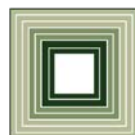
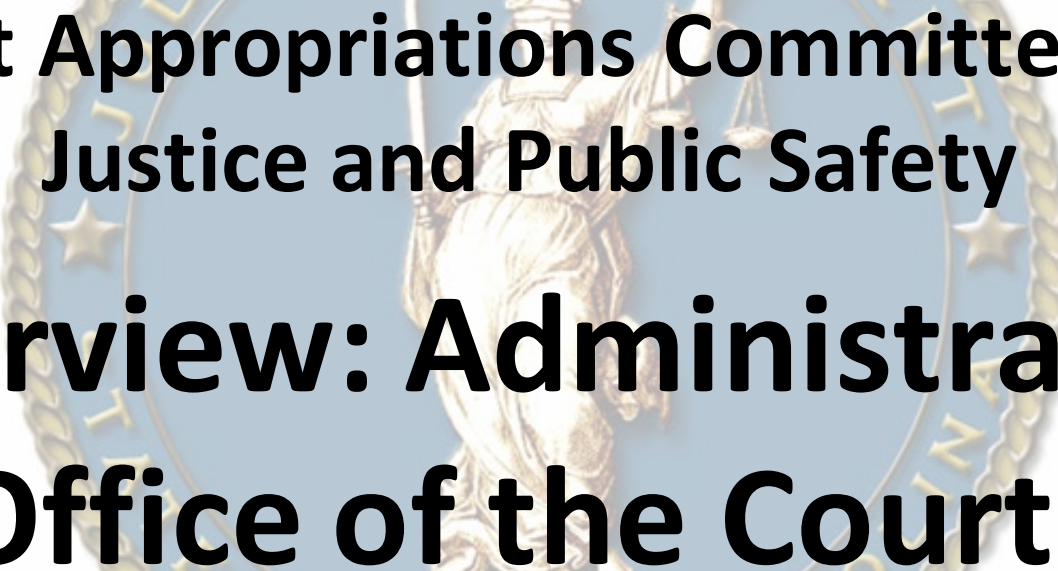




Joint Meetings of the House and Senate Appropriations Committee on Justice and Public Safety



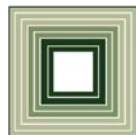
FISCAL RESEARCH DIVISION
A Staff Agency of the North Carolina General Assembly

The seal of the North Carolina Judicial Department is a circular emblem. It features a central figure of Lady Justice, blindfolded and holding a sword and scales. The figure is surrounded by a blue field with two stars. The outer ring of the seal is gold and contains the text "JUDICIAL DEPARTMENT" at the top and "STATE OF NORTH CAROLINA" at the bottom.

Joint Appropriations Committee on Justice and Public Safety

Overview: Administrative Office of the Courts

Morgan Weiss
March 16, 2021

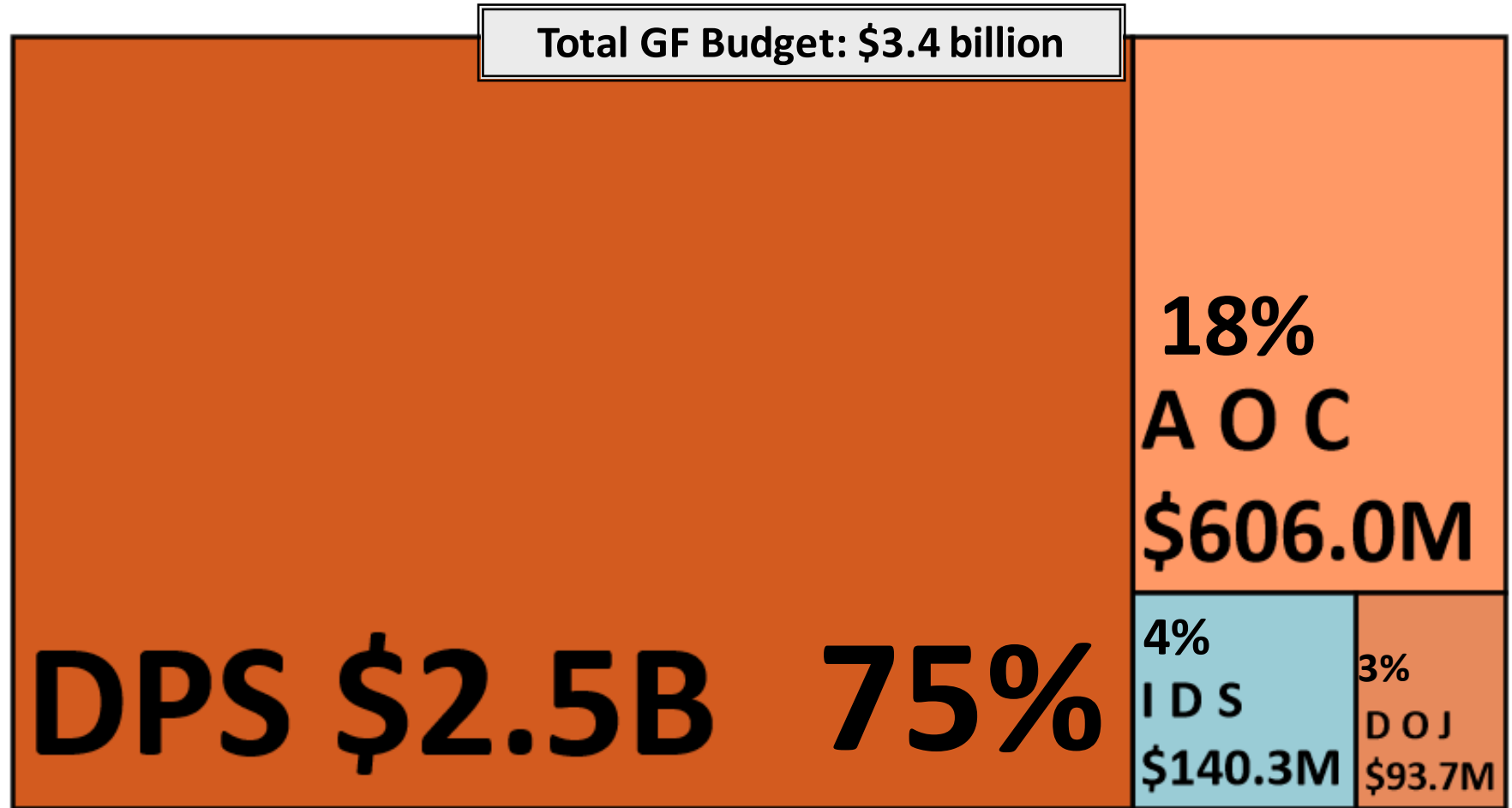


FISCAL RESEARCH DIVISION
A Staff Agency of the North Carolina General Assembly

Overview Topics

- AOC Budget, 5-Year History, Court Costs, and Disbursements
- Trial & Appellate Courts
- Specialty Services and Programs
- Independent Commissions
- Administration and eCourts Update
- Recent Legislative Action

