

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1222\*  
Committee Substitute Favorable 5/26/99  
Committee Substitute #2 Favorable 7/1/99

Short Title: State Judicial Council.

(Public)

Sponsors:

Referred to:

April 15, 1999

A BILL TO BE ENTITLED  
AN ACT TO IMPROVE THE STATE COURT SYSTEM BY CREATING A STATE  
JUDICIAL COUNCIL.

The General Assembly of North Carolina enacts:

Section 1. Chapter 7A of the General Statutes is amended by adding a new  
Article to read:

**“ARTICLE 7A.**

**“STATE JUDICIAL COUNCIL.**

**“§ 7A-49.4. Composition of State Judicial Council.**

(a) The State Judicial Council shall consist of 17 members as follows:

(1) The Chief Justice, who chairs the Council;

(2) The Chief Judge of the Court of Appeals;

(3) A district attorney chosen by the Conference of District Attorneys;

(4) A public defender chosen by the public defenders;

(5) A superior court judge chosen by the Conference of Superior Court  
Judges;

(6) A district court judge chosen by the Conference of District Court  
Judges;

- 1           (7) A clerk of superior court chosen by the Association of Clerks of  
2           Superior Court of North Carolina;  
3           (8) A magistrate appointed by the North Carolina Magistrates' Association;  
4           (9) An attorney appointed by the Council of the State Bar;  
5           (10) One attorney and one nonattorney appointed by the Chief Justice;  
6           (11) One nonattorney and one attorney appointed by the Governor;  
7           (12) One nonattorney and one attorney appointed by the General Assembly  
8           upon the recommendation of the Speaker of the House of  
9           Representatives; and  
10          (13) One nonattorney and one attorney appointed by the General Assembly  
11          upon the recommendation of the President Pro Tempore of the Senate.

12          (b) The Chief Justice and the Chief Judge shall be members of the State Judicial  
13 Council during their terms in those judicial offices. The terms of the other members  
14 selected initially for the State Judicial Council shall be as follows:

- 15           (1) One year. – The district court judge, the attorney appointed upon the  
16           recommendation of the President Pro Tempore of the Senate, and the  
17           attorney appointed upon the recommendation of the Speaker of the  
18           House of Representatives.  
19           (2) Two years. – The district attorney, the magistrate, the nonattorney  
20           appointed by the Governor, and the nonattorney appointed by the Chief  
21           Justice.  
22           (3) Three years. – The public defender, the attorney appointed by the  
23           Council of the State Bar, the nonattorney appointed upon the  
24           recommendation of the President Pro Tempore of the Senate, and the  
25           nonattorney appointed upon the recommendation of the Speaker of the  
26           House of Representatives.  
27           (4) Four years. – The superior court judge, the clerk of superior court, the  
28           attorney appointed by the Governor, and the attorney appointed by the  
29           Chief Justice.

30          After these initial terms, the members of the State Judicial Council shall serve terms  
31 of four years. All terms of members shall begin on January 1 and end on December 31.  
32 No member may serve more than two consecutive full terms. Any vacancy on the  
33 Council shall be filled by a person appointed by the official or entity who appointed the  
34 person vacating the position.

35          (c) If an official or entity is authorized to appoint more than one member of the  
36 State Judicial Council, the members appointed by that official or entity must reside in  
37 different judicial districts.

38          (d) No incumbent member of the General Assembly or incumbent judicial official,  
39 other than the ones specifically identified by office in subsection (a) of this section, may  
40 serve on the State Judicial Council.

41          (e) The appointing authorities shall confer with each other and attempt to arrange  
42 their appointments so that the members of the State Judicial Council fairly represent each  
43 area of the State, both genders, and each major racial group.

1 **"§ 7A-49.5. Duties of the State Judicial Council.**

2 (a) The State Judicial Council shall:

- 3 (1) Study the judicial system and report periodically to the Chief Justice on  
4 its findings;  
5 (2) Advise the Chief Justice on priorities for funding;  
6 (3) Review and advise the Chief Justice on the budget prepared by the  
7 Director of the Administrative Office of the Courts for submission to  
8 the General Assembly;  
9 (4) Study and recommend to the General Assembly the salaries of justices  
10 and judges;  
11 (5) Recommend to the General Assembly changes in the expense  
12 allowances, benefits, and other compensation for judicial officials;  
13 (6) Recommend the creation of judgeships; and  
14 (7) Advise or assist the Chief Justice, as requested, on any other matter  
15 concerning the operation of the courts.

16 (b) The State Judicial Council, with the assistance of the Director of the  
17 Administrative Office of the Courts, shall recommend to the Chief Justice performance  
18 standards for all courts and all judicial officials and shall recommend procedures for  
19 periodic evaluation of the court system and individual judicial officials and employees. If  
20 these standards are implemented by the Chief Justice, the Director of the Administrative  
21 Office of the Courts shall inform each judicial official of the standards being used to  
22 evaluate that official's performance. If implemented, the evaluation of each judge shall  
23 include assessments from other judges, litigants, jurors, and attorneys, as well as a self-  
24 evaluation by the judge. Summaries of the evaluations of justices and judges shall be  
25 made available to the public, in a manner to be determined by the Council, but the data  
26 collected in producing the evaluations shall not be a public record.

27 (c) The State Judicial Council shall study and recommend guidelines for the  
28 assignment and management of cases, including the identification of different kinds of  
29 cases for different kinds of resolution. If the Chief Justice decides to implement these  
30 guidelines, the guidelines may provide that, except for good cause, each civil case  
31 subject to assignment to a trial judge should be directed first to an appropriate form of  
32 alternative dispute resolution. The guidelines may also provide for posttrial alternative  
33 dispute resolution before or as part of an appeal. The guidelines should not require  
34 absolute uniformity from district to district and should allow case management personnel  
35 within each district the flexibility to direct cases to the most appropriate means of  
36 resolution in that district.

37 (d) The State Judicial Council shall monitor the use of alternative dispute  
38 resolution throughout the court system and, with the assistance of the Director of the  
39 Administrative Office of the Courts and the Dispute Resolution Commission, evaluate the  
40 effectiveness of those programs.

41 (e) The State Judicial Council may recommend changes in the boundaries of the  
42 judicial districts or divisions.

1       (f) The State Judicial Council shall monitor the administration of justice and  
2 assess the effectiveness of the Judicial Branch in serving the public and to advise the  
3 Chief Justice and the General Assembly on changes needed to assist the General Court of  
4 Justice in better fulfilling its mission.

5 **"§ 7A-49.6. Compensation of the State Judicial Council.**

6       Members of the State Judicial Council who are not officers or employees of the State  
7 shall receive compensation and reimbursement for travel and subsistence expenses at the  
8 rates specified in G.S. 138-5. Members of the State Judicial Council who are officers or  
9 employees of the State shall receive reimbursement for travel and subsistence expenses at  
10 the rate set out in G.S. 138-6."

11               Section 2. The Judicial Department shall implement this act using funds  
12 appropriated to the Department for travel and subsistence to reimburse members of the  
13 State Judicial Council as provided in G.S. 7A-49.6.

14               Section 3. This act becomes effective January 1, 2000.