

SUPERIOR COURT JUDGES CONFERENCE

AOC UPDATE

COURT PERFORMANCE AND BACKLOG REDUCTION

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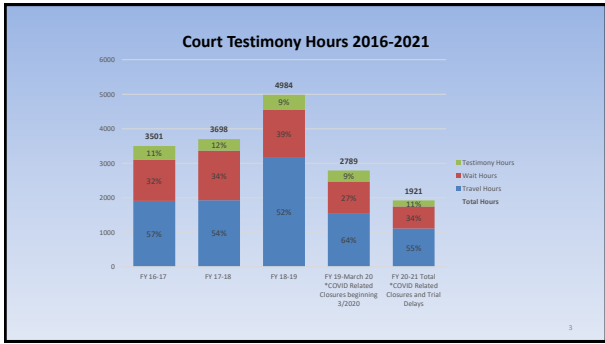


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NORTH CAROLINA STATE CRIME LABORATORY UPDATE

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Remote Testimony

- Allows examiners to testify when they are needed, and spend the rest of their time in the laboratory working cases
- Member of the Remote Proceedings Task Force, State Crime Lab Subcommittee
 - Appointed by Chief Justice Newby

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Remote Testimony

- Remote testimony will be performed using WebEx
- Remote testimony provided by analysts in Cabarrus and New Hanover
- Conversations with 3 other counties regarding pilots

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Efficiencies

- Firearms
 - IBIS/NIBIN entry *FIRST* to establish links between guns and fired ammunition. Then triage comparison evidence.
- Lean Six Sigma projects
 - Drug Chemistry, Toxicology, Latent prints, DNA
- DNA
 - New instruments that can test more samples at one time
- Stop Works
 - Identification of adjudicated cases and analysis to be discontinued via communication between CJLeads and Forensic Advantage; saves over \$1M in unnecessary testing a year

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Budget Items

- Biennium 2021-2023
 - 8 additional scientists
- Short session asks
 - 4 additional scientists
 - \$1.1M recurring reserve fund for salary increases to address recruitment and retention

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Personnel

- Still need more scientists despite efficiencies
- Attrition due to lower salary than other labs, cost of living increases and limited opportunity for advancement
- 52 FSI's and FSII's separated between 2017 and 2021 with average tenure 4 years
- Two years, on average, to hire and train their replacement
- 5 FSI and FSII resignations this calendar year

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Training Update

FY: 30 Training Programs completed, 25 in process as of 6/13/22

	TOTALS	New Hire (15)	2nd discipline (12)
DNA Database (2)	0		
Digital Evidence (1)	1	1	1
Drug Chemistry (2)	1	1	
Evidence Photography (2)	2	2	
Forensic Biology (2)	2	2	
Trace Evidence (2)	2	1	1
Latent Evidence (2)	3	1	2
Forensics (2)	7	5	2
Technology (2)	7	1	6
	25	13	12



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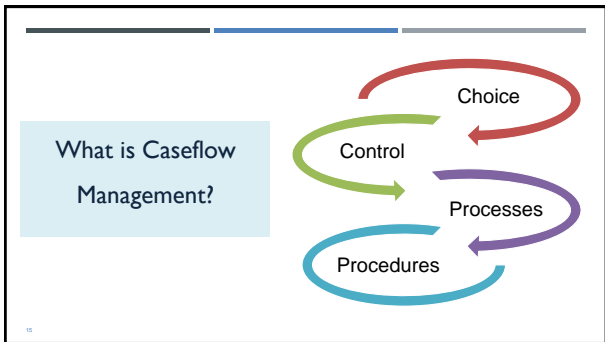


EFFECTIVE CASE
MANAGEMENT
IN A POST-
PANDEMIC
WORLD

DAVID SLAYTON, VICE PRESIDENT
COURT CONSULTING SERVICES
@STATECOURTS



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HIGH PERFORMANCE COURT
Framework
A Road Map for Improving Court Management

Four Administrative Principles:

- Give every case individual attention
 - Treat cases proportionately
 - Demonstrate procedural justice
- Exercise judicial control over the legal process