JPS General Fund Base Budget Expenditures by Agency FY 2021-22



Source: FY 2021-22 Base Budget

JPS - AOC

Administrative Office of the Courts (AOC)

Administrative arm of the unified court system

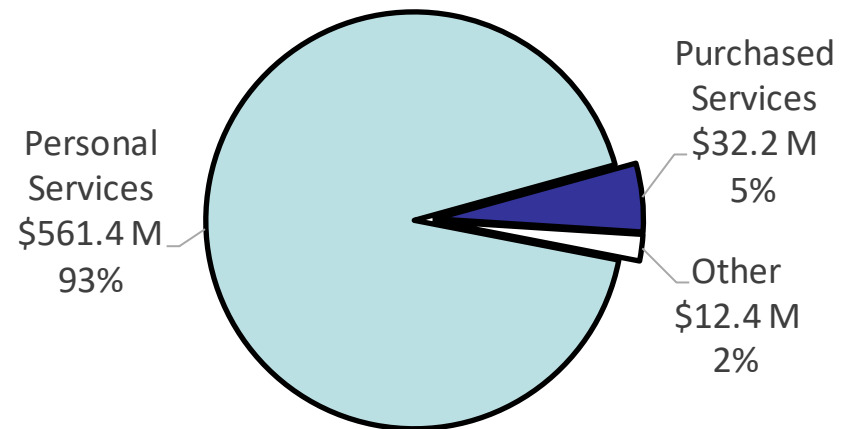
Paul Newby, Chief Justice

Andrew Heath, Director of AOC

Includes:

- Supreme Court
- Court of Appeals
- Superior courts
- District courts
- District attorneys
- Magistrates
- Clerks

