief district judge and pursuant to the following provisions, shall set an annual salary for each magistrate.

(1) A full-time magistrate shall be paid the annual salary indicated in the table set out in this subdivision. The annual salaries for full-time magistrates shall be the percentages of the salary of a district court judge indicated in the table in this subdivision. A full-time magistrate is a magistrate who is assigned to work an average of not less than 40 hours a week during the term of office. The Administrative Officer of the Courts shall designate whether a magistrate is full-time. Initial

1 appointment shall be at the entry rate. A magistrate's salary shall
 2 increase to the next step every two years on the anniversary of the date
 3 the magistrate was originally appointed for increases to Steps 1
 4 through 3, ~~and~~ every four years on the anniversary of the date the
 5 magistrate was originally appointed for increases to ~~Steps 4 through 6.~~
 6 Steps 3 through 6, and after five years on the anniversary of the date
 7 the magistrate was originally appointed for an increase from Step 6 to
 8 Step 7.

Table of Salaries of Full-Time Magistrates

Step Level	Annual Salary	Percentage
Entry Rate	\$31,533	33%
Step 1	34,425	35%
Step 2	37,571	37%
Step 3	41,006	41%
Step 4	44,768	45%
Step 5	49,007	49%
Step 6	53,760.	53%
Step 7		58%

- (2) A part-time magistrate is a magistrate who is assigned to work an average of less than 40 hours of work a week during the term, except that no magistrate shall be assigned an average of less than 10 hours of work a week during the term. A part-time magistrate is included, in accordance with G.S. 7A-170, under the provisions of G.S. 135-1(10) and G.S. 135-40.2(a). The Administrative Officer of the Courts designates whether a magistrate is a part-time magistrate. A part-time magistrate shall receive an annual salary based on the following formula: The average number of hours a week that a part-time magistrate is assigned work during the term shall be multiplied by the annual salary payable to a full-time magistrate who has the same number of years of service prior to the beginning of that term as does the part-time magistrate and the product of that multiplication shall be divided by the number 40. The quotient shall be the annual salary payable to that part-time magistrate.

- (3) Notwithstanding any other provision of this subsection, a magistrate who is licensed to practice law in North Carolina or any other state shall receive the annual salary provided in the Table in subdivision (1) of this subsection for ~~Step 4.~~ Step 3."

SECTION 13. There is appropriated from the General Fund to the Judicial Department the amount of twenty-nine million four hundred thousand four hundred forty-five dollars (\$29,400,445) for the 2008-2009 fiscal year to implement the provision of this act.

SECTION 14. This act becomes effective July 1, 2008.

All courts shall be open; every person for an injury done him in his lands, goods, person, or reputation shall have remedy by due course of law; and right and justice shall be administered without favor, denial, or delay.

NORTH CAROLINA CONSTITUTION, ARTICLE I, SECTION 18

"Without Favor, Denial, or Delay"

The Recommendations of the Commission for the Future of Justice and the Courts in North Carolina



Michael Crowell

In the 1997 session of the General Assembly, much of the debate on court reform will focus on the report of the Commission for the Future of Justice and the Courts in North Carolina (the Futures Commission). This article describes why the Futures Commission was created, how it has gone about its work, and what it recommends. The focus of its recommendations is to meet the constitutional promise of "justice . . . administered without favor, denial, or delay."

The Last Round of Court Reform

In 1994, when the Futures Commission was formed, the state had been operating under its current court system for a quarter of a century. The present General Court of Justice grew out of a call from Governor Luther Hodges in 1955 for a thorough study of the courts. It was prompted by a sense of uneven justice from one part of the state to another, widespread dissatisfaction with the patchwork of local courts that existed, the backlog of cases, and the obvious conflict in some court officials being paid according to the fines that they collected.

The author, a partner in the Raleigh law firm of Tharrington Smith, is serving as the executive director of the Futures Commission. He is a former Institute of Government faculty member.

The North Carolina Bar Association responded in 1955 with a study committee chaired by prominent Charlotte lawyer J. Spencer Bell. The Bell Commission, as the committee came to be known, reported in 1958, declaring the principles that should govern organization and operation of the courts. To address the details, the governor convened a second committee, chaired by J. Spencer Love of Burlington Industries. Legislation was introduced in 1959 but did not succeed. It was revamped and presented again, in 1961. By the end of the 1960s, after several fits and starts, the major changes were in place.

The changes put North Carolina's court system in the forefront of court reform. They abolished the fourteen hundred or so local courts—recorders' courts, mayors' courts, and so forth—many of which were presided over by part-time judges, a number of whom were not lawyers. A statewide district court, based on the same districts as the existing superior court, took their place. Justices of the peace, many of whom were paid according to the costs that they assessed, were replaced with salaried magistrates. "Solicitors" (the old name for district attorneys), some of whom had practiced law on the side, became full-time district attorneys. All court officials went on the state payroll, and a uniform fee schedule was established. The districts used for the organization of superior court, district court, and district attorneys' offices took on common boundaries.

The Administrative Office of the Courts was created to support the courts statewide. The court of appeals was formed as an intermediate appellate court to relieve the supreme court's burden.

Many states are still trying to accomplish what North Carolina did in the 1960s. A uniform, statewide, state-funded court system is the model recommended by the American Bar Association and experts in court management.

Reasons for Another Study

If North Carolina already has such an ideal court structure, why has the Futures Commission been necessary? There are several reasons.

First, the caseload has grown tremendously. From 1970 to 1995, the state's population increased by 40 percent. In the same period, the annual number of filings in the courts more than doubled. In a state of about 7 million people, approximately 2.7 million cases are filed each year. Of more importance, the growth has not been even. Urban centers are carrying an ever larger share of the caseload. The yearly number of felony filings has increased almost fourfold. The number of domestic cases has climbed even faster, and introduction of the law of equitable distribution of marital property has complicated such cases. The state's expenditure on counsel for indigent defendants has gone from less than \$1.5 million a year to nearly \$50 million. This growth in the court's business alone would justify a reexamination of the system. As Futures Commission chair John G. Medlin, Jr., has said, "Any organization with growth statistics like those, which has not undergone comprehensive reassessment and modernization in forty years, probably already is or soon will be in serious trouble."¹

A second reason for another study is that the courts, like most government institutions, clearly are losing public support. Focus groups, a statewide poll, and public hearings have shown that citizens generally believe the courts are too slow and cost too much. In the poll only 38 percent of the respondents had a favorable impression of the courts statewide. When people were asked about their local courts, the favorable rating went up to 50 percent but still ranked behind the ratings of the public schools, law enforcement, the news media, and even the legislature. A majority of citizens believes that delays in deciding cases are a serious problem and that wealthy people receive preferential treatment. If the public has such opinions—whether or not they are well founded—something must be done.

There is dissatisfaction within the courts also. Many judges feel overworked and underpaid and believe that some colleagues do not pull their load. Prosecutors in urban areas think their offices are shortchanged. Clerks are unhappy that they do not have the technology they see in law firms and private businesses. Some court officials seem to view the Administrative Office of the Courts as an unresponsive Raleigh bureaucracy. There is a strong cry for more active management of cases by judicial officials, but the legislature has been unwilling to invest in the technology and the personnel needed to make that happen. The public criticizes the courts but has no understanding of what judges do or why.

