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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:

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

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

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

29 Eighth 30B Haywood, Jackson 1."Section 2.(a) The Chief Justice may
 30 choose up to two of the eight divisions established pursuant to G.S. 7A-41, as amended in
 31 Section 1 of this act, or portions of those divisions, without dividing district court
 32 districts, in which to establish pilot programs for the organization and management of the
 33 trial courts. A majority of the senior resident superior court judges and chief district
 34 court judges of a division or portion of a division selected for a pilot must consent in
 35 order for their area to be designated as a pilot program.

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

- 38 (1) After consultation with the senior resident superior court judges and
 39 chief district court judges of the districts comprising each pilot region,
 40 designate one judge to serve as the coordinating judge for that pilot
 41 program;
- 42 (2) Assign staff to assist each coordinating judge;

- 1 (3) Establish and, in consultation with the affected judges, district attorneys,
2 and clerks of court, appoint the members of an advisory judicial council
3 for each pilot program;
- 4 (4) Authorize the coordinating judge, with the consent of the clerks of
5 superior court, the district attorneys, the senior resident superior court
6 judges, and the chief district court judges, and after an opportunity for
7 comment by members of the public and the practicing attorneys within
8 the pilot area, to:
- 9 a. Establish a schedule for all sessions of trial court;
- 10 b. Assign judges to sessions of court;
- 11 c. Develop and implement a procedure for the calendaring of cases,
12 both criminal and civil, with assistance from the trial court
13 administrator;
- 14 d. Assign particular categories of cases to individual judges;
- 15 e. Notwithstanding any other provision of law, determine the
16 circumstances under which judges may hear motions and other
17 pretrial proceedings outside the county in which the case arose
18 but within the same judicial district;
- 19 f. Establish local rules for the management of the pilot program,
20 subject to the approval of the Chief Justice; and
- 21 g. 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 1999-237 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.