**AOC Total General Fund Base Budget
FY 2020-21**

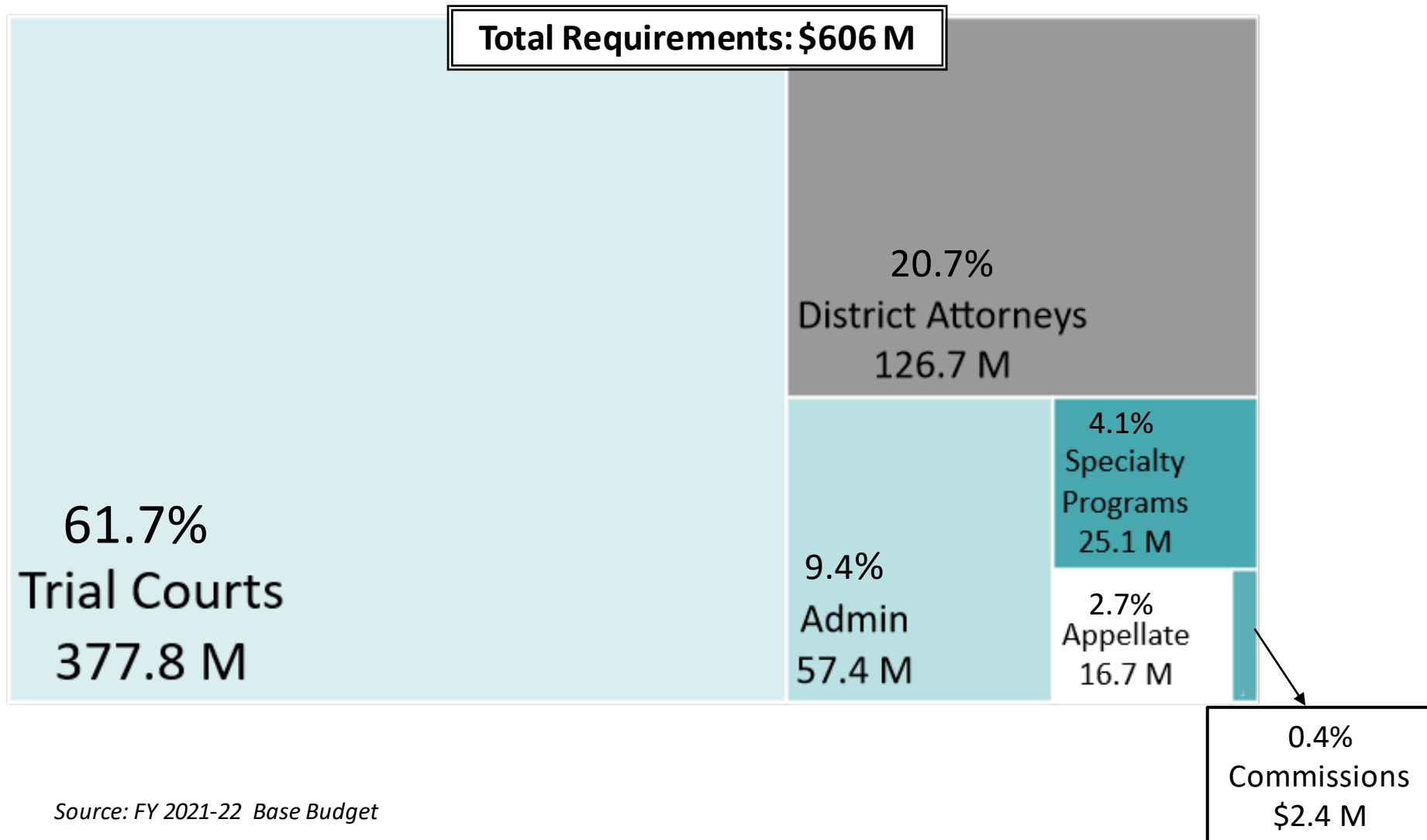


Source: FY 2021-22 Base Budget, OSBM

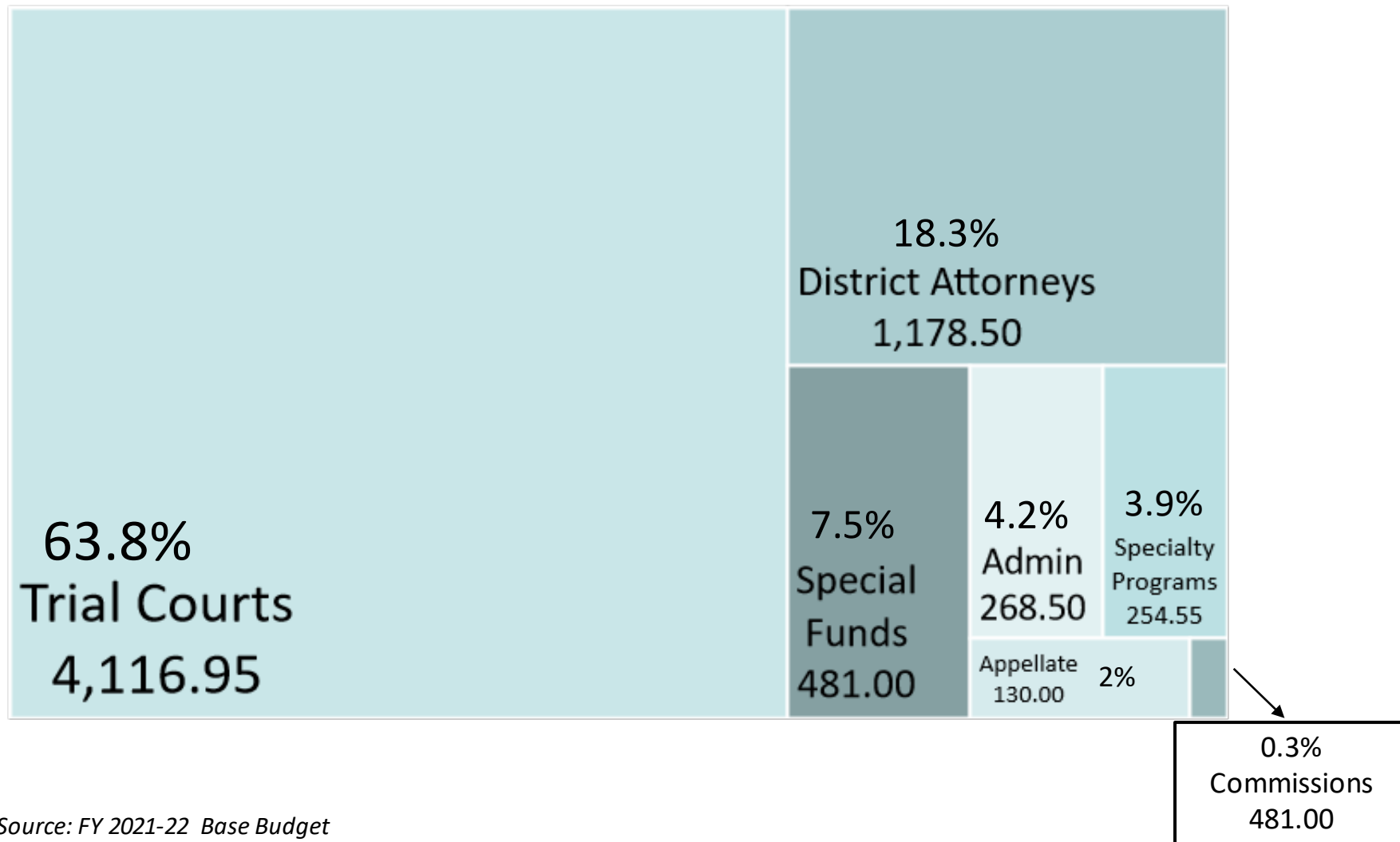
Total General Fund Budget: \$606 million