Finally, another study has been necessary because times have changed. Technology has improved to the point that ordinary folk do their banking at automated teller machines (ATMs) and use their Touch-Tone telephones to order movies. It is not surprising, then, that they resent still having to stand in line and pay by cash when they receive a traffic ticket. A more disturbing trend of the last several decades has been the seeming disintegration of the family, reflected in the enormous growth in divorce and support cases, leaving district courts to pick up the pieces. Further, as privatization has changed the public's notions about traditional governmental functions—postal service, police, garbage collection, schools—citizens are increasingly turning to mediation, private adjudication, and other forms of dispute resolution outside the courts. Also, more people want to represent themselves in court. These changes in the way that society functions justify revisiting court organization and procedures to see whether they are meeting the needs of the times.

The Commission and Its Work

Former chief justice James G. Exum, Jr., appointed the Futures Commission in spring 1994, and the current chief justice, Burley Mitchell, continued the project after he took office. Exum persuaded Medlin, the chairman of Wachovia, who had no direct experience with the courts—and no preconceived notions of how they should be run—to head the commission. The vice-chairs are Rhoda Billings, a Wake Forest University law professor who has also been a district court judge and a chief justice, and Robert A. Collier, Jr., a retired superior court judge who has become one of the most active mediators in the state. A majority of the remaining twenty-four members are lawyers, but the list also includes the chief executive officer of a home supply company, other law professors, several

current or retired newspaper publishers, a police chief and the director of a social agency. The chief justice intentionally omitted from the commission any sitting judges, clerks, district attorneys, or other court officials, to avoid even the impression that members had a vested interest in maintaining the status quo. A number of court officials have aided the commission as advisers, however. The whole effort has been funded by the Governor's Crime Commission and the Z. Smith Reynolds Foundation.

The commission met monthly for more than two years. Committees sometimes met more often. All the meetings were public, and most of them featured speakers from both inside and outside the state. Members visited courts in Illinois, New Jersey, and other jurisdictions. Representatives of similar commissions in California, Colorado, Maryland, Massachusetts, Pennsylvania, Tennessee, and Virginia came to North Carolina. Public hearings were held in eight cities in early summer 1995 and another five cities a year later. The commission contracted with a professional marketing firm to convene half a dozen focus groups and conduct a statewide telephone poll. A wide-ranging survey was sent to all the judges in the state, and a questionnaire on technology went to all clerks. The North Carolina Association of County Commissioners helped collect data on local expenditures on courts. Information about the commission was placed on the judicial branch's home page on the Internet, and a newsletter was sent regularly to about two thousand people.

Members or staff of the commission appeared at meetings of local bar associations, civic clubs, virtually every organization of lawyers in the state, associations of judges and clerks and prosecutors, the League of Women Voters, and the North Carolina Courts Commission. They spoke on radio talk shows, on the OpenNet statewide cable television call-in show, and almost everywhere else someone would stop and listen. Articles about the commission were published in the newsletters of several sections of the bar association. Before the last round of public hearings, the commission published a lengthy, detailed summary of its likely recommendations in the State Bar's newsletter. It also sent the summary to all the major newspapers and all the state's judges, clerks, district attorneys, public defenders, and trial court administrators.

The Commission's Conclusions

The court system that the Futures Commission has proposed differs significantly from the one designed

by the Bell Commission nearly four decades ago. However, the Futures Commission has found much to admire in the work of the earlier group. In 1958 Bell described to the North Carolina Bar Association's annual convention what his committee was trying to accomplish:

The whole group of recommendations might be summed up by stating that the Committee has sought to establish a court structure which is capable of meeting the needs of the people of the state, to make those courts responsible for their judicial product, to give the courts authority to manage their internal affairs, and adequate administrative machinery, so that they can discharge their responsibilities; to assure that the courts are manned and served by the best qualified persons, and to assure accountability to the public by clearly fixing responsibility at the proper levels.²

The Futures Commission recommends a court system based on the same principles: fixed responsibility, independence, flexibility, and uniformity. In a few instances, accomplishment of these goals means returning to proposals first offered in the 1950s, because some key parts of the Bell Commission's vision were never fulfilled. In most cases, Futures Commission recommendations mean modifying the current structure to fit new times. Still, it is useful to revisit what Bell said and consider how the present system of court organization and operation is meeting the goals of the Bell Commission.

Fixed Responsibility

The 1958 report of the [Bell Commission] was predicated upon the thesis that effective administration of justice, as any other type of administration, requires that responsibility be fixed upon a single point or agency.³

For the Bell Commission, responsibility for the court system as a whole was to be fixed clearly on the chief justice and the supreme court because "only by pin-pointing responsibility can the people fix the blame for failure and force corrective action."⁴ In the committee's view, responsibility had to rest with those who had the expertise to do the job, which meant the courts themselves. Thus autonomy and accountability went hand in hand.

The vision was not realized. Three examples should suffice to make the point. First, the original proposal to replace the local courts of the 1950s with the district court called for the chief justice to appoint the

new district judges. The legislature chose partisan local elections. Second, the Bell Commission proposed that the jurisdiction of each division of the court system be determined by a rule of the supreme court rather than by an act of the legislature. Instead, the General Assembly retained control. Third, the Bell Commission recommended that the supreme court set the rules of practice and procedure for both the appellate and the trial courts. The legislature kept to itself responsibility to make the rules for trial courts. Thus in each instance the autonomy and the fixed responsibility of the court system were diluted.

Fixed responsibility—accountability—is key to the court system recommended by the Futures Commission. The proposals principally based on this idea include the following:

- That the chief justice be the head of this equal branch of government and be responsible for the judicial system
- That all judges be appointed by the governor from names submitted by a blue ribbon panel; that they be evaluated periodically on objective standards; and that they stand for a yes or no election on being retained in office at the end of each term
- That the forty present judicial districts be replaced with no more than eighteen circuits, each to be headed by a chief judge chosen by the chief justice
- That state and circuit judicial councils that include lay members help oversee and coordinate the work of the courts
- That the chief judge of a circuit, assisted by a circuit administrator, be responsible for setting court schedules and assigning judges as needed for the caseload in that circuit
- That, when appropriate, a case be assigned to a single judge to see it to completion
- That trial judges rotate throughout the circuit but not farther
- That the chief justice and the state judicial council set standards for trial judges and other court officials
- That county clerks of court become appointed officials of the judicial department, answerable to those responsible for overall management of the court system, rather than being independent, locally elected officials
- That the prosecution and defense functions be moved from the judicial branch of government

to the executive branch, relieving the chief justice of even nominal administrative responsibility for lawyers who serve as advocates in the courts

Accountability is possible only if resources are available to do the work. North Carolina has run a relatively low cost court system for many years. Its judges have some of the highest caseloads in the country, with few support personnel to help. Data processing technology is ten to fifteen years behind the times. Many records are still written by hand or typed. The statewide computer information systems—one of the benefits of a unified court system—are not linked and provide limited information. The more than 1.3 million traffic tickets handled each year, constituting the most voluminous and repetitive portion of the caseload, are still processed by being stuffed into “shucks” that are sorted by hand.

