

# **Court System Overview**

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# Some statistics

- Number of felonies disposed of
  - In 1958—8,958
  - In last fiscal year—118,659
- Number of superior court judges
  - In 1958—49
  - In 2014—112



# A Few More

- Total district court dispositions
  - In 1976-- 1,249,609
  - In last fiscal year--2,915,423
- Percentage of waivers of traffic tickets
  - In 1976—65.5%
  - In last fiscal year—30.01%
- Number of judges
  - In 1976—117
  - In 2014---270



# The Fundamentals

- To no will we sell, to no one deny or delay right or justice.
- All courts shall be open; every person . . . shall have remedy by due course of law, and right and justice shall be administered without favour, denial or delay



# A Court Should

- Meet the state's needs
- Make courts responsible for their work
- Give court authority over internal matters
- Provide adequate administrative machinery
- Be served by best qualified people
- Assure accountability to public

Spencer Bell, 1958



# Principles of a Modern Court

- **Unification**
- **Flexibility**
- **Conservation of Judicial Power**
- **Responsibility**

**Roscoe Pound, 1958**



# Some Things Don't Change

The court system should be:

- Independent
- Accountable
- Flexible
- Uniform

*Futures Commission, 1996*

# Defining Characteristics--Current Court System

- State funded and for many purposes, state administered
- Heavy use of elected officials for managerial positions
- Broad scope of authority in one administrative umbrella
- Uniformity as constitutional standard
- Increasingly small units of administration





# Some Major Issues/Trends in Court Administration

- Ability to present one's case
  - Legal services
  - Pro Se resources
  - Language and disability barriers
  - No inordinate delay
- Jurisdictional clarity
  - Unification
  - Delegated jurisdiction
- Adequate facilities
  - ADA/COOP
- Financial
  - Court costs
  - Other financial costs



# Legal representation

- Legal services
  - IDS funding and administration
  - Civil legal aid, funded in part by court costs
- Pro se resources
  - 50B cases
  - Divorce packets
  - Certificate of relief from felony and expungement forms
  - Resource centers
  - Guidelines on giving legal advice



# Presentation of One's Case

- Interpreter's services, both language and hearing impaired
  - Federal oversight
  - Recent funding priority
  - Organizational issues
  - Quality control
  - Telephone interpretation



# Jurisdictional Clarity

- Major principles of court reform
  - No case dismissed for filing in wrong place
  - Same type of official hears cases in all places
- Lack of uniformity
  - Small claims
  - Worthless check trials
  - Class H and I felonies
  - Proposals for hearing infractions



# Physical Barriers

- Inadequate and inaccessible court facilities
- County obligation
- Disputes about responsibility
  - What is a facility?
  - What is an operating cost?
- County supplemental funds



# Remedies

- Americans with Disabilities Act
- COOP plans
- Inherent powers lawsuits







*Books containing housing deeds for Hancock County fill a trailer outside the county's courthouse after their contents were scanned. (John Brecher / MSNBC.com)*

October, 2006



# Court Costs Over Time

## ■ Criminal

### – 1965

- 4 items, Total \$15 for District and \$40 for Superior

### – 1991

- 5 items, Base Total \$55 for District and \$80 for Superior

### – 2013

- 16 items, Base Total \$180\* for District and \$205\* for Superior
  - Costs chart is 16 pages long



# Revenues

- Court costs and other money collected for the state
  - Now 55% of amount appropriated to run the courts; in 2000-01 was 25% (when include all money to local government was around 50%)
  - \$77 million to local governments (fines, costs, etc.)
- Court costs collected by state
  - 2000-01: \$109,200,000
  - 2009-10: \$216,800,000
  - 2013-14: \$250,200,000 (estimated)
    - Caseload stable or declining over last four years



# Challenges to a “uniform” system

- Jurisdiction dependent on local officials' decisions about who hears cases
- Differential fees depending on location
- Programs not available in all districts
- Districts no longer coterminous



# Judicial Districts, 1960-2015

- 1960--Thirty for superior court; in 1965, for all purposes
  - Six one-county districts, two seven-county districts
- 2015
  - Superior Court--70 for elections, 50 for administration
  - District Court—44 for elections, 41 for administration
  - District Attorneys—44 for all purposes
  - 24 one-county S.Ct. districts; two seven-county Dist. Ct. and DA districts



# Judicial Districts, 1960-2000

- 1960
  - Largest--272,000 (Mecklenburg)
  - Smallest--73,000 (1st, 6th, and 24th)
  - Ratio--4/1
  - Average size--151,871
- 2010
  - Largest-969,000 (26th); 952,000 (10th)
  - Smallest—62,500 (9A); 60,500 (20A)
  - Ratio--16/1
  - Average size—222,000 (DA/District Court); 195,000 (Superior Court)



# From the Federalist Papers, #51

Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit.

