

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1225*

Short Title: Reorg. Sup. Ct. Divisions/Pilot Funds.

(Public)

Sponsors: Representatives Baddour; Culpepper and McMahan (Primary Sponsors).

Referred to: Judiciary IV, if favorable, Appropriations.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO REORGANIZE THE SUPERIOR COURT DIVISION BY EXPANDING THE NUMBER OF JUDICIAL DIVISIONS FROM FOUR TO EIGHT, TO ESTABLISH PILOT PROGRAMS FOR CONSIDERATION OF THE RECOMMENDATIONS OF THE COMMISSION FOR THE FUTURE OF JUSTICE AND THE COURTS IN NORTH CAROLINA CONCERNING ORGANIZATION AND MANAGEMENT OF THE TRIAL COURT, AND TO APPROPRIATE FUNDS TO A RESERVE FOR IMPLEMENTATION OF THOSE PILOT PROGRAMS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-41(a) reads as rewritten:

"§ 7A-41. Superior court divisions and districts; judges.

(a) The counties of the State are organized into eight judicial divisions and sixty-two 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
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1	First	1	Camden, Chowan,	2
2			Currituck,	
3			Dare, Gates,	
4			Pasquotank,	
5			Perquimans	
6	<u>First</u>	2	Beaufort, Hyde,	1
7			Martin,	
8			Tyrrell, Washington	
9	<u>Second</u>	3A	Pitt	2
10	<u>Second</u>	3B	Carteret, Craven,	2
11			Pamlico	
12	<u>Second</u>	4A	Duplin, Jones,	1
13			Sampson	
14	<u>Second</u>	4B	Onslow	1
15	<u>Second</u>	5	New Hanover,	3
16			Pender	
17	<u>First</u>	6A	Halifax	1
18	<u>First</u>	6B	Bertie, Hertford,	1
19			Northampton	
20	<u>First</u>	7A	Nash	1
21	<u>First</u>	7B	(part of Wilson,	1
22			part of Edgecombe,	
23			see subsection (b))	
24	<u>First</u>	7C	(part of Wilson,	1
25			part of Edgecombe,	
26			see subsection (b))	
27	<u>Second</u>	8A	Lenoir and Greene	1
28	<u>Second</u>	8B	Wayne	1
29	Second <u>Third</u>	9	Franklin, Granville,	2
30			Vance, Warren	
31	<u>Third</u>	9A	Person, Caswell	1
32	<u>Third</u>	10A	(part of Wake,	2
33			see subsection (b))	
34	<u>Third</u>	10B	(part of Wake,	2
35			see subsection (b))	
36	<u>Third</u>	10C	(part of Wake,	1
37			see subsection (b))	
38	<u>Third</u>	10D	(part of Wake,	1
39			see subsection (b))	
40	<u>Fourth</u>	11A	Harnett,	1
41			Lee	
42	<u>Fourth</u>	11B	Johnston	1
43	<u>Fourth</u>	12A	(part of Cumberland,	1

1			see subsection (b))	
2	<u>Fourth</u>	12B	(part of Cumberland,	1
3			see subsection (b))	
4	<u>Fourth</u>	12C	(part of Cumberland,	2
5			see subsection (b))	
6	<u>Fourth</u>	13	Bladen, Brunswick,	2
7			Columbus	
8	<u>Third</u>	14A	(part of Durham,	1
9			see subsection (b))	
10	<u>Third</u>	14B	(part of Durham,	3
11			see subsection (b))	
12	<u>Third</u>	15A	Alamance	2
13	<u>Third</u>	15B	Orange, Chatham	1
14	<u>Fourth</u>	16A	Scotland, Hoke	1
15	<u>Fourth</u>	16B	Robeson	2
16	Third <u>Fifth</u>	17A	Rockingham	2
17	<u>Fifth</u>	17B	Stokes, Surry	2
18	<u>Fifth</u>	18A	(part of Guilford,	1
19			see subsection (b))	
20	<u>Fifth</u>	18B	(part of Guilford,	1
21			see subsection (b))	
22	<u>Fifth</u>	18C	(part of Guilford,	1
23			see subsection (b))	
24	<u>Fifth</u>	18D	(part of Guilford,	1
25			see subsection (b))	
26	<u>Fifth</u>	18E	(part of Guilford,	1
27			see subsection (b))	
28	<u>Sixth</u>	19A	Cabarrus	1
29	<u>Fifth</u>	19B	Montgomery, Moore,	2
30			Randolph	
31	<u>Sixth</u>	19C	Rowan	1
32	<u>Sixth</u>	20A	Anson,	1
33			Richmond	
34	<u>Sixth</u>	20B	Stanly, Union	2
35	<u>Fifth</u>	21A	(part of Forsyth,	1
36			see subsection (b))	
37	<u>Fifth</u>	21B	(part of Forsyth,	1
38			see subsection (b))	
39	<u>Fifth</u>	21C	(part of Forsyth,	1
40			see subsection (b))	
41	<u>Fifth</u>	21D	(part of Forsyth,	1
42			see subsection (b))	
43	<u>Sixth</u>	22	Alexander, Davidson,	2