Each circuit chief judge will need an administrator or a case manager to assist with scheduling and case assignment. Computerized case management systems are essential, as are modern, integrated information systems. Information entered in one system should be automatically transmitted to others, and data should be entered no more than once. There must be state standards for technology.

Independence

The second general proposition which the Committee has kept in mind is that the judicial department of the government should be non-political.⁵

In the 1950s the Bell Commission saw the danger of partisan election of judges. A subcommittee submitted a recommendation that all judges be appointed, but it was dropped from the final recommendations because of political opposition.⁶ Each commission that has studied the state's courts since then, however, has come to the same conclusion: elimination of the election of judges is essential to maintaining an independent judiciary.

The changed circumstances of recent years make the case for appointment more compelling today. The system of electing judges was tolerable when most judges first reached the bench by appointment and seldom faced opposition in standing for reelection. They did not have to solicit lawyers for campaign funds, hire campaign managers, run newspaper advertisements, purchase radio time—or worry about the political consequences of their decisions. Contested

elections are now common, not just between the two parties but within party primaries. Candidates for appellate judgeships may spend hundreds of thousands of dollars. The state is extremely fortunate that the judiciary has not yet been tainted by a scandal. It is also fortunate that the quality of the elected judges is so high, considering how little voters know about them.⁷

Of course, independence means more than appointment of judges. It means the judicial branch having sufficient autonomy to perform its functions unimpeded. "The impartiality, fairness and overall quality of the judicial product are at risk when someone else controls such critical elements of the courts as their rules, procedures, personnel allocations, and line item budget."⁸ Among the recommendations designed to provide independence are these:

- That the chief justice and the state judicial council, not the legislature, have authority to redraw circuit lines
- That the supreme court adopt rules of civil and criminal procedure and evidence, subject to a legislative veto
- That the chief justice and the state judicial council have discretion to reallocate funds appropriated by the legislature, as the needs of the courts change

Flexibility

A third major premise of the [Bell Commission] was that the court system should be flexible.⁹

Bell noted, "The Committee has recognized that specific solutions which are sufficient for particular circumstances may not be permanently good."¹⁰ The Committee had responded, he said, by "proposing solutions of sufficient flexibility to permit adjustment and change as the need therefor becomes apparent."¹¹ Medlin has expressed the same goal for the Futures Commission: "None of us can predict the challenges and needs of the court ten, twenty or thirty years from now. Therefore, court governance and structure must be sufficiently flexible and adaptable to permit revisions which meet changing circumstances without undue delay."¹²

The Bell Commission sought flexibility through the establishment of "one court, rather than many different courts, to serve the state."¹³ In a single court, there are no questions of whether the court has jurisdiction or whether the parties have filed papers in the right

place. Sessions of court can be set and judges assigned as needed. Moreover, if responsibility for governing the courts has been fixed with the courts themselves, the duties and the jurisdiction of the different court officials can be altered as times change. This is exactly what the Bell Commission envisioned: "The authority and responsibility of each division—'jurisdiction' in the traditional concept—would be fixed by rule of the Supreme Court. Whenever changed conditions required that the authority of a particular division be enlarged or contracted, the Supreme Court could act promptly by rule change."¹⁴

The General Court of Justice was created in the 1960s as a single court for the state. However, the trial court was bifurcated into the superior and district court divisions, and the legislature retained authority to set the jurisdiction of the different levels of court.

Circumstances have proven the need for flexibility. As noted earlier, the court's business has changed dramatically in the last quarter century. Unfortunately the existing court structure has not proven sufficiently flexible to cope with the changes. The state's citizens and many of the courts' officers believe that the judicial branch is responding inadequately and ineffectively to crime and family matters. Some courtrooms sit empty while others are overflowing. Some traveling judges finish their week's business on Wednesday and return home because no other matters have been set for that term in that county. Court calendars break down because of scheduling conflicts or because of failure to factor in the unavailability of key witnesses.

The Futures Commission proposes to enhance the flexibility of the court system through the following measures:

- Merging the superior court and the district court into a single trial court called the circuit court¹⁵
- Initially dividing the cases in the trial court into four categories: major criminal cases, minor criminal cases, civil cases, and family law cases
- Eliminating the concept of terms of court and providing instead that court be in session at all times within a circuit
- Designating all judges as circuit judges, subject to assignment by the chief circuit judge as the courts' needs and the judges' experience warrant
- Assigning to each judge a reasonable balance of different kinds of cases but using the most experienced judges for the most difficult disputes
- Allowing pretrial conferences, hearings on motions, and similar events to be conducted in the

first available courtroom in the circuit, even if it is outside the county where the case is filed, but continuing to group counties together to limit jury trials to neighboring counties not requiring extensive travel.

- Authorizing the state judicial council to increase the civil jurisdiction of lawyer magistrates in stages

Flexibility is also the motivation for expanded use of alternative dispute resolution. Experimentation in recent years confirms that many disputes can be resolved satisfactorily in ways other than trial. Thus the Futures Commission recommends statewide implementation of programs for alternative dispute resolution; discretion for circuits to experiment with new programs; clear ethical rules requiring attorneys to participate in alternative dispute resolution in good faith and to advise their clients of this option; and early screening of criminal cases for diversion from the courts, when appropriate.

One area in which alternative dispute resolution will be particularly important is the family court—that is, the family law section of the circuit court. Time and time again, the commission heard of the need to consolidate all matters involving the same family—divorce, alimony, child custody, support, equitable distribution, and so forth—within a single court, to provide special training for the judges who hear such matters, to provide case managers to direct those cases to the right forum, and to mandate mediation and other nontrial methods of resolution when appropriate. The proposed court structure includes sufficient circuit-level flexibility and discretion to allow the family court to operate differently in urban areas of the state from how it operates in rural areas, if necessary.

Finally, the Futures Commission proposes constitutional amendments to allow six-member juries in civil cases and petty criminal cases and to permit a defendant in a criminal case to waive the right to jury.¹⁶ Twelve-member juries would still be required for felonies.

Uniformity

A[nother] major premise of the [Bell Commission] was that justice requires that persons all over the state have available basically the same court facilities, and that these courts approach their business in a generally uniform manner—or, as it was phrased by some proponents of the recommendations—that justice not be a matter of geography in North Carolina.¹⁷

The changes of the 1960s made great strides toward uniformity. Time has eroded some of what was accomplished, however, especially in the alignment of judicial and prosecutorial districts. There was concern about uneven justice in the 1950s when some solicitorial (prosecutorial) districts had three times the population and the caseload of others. The reforms largely corrected those disparities by making the new district court districts and prosecutorial districts identical with the superior court districts. Over the last quarter century, however, the extraordinary population growth in some urban counties and the legislative splitting of districts in response to local political problems have left far greater differences. There are now judicial districts with ten times as many people as other districts have. The number of felonies disposed of each year ranges from fewer than five hundred in some districts to more than six thousand in others.