Total FTE: 6,451.25

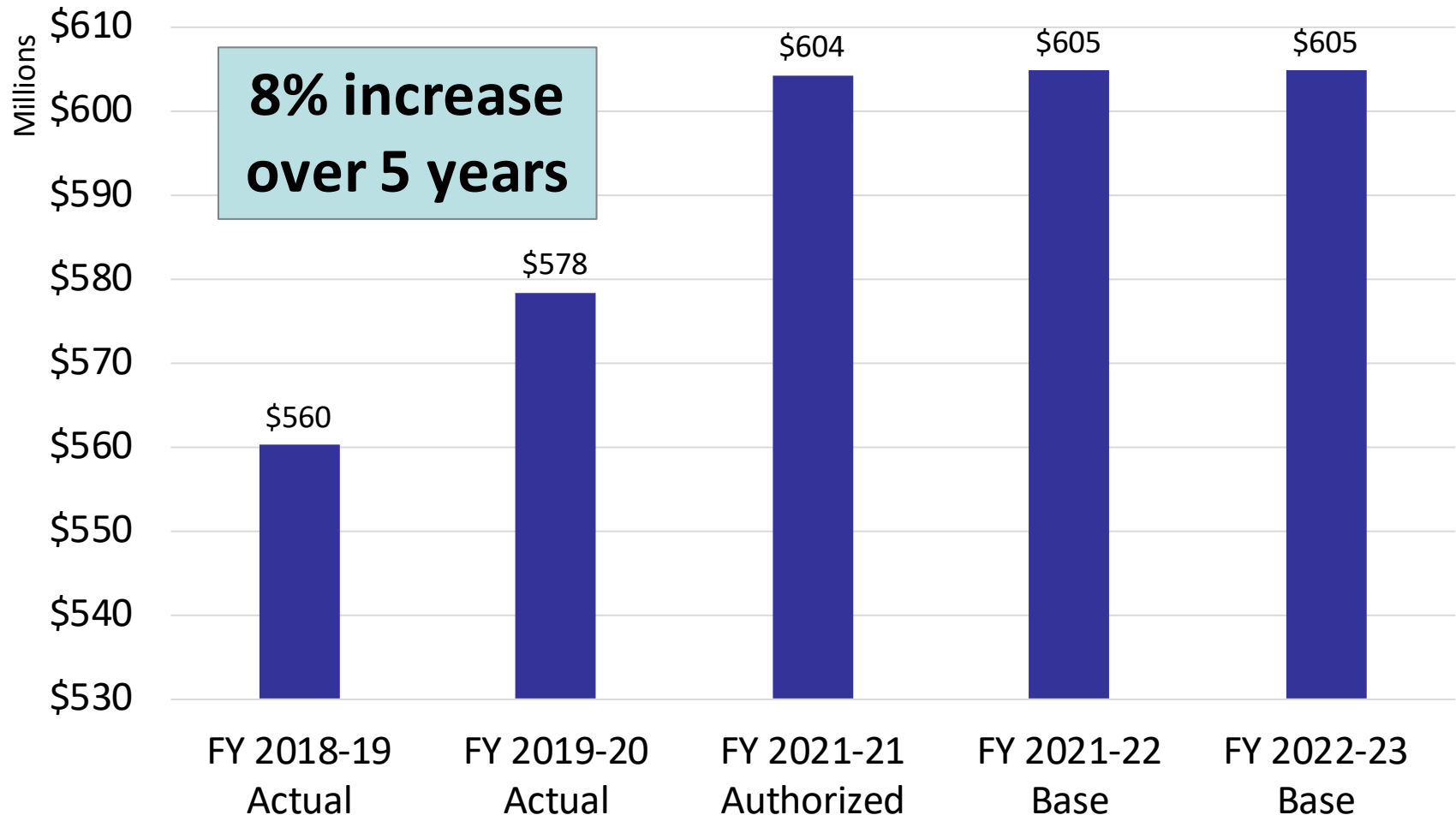
AOC by Function: FY 2020-21



AOC by FTE: FY 2020-21



AOC Budget History



Source: OSBM

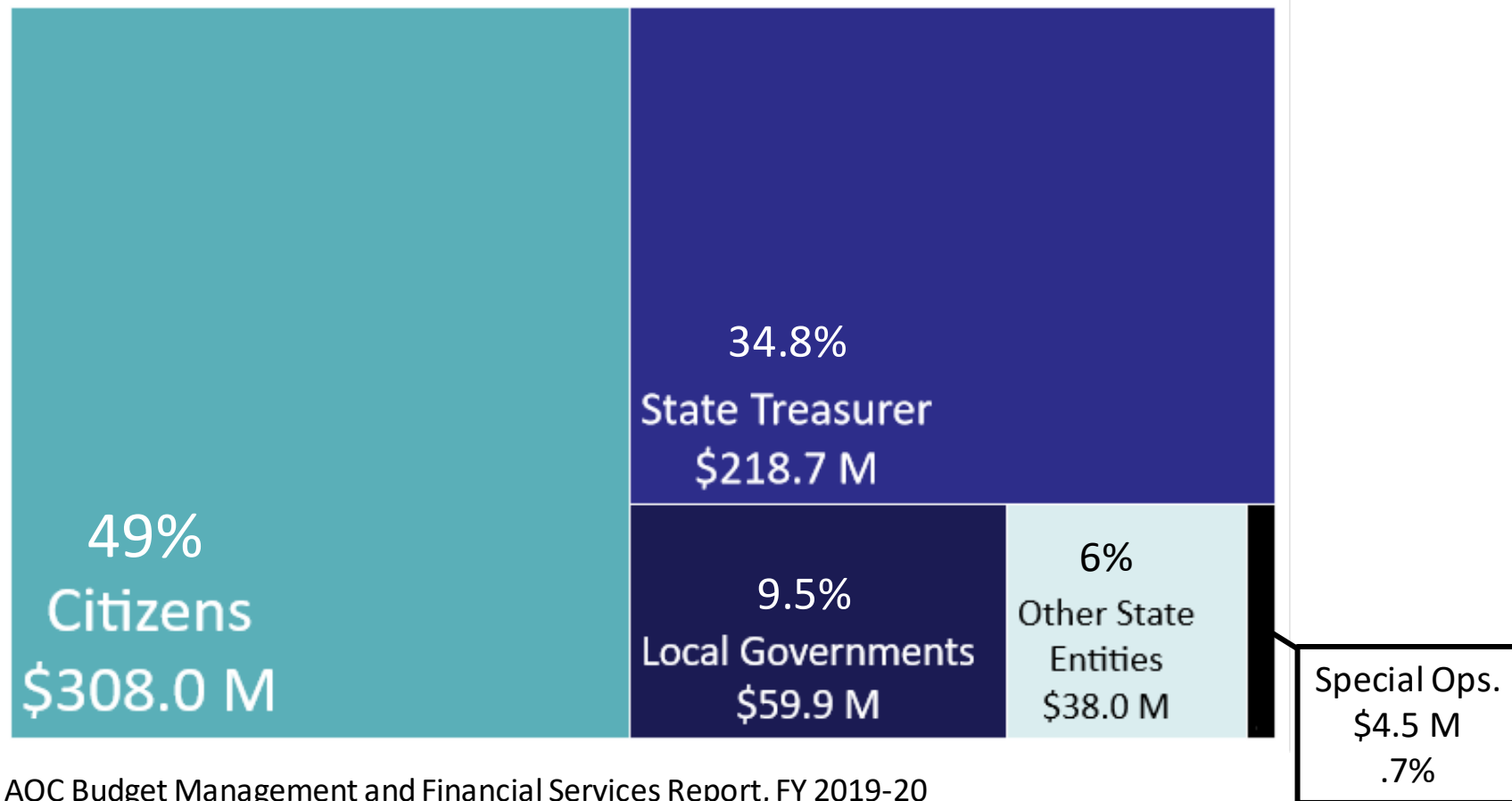
Court Costs

Courts collect fees for civil and criminal cases which are primarily remitted to the General Fund (GF).

Common Court Fees for Criminal Cases - FY 2020-21			
	Recipient	District	Superior
General Fund	General Fund	\$146.55	\$153.55
Legal Aid	NC State Bar	\$.95	\$.95
Facilities	Local governments	\$12	\$30
Telecommunications & Data Connectivity	AOC Court IT Fund	\$4	\$4
LEO Retirement/ Insurance	General Fund	\$7.50	\$7.50
LEO Training	DOJ	\$3	\$3
Indigent Defense	IDS	\$2	\$2
Chapter 20	General Fund	\$10	\$10
DNA	DOJ	\$2	\$2
Service Fee	Local governments	\$5	\$5
	TOTAL	\$193	\$218

