



Magistrates: From the Chief's Perspective

Robert M. Brady
Chief District Court Judge
25th Judicial District

2007

Statutory Responsibility

Selection & Appointment:

- 7A-171 – Nomination by the Clerk of Superior Court, Selection by the Senior Resident Superior Court Judge, Supervision by the Chief District Court Judge

Supervisory Authority:

- 7A-146(4) – Assigning matters to magistrates
- 7A-183 (a) – Disciplinary Actions

Actual Responsibility

- Often based on relationships between the three judicial powers involved (Chief Judge, Clerk & Senior Resident)

Example:

In the 25th Judicial District, all three participate in the magistrate interviews.

Concerns of Chief Judges

- Complaints on Magistrates:
 1. Attitude/Demeanor with the Public
 2. Attitude/Demeanor with other Court Officials
 3. Magistrate Availability
 4. Bond Amount Issues
 5. Failure to Issue Warrants
 6. Inadequate Knowledge of the Law



NC Judicial Mission Statement

- To protect and preserve the rights and liberties of all the people, as guaranteed by the Constitutions and laws of the United States and North Carolina, by providing a fair, independent, and accessible forum for the just, timely, and economical resolution of their legal affairs.

Purposes of Law



- Consistency
- Fairness
- Predictability

Overview of the Judicial Branch

*Fiscal year 2004-2005 Annual Report

Magistrates - 718

Portal for over 1,973,458 cases filed of the total 3,186, 932 filed
61.9% of all cases within the court system.

District Court - 239 Judges

2,840,367 cases filed ~ 89.1% of all matters

Superior Court – 109 Judges

343,065 cases filed ~ 10.78% of all matters

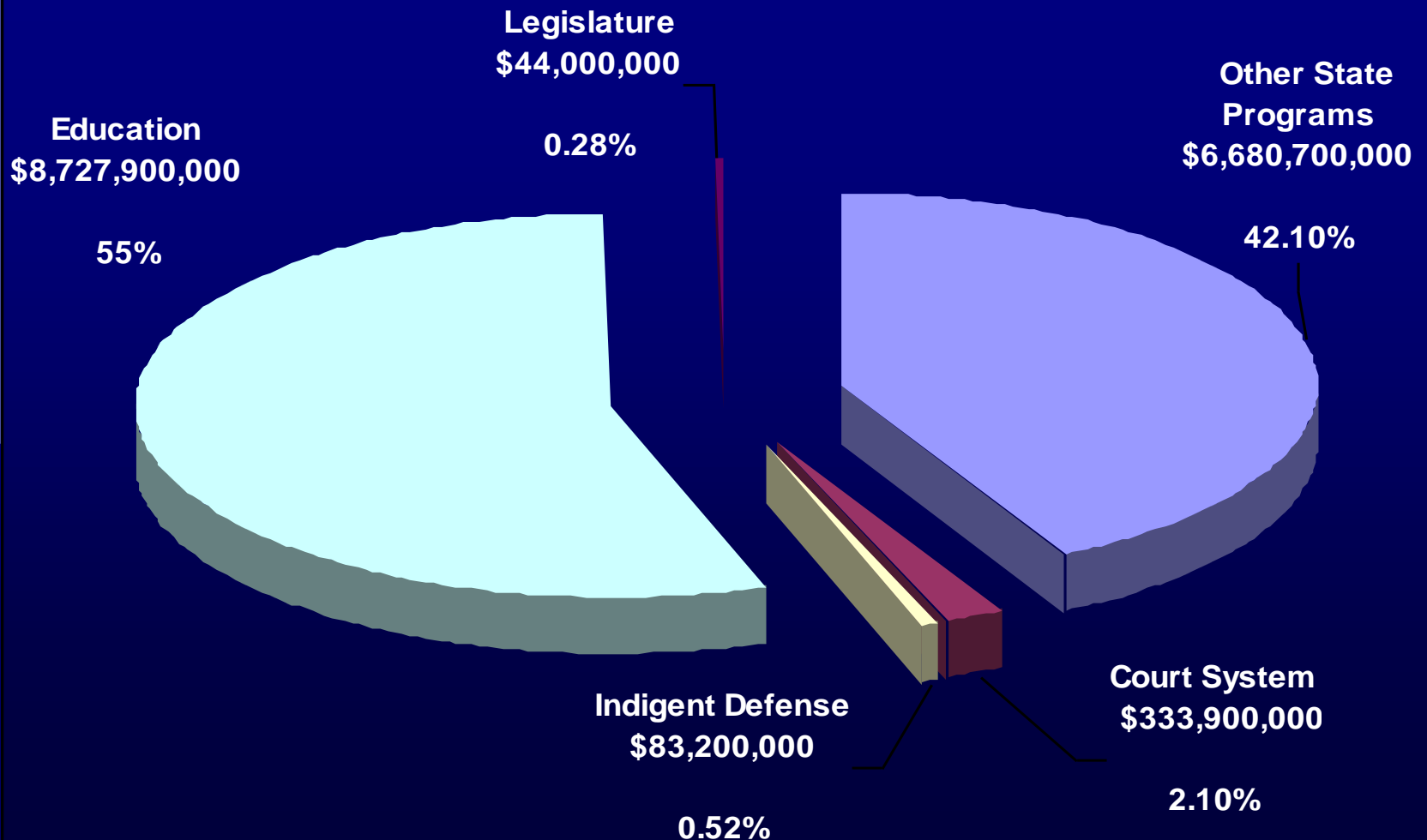
Court of Appeals - 15 members

2719 appeals and petitions filed ~ 0.09% of all matters

Supreme Court - 7 members

781 appeals and petitions filed ~ 0.03% of all matters

North Carolina Budget Appropriations FY 2004-05





Forces for Change

- Increasingly tight resources with additional accountability for outcomes.
- More and more complex social problems working their way into the court system.
- Greater challenges in making courts accessible to immigrants and pro-se litigants.

Change Demands...



- Legitimacy – it is drawn from community confidence and trust.
- Court leaders must be responsible for networking with the larger community.
- Must preserve “core values” while embracing emerging technologies and alternative methods.

Trends in the State Courts



- People
- Programs
- Technology

People Trends

- Racial and Ethnic Fairness
 - Profiling, Interpreting, Oath Issues
- Accessibility
 - Court Records (privacy)
 - Pro-Se Litigation
 - Self-Help Centers
- Accountability of Judicial Personnel



Program Trends

- Problem-Solving Courts
 - Family Court
 - Drug Treatment Court
 - Domestic Violence Court
 - Family Drug Treatment Court
 - Truancy Court
 - Worthless Check Court
 - Traffic Court



Program Trends – cont.

- Alternative Dispute Resolutions
 - Mediation
 - Arbitration
- Increased Responsibility on All Personnel
- Increased Accountability of All Personnel



Technology Trends

- Emergence of E-Everything
 - Information Sharing/Access
 - Empowered Pro-Se Litigants
 - E-Citations
 - NC Magistrate System
 - E-publications (calendars)
- Measured Accountability - Performance





“New” Courts Objectives

- Open, fair, timely, and *Responsive*
- A court environment concerned with outcomes.
- Enhanced public confidence.



Where are we heading?

- The public demands that when selecting magistrates, we select those that are:

Courteous

Knowledgeable of the law

Impartial

Committed to Excellence

Available and prompt

Fair

Thank you for your time!