The problem is not so much one of disparity in the size of districts as it is one of some districts being too small to support the kind of administrative assistance and technology needed to improve the operation of the courts. One current district has just fifty thousand people. In a recent year, it held only five criminal jury trials and two civil jury trials. An enterprise like that is too small to justify the investment of people and money needed to improve court management and technology.

The Futures Commission proposes scrapping the existing judicial and prosecutorial districts and substituting twelve to eighteen circuits. Because of the real differences from the Piedmont to the eastern and western ends of the state, the circuits will not be equal in population nor have the same number or kinds of personnel, but each will have the minimum population and caseload necessary to support the administrative staff, local technology, and specialized family court services essential to court improvement. The circuit lines will honor county boundaries and maintain manageable travel distances.

Two critical features of the commission's proposal are that (1) the circuit lines be the same for judicial and prosecutorial purposes and (2) the authority to redraw the lines reside in the courts. Legislative realignment of judicial and prosecutorial districts—too often done to satisfy the local bar or local politicians who are unhappy with incumbent judges or district attorneys—has been one of the most disappointing erosions of the uniform court system. For uniformity, as well as for flexibility, independence, and fixed responsibility, the power to determine the geographic

subdivisions of the court system should rest within the judicial department.

Perhaps the greatest single improvement in the courts in the 1960s was state assumption of the funding of all personnel and operating costs. The Futures Commission debated vigorously whether local governments should be permitted to supplement those state funds and whether the state should also assume responsibility for court facilities. In the end the commission concluded that the present system was the right one. The state should continue to pay all operating expenses. Local supplementation would too easily lead to an uneven judicial system. Facilities should remain a local obligation, though the state should be more active in defining the minimum standards and in helping plan new courthouses. With enactment of the circuit court system, a one-time assessment of facilities should be made, and the state should assist in bringing buildings up to par. If new facilities are needed only for state- or circuit-level use—for example, for a circuit executive's office or for a single high-security courtroom to serve the entire circuit—they should be financed by the state.

Conclusion

When Chief Justice Exum organized the Futures Commission in 1994, he began by saying, "This is the first opportunity since court reform in the late sixties to provide a comprehensive reexamination of our system and assess how it is faring after a quarter century."¹⁸ The chief justice instructed commission members to envision the ideal judicial system and not to assume that anything had to remain the way it had been. The commission has taken that admonition to heart. Although it believes that its recommendations are practical and feasible, it recognizes that they may not all be politically popular at the moment. In proposing what it believes should be done for the long term, not just what it thinks can be done in the short term, the commission again has heeded the words of J. Spencer Bell:

The Committee has declined to consider political feasibility as an appropriate factor in shaping its recommendations. What is politically expedient changes, and is always a matter of conjecture, even among experts. . . .

The Committee has consistently urged that specialized problems be dealt with by those most expert in the field. It would be inconsistent, and even ridicu-

lous, for the Committee to decide that it was sufficiently expert politically to predict what would be most acceptable to the legislature or to the people. Furthermore, it was not the aim of the Committee to discover the most popular solution; our function was to arrive at the best solution, and to set forth our reasoning so that others may benefit from our work.¹⁹

Notes

1. John G. Medlin, Jr., speech delivered at the annual meeting of the North Carolina Bar Association, Myrtle Beach, S.C., June 1996 (hereinafter referred to as Medlin Speech), 2.
2. J. Spencer Bell, "The Report of the Committee on Improving and Expediting the Administration of Justice to the 1958 Conference of the North Carolina Bar Association," speech delivered at the annual meeting of the North Carolina Bar Association, Myrtle Beach, S.C., June 1958 (hereinafter referred to as Bell Speech), 5.
3. Clyde L. Ball, "A Summary of Court Improvement Efforts, 1955-1963," paper prepared for the North Carolina Courts Commission (Chapel Hill, N.C.: Institute of Government, The University of North Carolina at Chapel Hill, Oct. 1963), 3.
4. Bell Speech, 3.
5. Bell Speech, 3.
6. Ball, "Court Improvement Efforts," 7-8.
7. In the statewide poll conducted by the Futures Commission in 1995, only half of the 60 percent of voters who had voted in the 1994 general election recalled that they had voted for judges, and three-fourths of those could not name any individual judicial candidate.
8. Medlin Speech, 6.
9. Ball, "Court Improvement Efforts," 4.
10. Bell Speech, 3.
11. Bell Speech, 4.
12. Medlin Speech, 5.
13. Ball, "Court Improvement Efforts," 4.
14. Ball, "Court Improvement Efforts," 5.
15. Establishment of the statewide district court system, of course, was a great advance over the variety of local courts that existed before then. Even though the Bell Commission could not go the further step of creating a single trial court, it recognized the value of having judges subject to assignment wherever needed: "In keeping with the desire for maximum flexibility in the system, a superior court judge might be assigned for temporary duty with either the district court or the court of appeals." Ball, "Court Improvement Efforts," 6.
16. The Bell Commission proposed constitutional amendments to give the legislature authority to reduce the size of juries and to provide for less than unanimous verdicts. Ball, "Court Improvement Efforts," 7.
17. Ball, "Court Improvement Efforts," 4.
18. James G. Exum, Jr., "Remarks," presented at the initial meeting of the Commission for the Future of Justice and the Courts, Chapel Hill, N.C., June 21, 1994, 1.
19. Bell Speech, 4.

Notes for remarks to Legislative Study Committee
on the Future of the Courts
16 February 1998.

Some things we learned in the Futures Commission's study of North Carolina courts

1. The public has little confidence in the courts. Their opinion of the courts is even lower than their opinion of the legislature.
2. Over the past 25 years court resources have not kept pace with the mounting workload, especially in technology. Data processing is 15 years behind the times.
3. The General Assembly is too involved in the management of the court system. Court officials do not have sufficient authority to run the system.
4. There is little real accountability. This is largely the result of having 450 independently elected officials and too little authority at the top.
5. The current configuration of superior and district court districts includes a number of districts that were established for political reasons having nothing to do with good court management. Some districts are too small for the economical investment of new resources.
6. The current division between superior and district court creates a barrier to the fullest and best use of our judicial resources. The continued use of terms of superior court also is a barrier to the expeditious resolution of some cases.
7. Some matters heard in the courts could be dealt with just as conveniently to the parties, and sooner, outside the home county.
8. Judges, especially those in district court, do not have sufficient help and consequently spend too much of their time on matters that could be dealt with just as well by others, either magistrates or case managers.
9. People do not know who they are voting for in judicial elections. As judicial campaigns become more frequent and more expensive, candidates will depend more on contributions from lawyers who have cases before them and special interest groups.
10. The greatest growth in the court system has been in family law. It also is the area of greatest dissatisfaction needing the most attention.

