

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

HOUSE BILL 1222
RATIFIED BILL

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;
 - (7) A clerk of superior court chosen by the Association of Clerks of Superior Court of North Carolina;
 - (8) A magistrate appointed by the North Carolina Magistrates' Association;
 - (9) An attorney appointed by the Council of the State Bar;
 - (10) One attorney and one nonattorney appointed by the Chief Justice;
 - (11) One nonattorney and one attorney appointed by the Governor;
 - (12) One nonattorney and one attorney appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives; and
 - (13) One nonattorney and one attorney appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate.
- (b) The Chief Justice and the Chief Judge shall be members of the State Judicial Council during their terms in those judicial offices. The terms of the other members selected initially for the State Judicial Council shall be as follows:
- (1) One year. – The district court judge, the attorney appointed upon the recommendation of the President Pro Tempore of the Senate, and the attorney appointed upon the recommendation of the Speaker of the House of Representatives.
 - (2) Two years. – The district attorney, the magistrate, the nonattorney appointed by the Governor, and the nonattorney appointed by the Chief Justice.
 - (3) Three years. – The public defender, the attorney appointed by the Council of the State Bar, the nonattorney appointed upon the recommendation of the President Pro Tempore of the Senate, and the nonattorney appointed upon the recommendation of the Speaker of the House of Representatives.

- (4) Four years. – The superior court judge, the clerk of superior court, the attorney appointed by the Governor, and the attorney appointed by the Chief Justice.

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

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

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

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

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

(a) The State Judicial Council shall:

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

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

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

(d) The State Judicial Council shall monitor the use of alternative dispute resolution throughout the court system and, with the assistance of the Director of the

Administrative Office of the Courts and the Dispute Resolution Commission, evaluate the effectiveness of those programs.

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

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

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

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

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

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

In the General Assembly read three times and ratified this the 15th day of July, 1999.

Dennis A. Wicker
President of the Senate

James B. Black
Speaker of the House of Representatives

James B. Hunt, Jr.
Governor

Approved _____ .m. this _____ day of _____ , 19