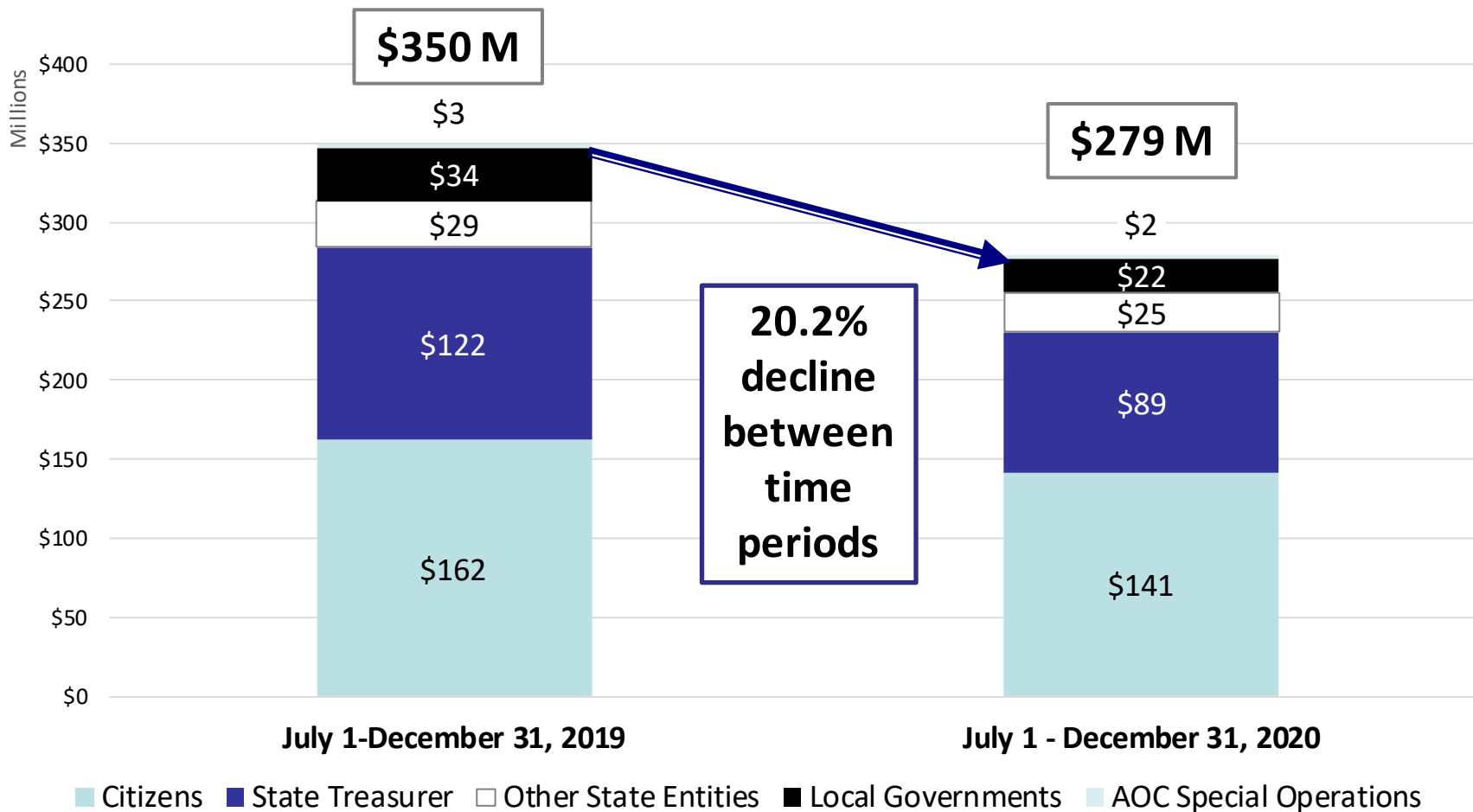
Court Disbursements

In FY 2019-20, courts disbursed a total of \$629 M in court costs, fines, forfeitures, and payments to citizens.



Source: AOC Budget Management and Financial Services Report, FY 2019-20

COVID Effect on Court Disbursements



Source: AOC

Court Disbursements to JPS Recipients

Recipient	Jul – Dec 2019	Jul – Dec 2020	% Change
IDS – Appointment & Fee Recovery	\$2.51 M	\$2.16 M	-13.9%
NC State Bar – Legal Aid Assistance	\$536 k	\$337 k	-37.1%
DOJ – LEO Training & Certification	\$656 k	\$457 k	-30.3%
DOJ – SBI Lab Fees	\$951 k	\$752 k	-20.9%
DOJ – Expunction Fees	\$240 k	\$244 k	2%
DPS – Satellite Based Monitoring	\$47 k	\$40 k	-13.0%
DPS – Misdemeanant Confinement	\$863 k	\$194 k	-77.6%

Source: AOC

Court Disbursements to JPS Recipients

Recipient	Jul – Dec 2019	Jul – Dec 2020	% Change
AOC Court IT Fees	\$2.33 M	\$1.62 M	-30.5%
AOC Worthless Check Fees	\$19 k	\$7 k	-63.7%
AOC Arbitration Fees	\$123 k	\$99 k	-19.8%
AOC Fee/Payment Recovery	\$120 k	\$114 k	-4.7%

Total difference between 6-month periods: \$2.4 M

Source: AOC

Overview Topics

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Trial Courts

**Requirements:
\$377.8 M**

**Receipts:
\$0 M**

**Net General Fund
Appropriation:
\$377.8 M**

**Total FTE:
4,116.95**

**61.7% of Total AOC
Requirements**

- District Court
 - Magistrates
- Superior Court
 - Clerks of Superior Court
 - Business Courts
- Court Coordinators and Administrators
- Interpreters
- Court Reporters

District Court

- Divided into 41 Districts
- Judges elected in each district and serve 4-year terms
- Chief District Court Judge manages administrative duties
- Original jurisdiction over misdemeanor cases, probable cause hearings, guilty/no contest in certain felony cases, civil cases in which the amount in controversy is \$25 K or less, juvenile proceedings, domestic relations, and mental health hospital commitments



Workload Formulas

- Neutral calculation of the personnel needs for each county or district, weighted by time and complexity of cases
 - Magistrates by county
 - Clerks by county
 - Prosecutors/DA Staff by district
 - District Court Judges by district
 - Superior Court Judges by division
- The formula is an algorithm that stays the same
- Results updated yearly based on county/district/division filings

Magistrates

- Independent judicial officer of the district court
- Minimum of 3 magistrates per county
- Nominated by the clerk of superior court, appointed by the senior resident superior court judge, and supervised by the chief district court judge
- Not required to be an attorney
- Serves an initial 2-year term with subsequent 4-year terms
- 672.6 FTE as of June 30, 2020

Source: AOC Magistrates Fact Sheet 2019-20

Magistrate Responsibilities

Criminal proceedings

- Conducting initial appearances, setting conditions of release and issuing warrants

Civil proceedings

- Hearing small claim cases, entering orders for evictions, determining involuntary commitments and performing marriages
- Disposed 172,844 civil cases in FY 2019-20