The major recommendations of the commission

1. *Increase the authority of court officials to run the court system and make them more accountable for the results*
 - * Allow the Supreme Court to set the rules of civil and criminal procedure and rules of evidence, subject to veto by the General Assembly
 - * Create a state judicial council with both lawyers and lay members to advise the chief justice on governance of the courts
 - * Allow the state judicial council to set the lines for judicial districts
 - * Allow the chief justice, with the advice of the state judicial council, to allocate appropriated funds within broad categories of personnel and non-personnel, and decide where to place personnel — in much the same way the UNC Board of Governors system was intended to operate
 - * Allow the chief justice, with the advice of the state judicial council, to appoint a chief judge for each district, and allow that chief judge to appoint an administrator — and make them responsible for management
 - * Allow the state judicial council to set standards and procedures for evaluation of judges
2. *Create a more flexible and responsive structure for the trial court*
 - * Merge the superior and district court into a single trial court called a circuit court
 - * Reduce the number of judicial districts from the present 40 or so to 12 to 18
 - * Give a chief judge and administrator responsibility for management of cases within the circuit
 - * Assign the more complex cases to individual judges to be responsible from beginning to end, and allow court officials to decide which cases fit in this category
 - * Continue to schedule most cases to be heard by a judge assigned to a particular session of court, much like the present system, but make those assignments based on expertise, experience, courtroom availability and need rather than the judge's title
 - * Continue to have judges travel from county to county within circuit, but create the flexibility to have parts of cases, particularly pretrial motions, heard outside the home county when it is convenient to the parties and allows the case to move quicker
 - * Establish circuit judicial councils, with representatives of the district attorney, the public defender, the local bar, law enforcement and social services to coordinate the court's schedule with other affected agencies
 - * Have the state judicial council decide on expanded use of alternative dispute resolution, making it the rule rather than the exception
 - * Preserve judges' time for more important matters by allowing lawyer magistrates to hear infractions and by allowing the state judicial council to

- * expand magistrates' jurisdiction in civil cases up to \$25,000 over time
Provide for the appointment of magistrates for four-year terms, and have the appointment made by same person who will be supervising the magistrate, the chief circuit judge
3. *Address the increasing problem of domestic cases by establishing a family court*
- * Assign judges with proper training and interest to hear family court matters only for three years, allowing the judge to stay longer if he or she shows aptitude for the work
 - * Attempt to have all matters affecting the same family heard by the same judge
 - * Provide a case manager to assist the judge in managing the docket, assuring that cases directed to ADR actually go there, seeing that family receives services from other agencies and that cases generally stay on track
 - * Make ADR mandatory for child custody and visitation, equitable distribution, alimony and certain child support cases
 - * Allow lawyer magistrates to grant uncontested divorces, establish child support under uniform guidelines
4. *Increase the independence of judges, and at the same time make them more accountable, by providing for appointment rather than election*
- * Provide for appointment of all judges by governor, from three names submitted by nominating panel consisting of both lawyers and lay members
 - * Provide for retention elections in which the only issue is "yes" or "no" on retention of the judge, after the judge has been in office for at least a year and at the end of each eight-year term
 - * Establish standards of judicial performance and a method for periodic evaluations, with the results made public and a recommendation made on retention

Although the Futures Commission strongly favors the appointment of judges, we realize that judicial selection is an issue that has been before the General Assembly many times and involves political interests distinct from anything else recommended by the commission. It is likely to be discussed separately, regardless of what happens with other Futures Commission recommendations, and that debate should not delay consideration of other matters concerning court structure and governance.

The commission also recommended appointment of clerks, but that is a dead issue, it is not going to pass soon. There is no need for the study committee to debate that question and divert itself from the other, more important recommendations.

5. *Allow court officials to concentrate on governance of the court system by transferring to the executive branch the prosecution and indigent defense functions*
- * Recognize that prosecution and indigent defense are not judicial functions, that judges should not be in the position of even nominally supervising and setting budgets for lawyers who appear before them as advocates
 - * Establish a Solicitor General who will help coordinate work of the elected district attorneys, in much the same way as the Conference of District Attorneys now does, and who will represent the state in criminal appeals
 - * Retain local election of district attorneys but make those elections nonpartisan
 - * Provide for public defense to be managed by a state board, and as now allow representation of indigent defendants to be handled by full-time public defender in some areas and by private attorneys in others
 - * Reduce the burden on the Supreme Court by allowing the Court of Appeals to hear death penalty cases
 - * Reduce the number of cases that get dismissed by the district attorney by requiring screening of most criminal cases by a prosecutor before charges are filed
 - * Expand the use of mediation and diversion programs in criminal cases, especially for worthless checks
6. *Although these recommendations are not central to the Futures Commission's report, the commission also proposes increasing flexibility in our jury system*
- * Provide that the constitutional right to trial by jury applies only to misdemeanors in which the defendant can be sentenced to six months or more in jail, allowing the General Assembly to decide whether juries should be required in those cases involving less than six months
 - * Authorize the General Assembly to decide on juries of as few as six members in misdemeanor cases
 - * Allow the defendant to waive the right to jury and have the case heard by a judge in all criminal cases
 - * Allow the General Assembly to decide whether to permit non-unanimous verdicts in civil cases and whether to use juries of as few as six members

MAJOR RECOMMENDATIONS OF THE FUTURES COMMISSION REQUIRING LEGISLATIVE ACTION

Governance

1. Establish 18-member State Judicial Council with authority to:
 - a. Evaluate and report on court operations
 - b. Advise the chief justice on budget priorities
 - c. Establish guidelines for case management and assignment
 - d. Monitor and, where appropriate, expand use of alternative dispute resolution
 - e. Establish performance standards and goals for the courts
 - f. Establish a method for evaluating judges, administrators, clerks and others
 - g. Approve the redrawing of circuit lines
 - h. Serve as the nominating panel for appellate judgeships (but without the participation of court officials)
2. Enhance the authority of the chief justice by:
 - a. Authorizing chief justice to appoint chief judge for each circuit
 - b. Authorizing chief justice to approve budget transfers, with approval of State Judicial Council
 - c. Allowing chief justice to initiate changes in circuit lines, with approval of the State Judicial Council
3. Authorize the Supreme Court to set the rules of civil and criminal procedure and rules of evidence, subject to disapproval by the General Assembly
4. Establish judicial councils for each circuit to coordinate court activities with those of other agencies
5. Increase court officials' control over the judicial budget by:
 - a. Allowing the chief justice to submit the judicial budget proposal without change by the governor
 - b. Providing for funds to be appropriated by the General Assembly in two categories: (a) personnel and (b) nonpersonnel
 - c. Allowing transfers within the court budget by the chief justice, with the approval of the State Judicial Council

Circuit court

1. Establish a single-level trial court by merging superior and district courts.
2. Realign the current judicial districts into 12 to 18 circuits
3. Authorize the chief justice to appoint a chief judge for each circuit
4. Authorize the chief judge for each circuit to appoint a circuit administrator
5. Authorize the chief judge, with the assistance of the administrator, to assign cases to judges and schedule sessions of court
6. Continue to hear most matters in the home county, but authorize venue anywhere in the circuit except for geographically large circuits in which venue would be restricted to a cluster of surrounding counties
7. Assign judges to cases based on experience and expertise, but attempt to give each judge a variety of criminal and civil assignments

