

GENERAL ASSEMBLY OF NORTH CAROLINA

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SENATE BILL 1025

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

(Public)

Sponsors:

Referred to:

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 AUTHORIZE PILOT PROGRAMS FOR THE ORGANIZATION AND MANAGEMENT OF THE TRIAL COURTS, AND TO DIRECT THE USE OF FUNDS APPROPRIATED 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 62 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	Superior Court	No. of Resident
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	Division	District	Counties	Judges
1				
2				
3	First	1	Camden, Chowan,	2
4			Currituck,	
5			Dare, Gates,	
6			Pasquotank,	
7			Perquimans	
8	<u>First</u>	2	Beaufort, Hyde,	1
9			Martin,	
10			Tyrrell, Washington	
11	<u>First</u>	3A	Pitt	2
12	<u>Second</u>	3B	Carteret, Craven,	2
13			Pamlico	
14	<u>Second</u>	4A	Duplin, Jones,	1
15			Sampson	
16	<u>Second</u>	4B	Onslow	1
17	<u>Second</u>	5	New Hanover,	3
18			Pender	
19	<u>First</u>	6A	Halifax	1
20	<u>First</u>	6B	Bertie, Hertford,	1
21			Northampton	
22	<u>First</u>	7A	Nash	1
23	<u>First</u>	7B	(part of Wilson,	1
24			part of Edgecombe,	
25			see subsection (b))	
26	<u>First</u>	7C	(part of Wilson,	1
27			part of Edgecombe,	
28			see subsection (b))	
29	<u>Second</u>	8A	Lenoir and Greene	1
30	<u>Second</u>	8B	Wayne	1
31	<del>Second</del> <u>Third</u>	9	Franklin, Granville,	2
32			Vance, Warren	
33	<u>Third</u>	9A	Person, Caswell	1
34	<u>Third</u>	10A	(part of Wake,	2
35			see subsection (b))	
36	<u>Third</u>	10B	(part of Wake,	2
37			see subsection (b))	
38	<u>Third</u>	10C	(part of Wake,	1
39			see subsection (b))	
40	<u>Third</u>	10D	(part of Wake,	1
41			see subsection (b))	
42	<u>Fourth</u>	11A	Harnett,	1
43			Lee	

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

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

27 Eighth 30B Haywood, Jackson 1."Section 2.(a) The Chief Justice may  
 28 choose up to two of the eight divisions established pursuant to G.S. 7A-41, as amended in  
 29 Section 1 of this act, or portions of those divisions, without dividing district court  
 30 districts, in which to establish pilot programs for the organization and management of the  
 31 trial courts.

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

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

1 judges, and the chief district court judges, and after an opportunity for  
2 comment by members of the public and the practicing attorneys within  
3 the pilot area, to:

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

23 Section 2.(c) The Chief Justice and the Administrative Office of the Courts shall  
24 report to the General Assembly by March 1, 2002, on the operation of this pilot program  
25 and its implications for improving the efficiency and consistency of the State court  
26 system and providing better flexibility for addressing future changes in caseload.

27 Section 3. The one hundred fifty thousand dollars (\$150,000) provided by S.L.  
28 1997-237 for implementation of House Bill 1225 shall instead be used to implement the  
29 provisions of this act (the companion bill), and to provide equipment and consulting and  
30 other services necessary to operate the pilot programs authorized in this act. The  
31 Administrative Office of the Courts shall consult with the judge or judges designated as  
32 coordinating judges for each pilot before establishing any positions or expending any  
33 funds for equipment and support services. Each coordinating judge shall be the hiring  
34 authority for purposes of administering the positions created from funds appropriated to  
35 the reserve fund. The Administrative Office of the Courts shall include an accounting of  
36 the use of these funds in the report required by subsection (c) of Section 2 of this act.

37 Section 4. This act becomes effective January 1, 2000.