Source: AOC Magistrates Fact Sheet 2019-20

Magistrate Workload

Top 5 Most and Least Need, FY 2020-21

County	Magistrates Authorized 7/1/2020	Workload-Recommended Staffing (Minimum of 3)	Workload Need (Difference)	Staff to Workload Ratio
Mecklenburg	33.5	53.92	20.42	62%
Wake	27	40.83	13.83	66%
Perquimans	2	3.00	1.00	67%
New Hanover	13	15.97	2.97	81%
Forsyth	19	23.26	4.26	82%
Lee	5	3.34	(1.66)	150%
Scotland	5	3.23	(1.77)	155%
Columbus	5	3.21	(1.79)	156%
Carteret	6	3.65	(2.35)	164%
Wilkes	6	3.31	(2.69)	181%

Source: AOC

Superior Court

- Divided into 5 divisions and 48 districts
- Judges elected in each district and serve 8-year terms
- Every 6 months, superior court judges rotate among districts within the divisions
- Sr. resident superior court judge manages administrative duties
- Hear civil cases involving more than \$25 K, felony criminal cases, and misdemeanor and infraction appeals
- Business Court: specialized forum of Superior Court
- Special Superior Court Judges: serve 5-year terms upon appointment by governor and confirmation by NCGA

Clerks of Superior Court

100 clerks elected in each county for 4-year term

Responsibilities:

- Clerical and record-keeping functions of superior and district court
- Judge of probate
- Hear special proceedings (e.g. adoptions)
- Collect court costs
- For criminal matters, issue arrests and search warrants; conduct initial appearance hearings; exercise same power as magistrates for waivers of trial and guilty pleas to certain minor offenses

Clerk Workload

Top 5 Most and Least Need, FY 2020-21

County	Total Authorized Positions as of 7/1/2020	Workload-Recommended Staffing	Workload Need (Difference)	Staff to Workload Ratio
Jones	7.00	7.76	0.76	90.2%
Macon	10.00	10.69	0.69	93.6%
Pender	15.00	15.73	0.73	95.4%
Wake	183.50	191.81	8.31	95.7%
Orange	27.00	28.17	1.17	95.8%
Lee	18.00	15.03	(2.97)	119.8%
Martin	11.00	9.17	(1.83)	120.0%
Pasquotank	14.00	11.37	(2.63)	123.1%
Durham	72.50	58.36	(14.14)	124.2%
Hertford	9.00	7.11	(1.89)	126.6%

Source: AOC

Court Support Staff

Trial Court Administrators: 8 FTE

Trial Court Coordinators: 79.725 FTE

District Court Judicial Assistants: 66.5 FTE

Superior Court Judicial Assistants: 34.5 FTE

Family Court Administrator: 11 FTE

Family Court Coordinators: 34 FTE

Perform civil case management to expedite civil cases in superior and district courts and assist judges with managing civil calendar

Source: Beacon, January 2021

Business Court

G.S. 7A-45.4 governs designation of Business Court cases

- Includes disputes involving:
 - Law governing corporations
 - Securities
 - Antitrust law
 - Trademark law
 - Ownership, use, licensing, lease, installation, or performance of intellectual property
 - Trade secrets
 - Contracts under certain conditions



In CY 2020, 5 Special Superior Court Judges, designated as Business Court Judges, closed 214 cases

Business Court

Expenditures

- \$2.1 M Statewide in FY 2019-20

Court Cost

- Plaintiff assessed a \$1,100 fee in addition to other standard Superior Court costs
- Fee remitted to the General Fund
- Remitted in FY 2019-20: \$131,600

Appellate Division

**Requirements:
\$16.7 M**

**Receipts:
\$0 M**

**Net General Fund
Appropriation:
\$16.7 M**

**Total FTE:
130.0**

- Court of Appeals
 - 15 Judges serving 8-year terms
 - Hear cases in panel of 3
- Supreme Court
 - 7 Justices serving 8-year terms

**2.7% of Total AOC
Requirements**

Source: Annual Report of the North Carolina Judicial Branch 2019-20

Court of Appeals

Jurisdiction:

- Civil and juvenile district court appeals
- Most criminal appeals, including non-capital murder cases
- Appeals of certain state administrative agency decisions

Disposed 1,892 appeals and petitions in FY 2019-20



Supreme Court

Jurisdiction:

- Capital murder appeals
- Court of Appeals decisions with a dissenting opinion
- Other Court of Appeals decisions the Supreme Court accepts

Disposed 141 appeals and 419 petitions in FY 2019-20



Overview Topics

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Specialty Services and Programs

Requirements:
\$25.1 M

Receipts:
\$186.8 K

**Net General Fund
Appropriation:**
\$24.9 M

Total FTE:
254.55

**4.1% of Total AOC
Requirements**

- Child Custody and Family Visitation Mediation Program
 - Available in all judicial districts
 - Mediated 8,994 custody cases in FY 2019-20
- Family Courts
- Guardian ad Litem
- Recovery Courts

Family Courts

- Consolidate a family's legal issues before a single district court judge or team of judges
- Cases involving:
 - juvenile delinquency
 - abuse, neglect and dependency allegations
 - termination of parental rights
 - domestic violence
 - child custody and visitation rights
 - divorce and related financial issues
- Results in lower median age of pending cases
- Available in 15 districts and 27 counties

Source: AOC

Guardian ad Litem

- Equips community volunteers to serve abused and neglected children by advocating for their best interests in court
- When a petition alleging abuse or neglect of a juvenile is filed, judge appoints an advocate for the child in court:
 - Guardian ad Litem volunteer
 - Paid or pro bono attorney
- All advocates are trained, supervised, and supported by program staff in each county
- Served 17,923 children in FY 2019-20

Source: AOC

Recovery Courts

Includes:

- Adult Drug Treatment Courts (25 Counties)
- Family Drug Treatment Court (9 Counties)
- Youth Drug Treatment Court (2 Counties)
- DWI Court (7 Counties)
- Mental Health Court (7 Counties)
- Veterans Treatment Court (4 Counties)
- Tribal Court (1 County)

Drug Treatment Courts

Availability:

18 of 41 District Court Districts have either an Adult or Family DTC

Funding:

State Funding limited to 1 coordinator FTE; Two operate without funding; Remainder funded through grants or local funds

Cost for General Fund Support of Coordinator	
Fund 23 Remaining Districts	Fund All 41 Districts
\$2.3 M R	\$4.1 M R

Mental Health Court

Availability:

6 of 41 District Court Districts have a Mental Health Court

Funding:

No State Funding; All funded through local funds

Cost for General Fund Support of Coordinator	
Fund 35 Remaining Districts	Fund All 41 Districts
\$3.5 M R	\$4.1 M R

Overview Topics

- AOC Budget, 5-Year History, Court Costs, and Disbursements
- Trial & Appellate Courts
- Specialty Services and Programs
- **Independent Commissions**
- Administration and eCourts Update
- Recent Legislative Action

Independent Commissions

Requirements:
\$2.4 M

Receipts:
\$0 M

**Net General Fund
Appropriation:**
\$2.4 M

Total FTE:
21.75

- Human Trafficking Commission
- Innocence Inquiry Commission
- Sentencing and Policy Advisory Commission
- Judicial Standards
- Dispute Resolution
- Equal Access to Justice
- State Judicial Council

**0.4% of Total AOC
Requirements**

Independent Commissions

- **Human Trafficking Commission**
 - Leads anti-human trafficking efforts in North Carolina
 - NCGA moved from DOJ to AOC in 2018
- **Innocence Inquiry Commission**
 - Investigates post-conviction claims of factual innocence
- **Sentencing and Policy Advisory Commission**
 - Recommends modifications of sentencing laws and policies
 - NCGA expanded scope in 2018 to include 5-year projections of bed space in Statewide Misdemeanant Confinement Program
- **Judicial Standards**
 - Investigates allegations of misconduct by judges and justices and advises of obligations under the NC Code of Judicial Conduct

Overview Topics

- AOC Budget, 5-Year History, Court Costs, and Disbursements
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- Specialty Services and Programs
- Independent Commissions
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Administration and Services

Requirements:
\$57.4 M

Receipts:
\$633.7 K

**Net General Fund
Appropriation:**
\$57.4 M

Total FTE:
268.5

- Technology Infrastructure and Services
- eCourts Project Management
- Research and Planning
- Human Resources
- Financial Services
- General Services
- Legal and Legislative Affairs
- Senior Deputy Director's Office

**9.4% of Total AOC
Requirements**

Technology Upgrades

eCourts

- Project to replace existing legacy systems
- Transitioning to a comprehensive integrated case management system
- Future capabilities: e-filing, financial management, and document management
- Expected completion: June 2024

eCourts Timeline

June 2019: AOC signed 10-year contract for Integrated Case Management System (ICMS) with Tyler Technologies

August 2020: New online tool (Guide & File) launched guiding individuals through the process of completing court forms

- Supported case types include divorce, probate, and small claims
- Once eCourts is implemented in each county, users will be able to submit the forms electronically

December 2020 - April 2021: State-wide rollout of electronic traffic citation system (eCitation) replacement: “Brazos”

May 2021: State-wide Rollout of electronic warrant repository (NCAWARE) replacement: “eWarrants”

eCourts Timeline

July 2021: Pilot of integrated case management system (ICMS) in Harnett, Johnston, Lee, and Wake

December 2021: Rollout of ICMS in Mecklenburg

February 2022 – June 2024: ICMS implemented in remaining counties through 10 phases

Court IT Special Fund Sources

General Fund Appropriation

- \$1.5 M NR for integrated IT system in 2018

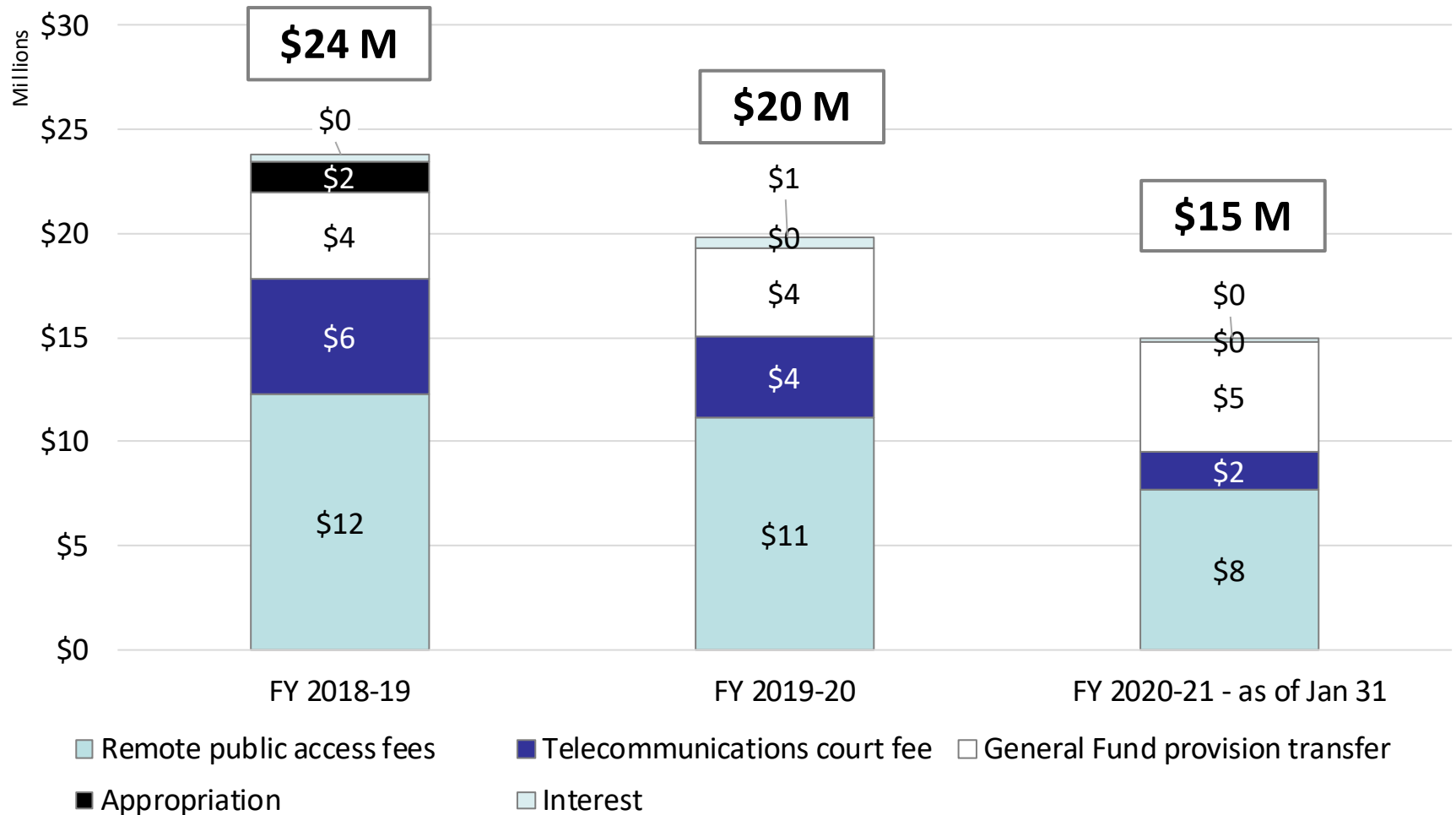
Special Provision – S.L. 2018-97

- For FY 2018-19, 2019-20, and 2020-21, AOC can transfer unexpended funds, up to 3% of the Department's certified budget, to Court IT Special Fund instead of reverting to General Fund
- \$13.6 M transferred under provision as of January 31, 2021