8. Rotate judges from county to county within the circuit
9. Allow the State Judicial Council to increase the civil jurisdiction of lawyer magistrates in increments up to \$25,000 over time

Family court

1. Provide for specialization of judges in family court matters
2. Assign judges to those cases for three years, with the opportunity for extension of the assignment
3. Attempt to assign all matters involving the same family to the same judge, to be heard together when possible
4. Create case managers and case management teams to assist the judge
5. Develop specific case management guidelines and timelines
6. Provide for mediation or other forms of alternative dispute resolution for most cases
7. Allow lawyer magistrates to grant uncontested divorces, establish child support under guidelines, issue show cause orders for child support enforcement, order blood tests in paternity cases, and order emancipation of minors
8. Extend court's dispositional authority in juvenile matters to age 21

Selection and compensation of personnel

1. Authorize governor to appoint appellate judges for eight-year terms subject to retention elections
2. Authorize governor to appoint trial judges for eight-year terms subject to retention elections
3. Authorize chief judge of circuit to appoint clerks of court for four-year terms from nominations by county panel
4. Authorize chief judge to appoint magistrates for four-year terms
5. Direct State Judicial Council to establish performance standards and goals and procedure for evaluation
6. Empower State Judicial Council to set salaries of judges subject to disapproval by General Assembly

Criminal justice

1. Transfer prosecutors to executive branch, to new Office of Solicitor General, and rename as "circuit attorneys"
2. Establish solicitor general, appointed by governor, with responsibility to:
 - a. Advise and assist circuit attorneys and coordinate training of prosecutors
 - b. Prepare proposed budget for circuit attorneys' offices
 - c. Represent state in criminal appeals
3. Establish identical circuits for courts and circuit attorneys
4. Provide for nonpartisan election of circuit attorneys
5. Establish Office of State Public Defender with responsibility for:
 - a. Appointing public defender for each circuit (though indigent defense might still be provided by private counsel in some circuits)
 - b. Advising and coordinating training of public defenders
 - c. Preparing proposed budget for indigent defense

6. Allow the Court of Appeals to hear death penalty cases
7. Empower lawyer magistrates to try infractions
8. Require screening of most criminal cases by prosecutor before charge may be filed
9. Expand use of mediation and diversion
10. Authorize circuit attorney to decide which first degree murder cases shall be tried as capital cases
11. Require attempt at mediation and actual notice to check writer before worthless check may be prosecuted criminally

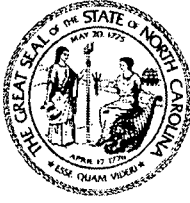
Juries

1. Eliminate the constitutional right to jury trial for misdemeanors involving less than six months imprisonment (leaving to the General Assembly whether to provide juries in such cases)
2. Allow six-member juries in misdemeanors still subject to jury trial
3. Allow waiver of jury trial in all criminal cases to which right to jury applies
4. Allow six-member juries in civil cases as determined by the General Assembly
5. Allow the General Assembly to decide whether non-unanimous verdicts should be permitted in civil cases

The meeting of the Courts Commission that was scheduled for Tuesday, January 27 has been cancelled. The meeting had been tentatively scheduled so the Commission could consider any proposals submitted by the subcommittees appointed by the Chair at the December meeting. It now appears that the subcommittees will need additional time to further study the issues and to receive input from other interested parties.

Lt. Governor Dalton has expressed his sincere appreciation for the work you have done with the Courts Commission over the past several months, and the staff solicits your continuing suggestions concerning items for future consideration by the Courts Commission. However, please be aware that the 2009 legislative session will begin on Wednesday, January 28, 2009 and that study committees and statutory commissions typically do not meet during the legislative sessions, due to time constraints and other demands on legislative staff.

Please let me know if you have any questions concerning this notice.



NORTH CAROLINA COURTS COMMISSION
STATE LEGISLATIVE BUILDING
RALEIGH, NC 27601-2808

October 5, 2011

MEMORANDUM

TO: Members, North Carolina Courts Commission
FROM: Sen. Dan Clodfelter,
SUBJECT: Meeting Notice

DAY	DATE	TIME	ROOM
Friday	October 28, 2011	10:00 a.m.	544 LOB

Parking for non-legislative members of the committee/commission is available in the visitor parking deck #75 located on Salisbury Street across from the Legislative Office Building. Parking is also available in the parking lot across Jones Street from the State Library/Archives. You can view a map of downtown by visiting <http://www.ncleg.net/graphics/downtownmap.pdf>.

Should you have any questions please contact Brenda Carter, Counsel for the Commission at (919) 733-2578 or (Brendac@ncleg.net). Please advise Ted Harrison at (919) 733-5649 or e-mail Clodfelterla@ncleg.net if you will be unable to attend this meeting.

cc: Committee Record X
Interested Parties X

NORTH CAROLINA COURTS COMMISSION

2010 MEMBERSHIP

Authority: GS 7A-506

APPOINTED BY THE GOVERNOR	APPOINTED BY THE SPEAKER
Senator John Snow, Jr. North Carolina Senate 16 West Jones Street, Room 211 Raleigh, NC 27601-2808	

The Honorable Daniel Clodfelter, Co-Chair
408 Legislative Office Building
Raleigh, North Carolina 27603

The Honorable Julia Boseman
309 Legislative Office Building
Raleigh, North Carolina 27601

The Honorable Floyd McKissick
621 Legislative Office Building
Raleigh, North Carolina 27603

The Honorable William H. Freeman
701 Roslyn Road
Winston-Salem, North Carolina 27104

Mrs. Susan Dotson-Smith
161 Union Chapel Road
Weaverville, North Carolina 28787

Mr. J. Carl Hayes
Post Office Box 9
Manteo, North Carolina 27954

Members:

@InterimCommitteeNotice

Alexander Lyery

Alta Wilder (Rep. Michaux)

Barbara O'Sullivan (Sen. Dalton)

Brenda Carter (Research)

Brenda Lee (Rep. Dickson)

Carla Farmer (Rep. Stiller)

Chardon Groveman (Sen. Boseman)

Denise Thomas (Fiscal Research)

Donald Bridgers

Donald Bridges

Jane McMillan (Rep. Goodwin)

Jane P. Gray

Jean Sandaire (Fiscal Research)

John Poteat (Fiscal Research)

Joyce Hodge (Senate LA Director)

K. Edward Greene

Karen Johnson

Kory Goldsmith (Research, Interim Director)

Lona Hallissy (Rep. Spear)

Lynn Muchmore (Fiscal Research, Director)

Nicholas Tosco (Sen. Clodfelter)

Patricia Willoughby

Peter Gilchrist

Peter Powell

Rebecca Butler (Sen. Snow)

Rep. Bonner Stiller

Rep. Margaret H. Dickson

Rep. Melanie Goodwin

Rep. Mickey Michaux, Jr.