1			Davie, Iredell	
2	<u>Fifth</u>	23	Alleghany, Ashe,	1
3			Wilkes, Yadkin	
4	<u>Fourth</u> <u>Eighth</u>	24	Avery, Madison,	1
5			Mitchell,	
6			Watauga, Yancey	
7	<u>Seventh</u>	25A	Burke, Caldwell	2
8	<u>Seventh</u>	25B	Catawba	2
9	<u>Seventh</u>	26A	(part of Mecklenburg,	2
10			see subsection (b))	
11	<u>Seventh</u>	26B	(part of Mecklenburg,	2
12			see subsection (b))	
13	<u>Seventh</u>	26C	(part of Mecklenburg,	2
14			see subsection (b))	
15	<u>Seventh</u>	27A	Gaston	2
16	<u>Seventh</u>	27B	Cleveland, Lincoln	2
17	<u>Eighth</u>	28	Buncombe	2
18	<u>Eighth</u>	29	Henderson,	2
19			McDowell, Polk,	
20			Rutherford,	
21			Transylvania	
22	<u>Eighth</u>	30A	Cherokee, Clay,	1
23			Graham, Macon,	
24			Swain	

25 Eighth 30B Haywood, Jackson 1"Section 2.(a) The Chief Justice is
 26 requested to choose up to two of the eight divisions established pursuant to G.S. 7A-41,
 27 as amended in Section 1 of this act, or portions of those divisions, without dividing
 28 district court districts, in which to establish pilot programs for consideration of the
 29 recommendations of the Commission for the Future of Justice and the Courts in North
 30 Carolina concerning organization and management of the trial court.

31 Section 2.(b) In conducting the pilot program or programs, the Chief Justice is
 32 requested to:

- 33 (1) After consultation with the senior resident superior court judges and
 34 chief district court judges of the districts comprising each pilot region,
 35 designate one judge to serve as the coordinating judge for that pilot
 36 program;
- 37 (2) Assign a trial court administrator to assist each coordinating judge;
- 38 (3) Establish and, in consultation with the affected judges, district attorneys,
 39 and clerks of court, appoint the members of an advisory judicial council
 40 for each pilot program;
- 41 (4) Authorize the coordinating judge, with the consent of the senior resident
 42 superior court judges and with the chief district court judges, to:
 43 a. Establish a schedule for all sessions of trial court;

- 1 b. Assign judges to sessions of court;
- 2 c. Develop and implement a procedure for the calendaring of cases,
- 3 both criminal and civil, with assistance from the trial court
- 4 administrator;
- 5 d. Assign particular categories of cases to individual judges;
- 6 e. Notwithstanding any other provision of law, determine the
- 7 circumstances under which judges may hear motions and other
- 8 pretrial proceedings outside the county in which the case arose
- 9 but within the same judicial district;
- 10 f. Notwithstanding any other provision of law, determine the
- 11 circumstances under which a case may be tried outside the
- 12 county in which it arose but within the same judicial district,
- 13 when reasonably convenient for the parties and witnesses and
- 14 likely to expedite the final resolution of the case;
- 15 g. Establish local rules for the pilot program, subject to the approval
- 16 of the Chief Justice; and
- 17 h. Transfer funds within budget categories to the extent allowed by
- 18 the General Assembly and the Director of the Budget.

19 Section 2.(c) The Chief Justice and the Administrative Office of the Courts shall
20 report to the General Assembly by March 1, 2001, on the operation of this pilot program
21 and its implications for improving the efficiency and consistency of the State court
22 system and providing better flexibility for addressing future changes in caseload.

23 Section 3. There is appropriated from the General Fund to the Judicial
24 Department the sum of two hundred thousand dollars (\$200,000) for the 1999-2000 fiscal
25 year to be placed in a reserve for use by the Administrative Office of the Courts to
26 establish support positions and to provide equipment and consulting and other services
27 necessary to operate the pilot programs established in this act. The Administrative Office
28 of the Courts shall consult with the judge or judges designated as coordinating judges for
29 each pilot before establishing any positions or expending any funds for equipment and
30 support services. Each coordinating judge shall be the hiring authority for purposes of
31 administering the positions created from funds appropriated to the reserve fund. The
32 Administrative Office of the Courts shall include an accounting of the use of these funds
33 in the report required by subsection (c) of Section 2 of this act.

34 Section 4. This act becomes effective July 1, 1999.