Fees for Remote Public Access to AOC's criminal and civil records databases

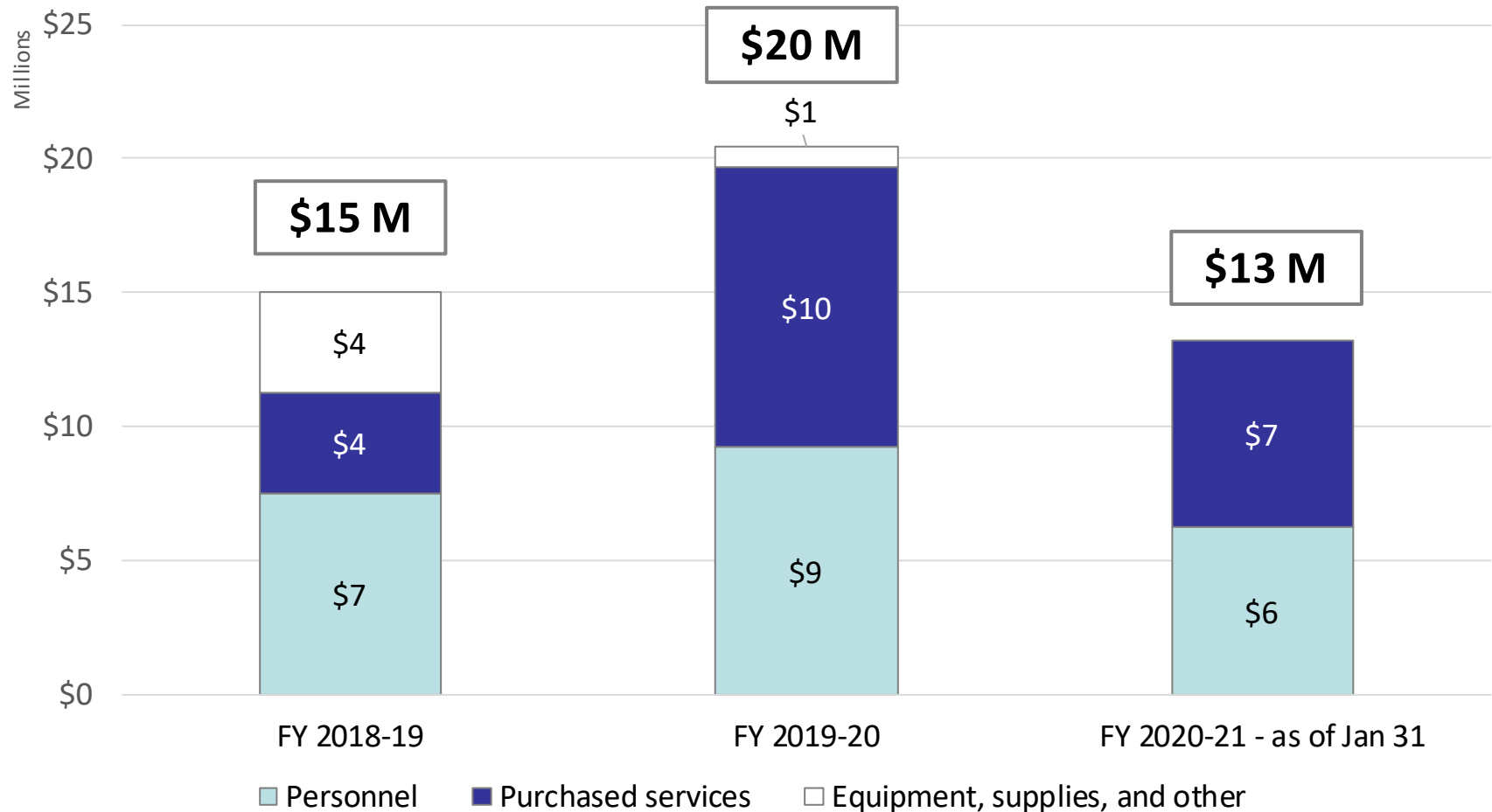
\$4 Telecommunications Court Fee for civil and criminal cases

Court IT Fund Sources



Source: AOC

Court IT Fund Expenditures



Source: AOC

FY 2020-21 had a credit of \$26 K for equipment as of Jan 31

AOC Technology Funding Requests

	FY 2020-21 (COVID Request)	FY 2021-22	FY 2022-23
Brazos and eWarrants rollout	N/A	\$3.42 M R	\$6.91 M R
ICMS rollout	N/A	\$7.41 M NR	\$8.41 M NR
Wireless expansion in courthouses	\$1.25 M NR	\$500 K R \$3.5 M NR	\$500 K R
Video conferencing expansion for courtroom proceedings	\$1.78 M NR	\$500 K R \$4.0 M NR	\$500 K R
TOTAL	\$3.03 M NR	\$4.42 M R \$14.91 M NR	\$7.91 M R \$8.41 M NR

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AOC Recent Legislative Actions

S.L. 2019-229 – Raise the Age Funding

- Funds 7 district court judges, 9 Assistant District Attorneys and 3 legal assistants

S.L. 2020-4 – 2020 COVID-19 Recovery Act

- Provides \$3.5 M for domestic violence prevention pilot program

S.L. 2020-83 – JCPC/Detention/CAA and Other Fees

- Increases court costs by:
 - \$2 to support Office of Indigent Defense Services
 - \$1 to support DOJ's Criminal Justice Education and Training Standards Commission

Upcoming

Thursday, March 18, 2021:

- Conclude AOC Overview with District Attorneys
- Overview of Indigent Defense Services

JPS Contact Information

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