Rep. Tim Spear

Sara Kusan

Sen. Daniel Clodfelter

Sen. John Snow

Sen. Julia Boseman

Sen. Walter Dalton

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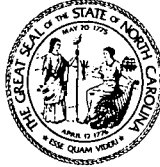
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Clodfelterla@ncleg.net



NORTH CAROLINA GENERAL ASSEMBLY
PRESIDENT PRO TEMPORE
SENATOR MARC BASNIGHT
RALEIGH 27601-2808

February 3, 2010

The Honorable Daniel Clodfelter
408 Legislative Office Building
Raleigh, North Carolina 27603

Dear Dan:

Pursuant to North Carolina General Statute § 7A-506(e), I am pleased to appoint you to serve as Co-Chair on the North Carolina Courts Commission. Your term is effective immediately and will expire on June 30, 2011.

I appreciate your willingness to serve in this capacity and am confident that you will continue to contribute much to the North Carolina Courts Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc Basnight".

Marc Basnight

MB:lmd

cc: Honorable Beverly E. Perdue
Honorable Walter Dalton
Honorable Elaine F. Marshall
Honorable Joe Hackney
Janet Pruitt, Senate Principal Clerk
Denise Weeks, House Principal Clerk
George Hall, Legislative Services Officer
Walker Reagan, Director of Research
Office of State Controller
Legislative Library
State Library



NORTH CAROLINA GENERAL ASSEMBLY
PRESIDENT PRO TEMPORE
SENATOR MARC BASNIGHT
RALEIGH 27601-2808

February 3, 2010

The Honorable Julia Boseman
309 Legislative Office Building
Raleigh, North Carolina 27601

Dear Julia:

Pursuant to North Carolina General Statute § 7A-506(e), I am pleased to reappoint you to serve on the North Carolina Courts Commission. Your term is effective immediately and will expire on June 30, 2011.

I appreciate your willingness to serve in this capacity and am confident that you will continue to contribute much to the North Carolina Courts Commission.

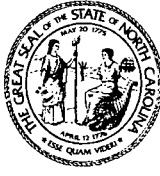
Sincerely,

A handwritten signature in cursive script, appearing to read "Marc Basnight".

Marc Basnight

MB:lmnd

cc: Honorable Beverly E. Perdue
Honorable Walter Dalton
Honorable Elaine F. Marshall
Honorable Joe Hackney
Janet Pruitt, Senate Principal Clerk
Denise Weeks, House Principal Clerk
George Hall, Legislative Services Officer
Walker Reagan, Director of Research
Office of State Controller
Legislative Library
State Library



NORTH CAROLINA GENERAL ASSEMBLY
PRESIDENT PRO TEMPORE
SENATOR MARC BASNIGHT
RALEIGH 27601-2808

February 3, 2010

The Honorable Floyd McKissick
621 Legislative Office Building
Raleigh, North Carolina 27603

Dear Floyd:

Pursuant to North Carolina General Statute § 7A-506(e), I am pleased to reappoint you to serve on the North Carolina Courts Commission. Your term is effective immediately and will expire on June 30, 2011.

I appreciate your willingness to serve in this capacity and am confident that you will continue to contribute much to the North Carolina Courts Commission.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marc Basnight".

Marc Basnight

MB:lmnd

cc: Honorable Beverly E. Perdue
Honorable Walter Dalton
Honorable Elaine F. Marshall
Honorable Joe Hackney
Janet Pruitt, Senate Principal Clerk
Denise Weeks, House Principal Clerk
George Hall, Legislative Services Officer
Walker Reagan, Director of Research
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Legislative Library
State Library



NORTH CAROLINA GENERAL ASSEMBLY
PRESIDENT PRO TEMPORE
SENATOR MARC BASNIGHT
RALEIGH 27601-2808

February 3, 2010

The Honorable William H. Freeman
701 Roslyn Road
Winston-Salem, North Carolina 27104

Dear Judge Freeman:

Pursuant to North Carolina General Statute § 7A-506(e), I am pleased to appoint you to serve on the North Carolina Courts Commission. Your term is effective immediately and will expire on June 30, 2011.

I appreciate your willingness to serve in this capacity and am confident that you will continue to contribute much to the North Carolina Courts Commission.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marc Basnight".

Marc Basnight

MB:imd

cc: Honorable Beverly E. Perdue
Honorable Walter Dalton
Honorable Elaine F. Marshall
Honorable Joe Hackney
Janet Pruitt, Senate Principal Clerk
Denise Weeks, House Principal Clerk
George Hall, Legislative Services Officer
Walker Reagan, Director of Research
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NORTH CAROLINA GENERAL ASSEMBLY
PRESIDENT PRO TEMPORE
SENATOR MARC BASNIGHT
RALEIGH 27601-2808

February 3, 2010

Mrs. Susan Dotson-Smith
161 Union Chapel Road
Weaverville, North Carolina 28787

Dear Mrs. Dotson-Smith:

Pursuant to North Carolina General Statute § 7A-506(e), I am pleased to reappoint you to serve on the North Carolina Courts Commission. Your term is effective immediately and will expire on June 30, 2011.

I appreciate your willingness to serve in this capacity and am confident that you will continue to contribute much to the North Carolina Courts Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc Basnight".

Marc Basnight

MB:imd

cc: Honorable Beverly E. Perdue
Honorable Walter Dalton
Honorable Elaine F. Marshall
Honorable Joe Hackney
Janet Pruitt, Senate Principal Clerk
Denise Weeks, House Principal Clerk
George Hall, Legislative Services Officer
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NORTH CAROLINA GENERAL ASSEMBLY
PRESIDENT PRO TEMPORE
SENATOR MARC BASNIGHT
RALEIGH 27601-2808

February 3, 2010

Mr. J. Carl Hayes
Post Office Box 9
Manteo, North Carolina 27954

Dear Mr. Hayes:

Pursuant to North Carolina General Statute § 7A-506(e), I am pleased to reappoint you to serve on the North Carolina Courts Commission. Your term is effective immediately and will expire on June 30, 2011.

I appreciate your willingness to serve in this capacity and am confident that you will continue to contribute much to the North Carolina Courts Commission.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marc Basnight", is written over a horizontal line.

Marc Basnight

MB:lm

cc: Honorable Beverly E. Perdue
Honorable Walter Dalton
Honorable Elaine F. Marshall
Honorable Joe Hackney
Janet Pruitt, Senate Principal Clerk
Denise Weeks, House Principal Clerk
George Hall, Legislative Services Officer
Walker Reagan, Director of Research
Office of State Controller
Legislative Library
State Library



NORTH CAROLINA GENERAL ASSEMBLY
PRESIDENT PRO TEMPORE
SENATOR PHIL BERGER
RALEIGH 27601-2808
October 10, 2011

The Honorable Thom Goolsby
2115 Legislative Building
Raleigh, NC 27601

Dear Thom:

Pursuant to the authority granted to me in North Carolina General Statute §7A-506(e) I am pleased to reappoint you to serve on the North Carolina Courts Commission. Your term is effective immediately and will expire on June 30, 2015.

Thank you for your willingness to serve in this capacity. I know that you will have much to contribute to the North Carolina Courts Commission.

Sincerely,

A handwritten signature in black ink that reads "Phil Berger".

Phil Berger

PB:dem

cc: Honorable Beverly E. Perdue
Honorable Walter Dalton
Honorable Elaine F. Marshall
Honorable Thom Tillis
Sarah Clapp, Senate Principal Clerk
Denise Weeks, House Principal Clerk
George Hall, Legislative Services Officer
Walker Reagan, Director of Research
Office of State Controller
Legislative Library
State Library



NORTH CAROLINA GENERAL ASSEMBLY
PRESIDENT PRO TEMPORE
SENATOR PHIL BERGER
RALEIGH 27601-2808
October 10, 2011

The Honorable Harry Brown
300B Legislative Office Building
Raleigh, NC 27603

Dear Harry:

Pursuant to the authority granted to me in North Carolina General Statute §7A-506(e) I am pleased to reappoint you to serve on the North Carolina Courts Commission. Your term is effective immediately and will expire on June 30, 2015.

Thank you for your willingness to serve in this capacity. I know that you will have much to contribute to the North Carolina Courts Commission.

Sincerely,

A handwritten signature in black ink that reads "Phil Berger". The signature is fluid and cursive, with the first name "Phil" and last name "Berger" clearly distinguishable.

Phil Berger

PB:dem

cc: Honorable Beverly E. Perdue
Honorable Walter Dalton
Honorable Elaine F. Marshall
Honorable Thom Tillis
Sarah Clapp, Senate Principal Clerk
Denise Weeks, House Principal Clerk
George Hall, Legislative Services Officer
Walker Reagan, Director of Research
Office of State Controller
Legislative Library
State Library



NORTH CAROLINA GENERAL ASSEMBLY
PRESIDENT PRO TEMPORE
SENATOR PHIL BERGER
RALEIGH 27601-2808
October 10, 2011

The Honorable Peter Brunstetter
2022 Legislative Building
Raleigh, NC 27601

Dear Pete:

Pursuant to the authority granted to me in North Carolina General Statute §7A-506(e) I am pleased to reappoint you to serve on the North Carolina Courts Commission. Your term is effective immediately and will expire on June 30, 2015.

Thank you for your willingness to serve in this capacity. I know that you will have much to contribute to the North Carolina Courts Commission.

Sincerely,

A handwritten signature in black ink that reads "Phil Berger".

Phil Berger

PB:dem

cc: Honorable Beverly E. Perdue
Honorable Walter Dalton
Honorable Elaine F. Marshall
Honorable Thom Tillis
Sarah Clapp, Senate Principal Clerk
Denise Weeks, House Principal Clerk
George Hall, Legislative Services Officer
Walker Reagan, Director of Research
Office of State Controller
Legislative Library
State Library



NORTH CAROLINA GENERAL ASSEMBLY
PRESIDENT PRO TEMPORE
SENATOR PHIL BERGER
RALEIGH 27601-2808
October 10, 2011

The Honorable Thom Goolsby
2115 Legislative Building
Raleigh, NC 27601

Dear Thom:

Pursuant to the authority granted to me in North Carolina General Statute §7A-506(e) I am pleased to reappoint you to serve on the North Carolina Courts Commission. Your term is effective immediately and will expire on June 30, 2015.

Thank you for your willingness to serve in this capacity. I know that you will have much to contribute to the North Carolina Courts Commission.

Sincerely,

A handwritten signature in black ink that reads "Phil Berger". The signature is fluid and cursive.

Phil Berger

PB:dem

cc: Honorable Beverly E. Perdue
Honorable Walter Dalton
Honorable Elaine F. Marshall
Honorable Thom Tillis
Sarah Clapp, Senate Principal Clerk
Denise Weeks, House Principal Clerk
George Hall, Legislative Services Officer
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N.C. General Assembly

Administrative Division
Financial Services Section

Members' In-State Reimbursement Form

This form is used to request for in-state reimbursement for subsistence and travel for Committee, Commission or Other In-State Meetings/Legislative Business by members.

Form: **PR008**

Rev: 04/2010

Financial Services Use:

Budget to Charge

(**Complete** Name of Committee or Commission **or** Description of Meeting/Business)

Location of Meeting (City): _____

Date(s) of Meeting: _____

Member: _____

Total Number of day's subsistence claimed _____

(This line **MUST** be completed to be reimbursed)

Arrived the day prior to meeting day

Yes ☐

No ☐

(Claim one day for each meeting day you attended. If spending the night prior to the first meeting day, you are entitled to an extra day.)

Car Mileage

(Fill out this line if mileage is different than what is certified on file)

Number of Round Trips _____

(Member's Signature)

[Must be approved by Chairperson,
Senate President Pro Tempore or
House Speaker]

(Approval Signature)

Names of other official legislative or state government meetings attended during this visit:

Number of day's subsistence claimed for other meeting(s) _____

Car Mileage claimed for other meeting

Yes ☐

No ☐

Committee Assistant Name: _____ **Ext.#** _____

Notice is given that **The Honorable Benjamin R. David**

is hereby appointed to the following public office:

North Carolina Courts Commission

Citation to Law or Other Authority Authorizing the Appointment:

General Statute §7A-506

Specific Statutory Qualification for the Public Office (if applicable):

District Attorney

Address of Appointee:

316 Princess Street Wilmington, NC 28401

County of Residence of the Appointee: **New Hanover**

Date Term of Appointment Began: **7/8/2011**

Date Term of Appointment Ends: **6/30/2015**

Name of Person the Appointee replaces, if applicable:

Mr. Peter Gilchrist

Date of Appointment:

7/8/2011

Signature:

s/ Bev Perdue

Office of Appointing Authority:

Office of the Governor, Boards and Commissions

Distribution:

Governor

Secretary of State

Senate President Pro Tempore

Speaker of the House

Department of Cultural Resources

Ethics Commission

Board Contact



NORTH CAROLINA GENERAL ASSEMBLY
PRESIDENT PRO TEMPORE
SENATOR PHIL BERGER
RALEIGH 27601-2808
November 29, 2011

Ms. Tonya Bunn Powell, Esq.
2104 Wisley Way
Wake Forest, NC 27587

Dear Tonya:

Pursuant to the authority granted to me in North Carolina General Statute §7A- 506(e) I am pleased to reappoint you to serve on the North Carolina Courts Commission. Your term is effective immediately and will expire on June 30, 2015.

Thank you for your willingness to serve in this capacity. I know that you will have much to contribute to the North Carolina Courts Commission.

Sincerely,

A handwritten signature in black ink that reads "Phil Berger". The signature is written in a cursive, flowing style.

Phil Berger

PB:dem

cc: Honorable Beverly E. Perdue
Honorable Walter Dalton
Honorable Elaine F. Marshall
Honorable Thom Tillis
Sarah Clapp, Senate Principal Clerk
Denise Weeks, House Principal Clerk
George Hall, Legislative Services Officer
Walker Reagan, Director of Research
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