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RECURRING CASEFLOW THEMES

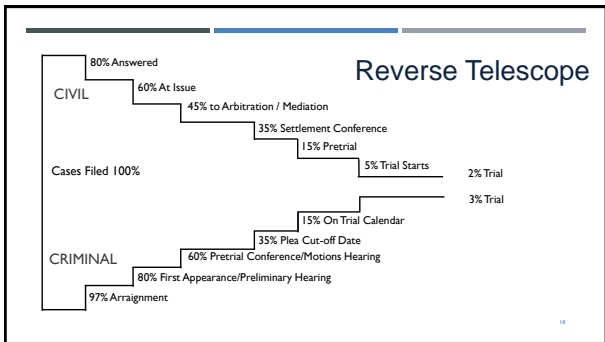


Golden Opportunities

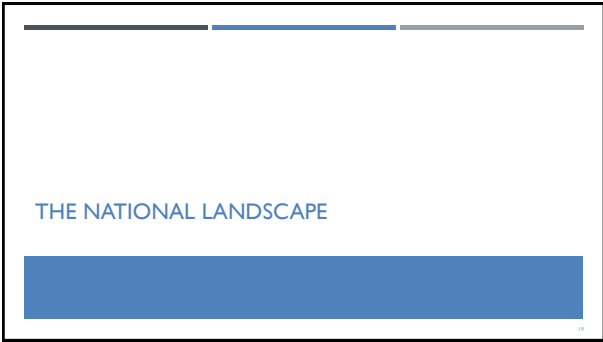
Atmosphere of Expectation

“Reasonably Arbitrary” Events

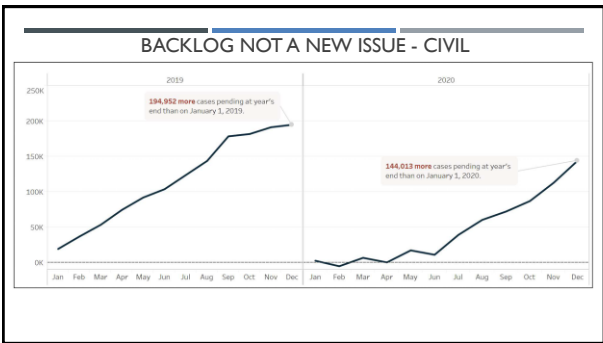
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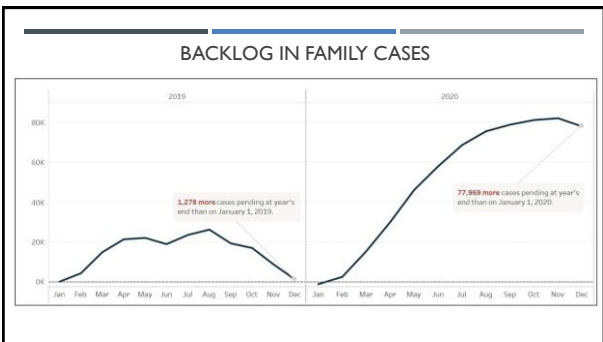
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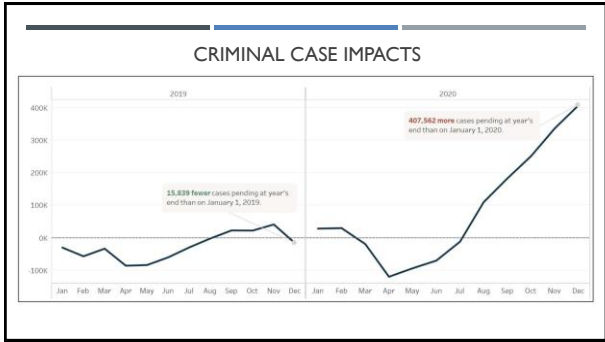
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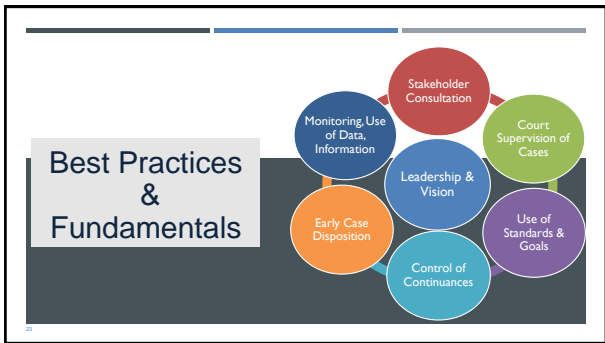
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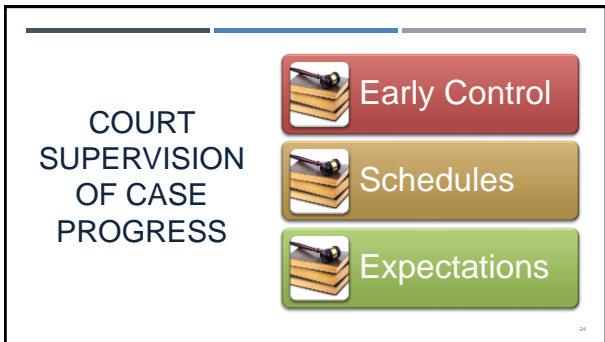
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EFFECTIVE CRIMINAL CASEFLOW MANAGEMENT PROJECT - 2020

What Is the Key?

- Active Management of Cases
- Controlling Continuances
- Controlling Time Between Case Events

ECCCM
Effective Criminal Case Management

What Isn't the Key?


- Court Structure
- Type of Calendar
- Method of Selecting Judges
- Elected/Appointed Clerk
- Division of Labor
- Case Composition
- Manner of Disposition

HTTP://WWW.NCJC.ORG/SERVICES-AND-EXTREME/AREAS-OF-EXPERTISE/CASEFLOW-AND-WORKFLOW-MANAGEMENT/EFFECTIVE-CRIMINAL-CASE-MANAGEMENT

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MEANINGFUL EVENTS & MILEPOSTS



Time management between events:

- Long enough for preparation
- Short enough to urge movement
- Timed to encourage preparation

Predictable system and processes:

- Expectations understood
- Events/actions occur at right time
- Accountability of parties, and court

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Fundamental #5: Control Continuances

- Predictability
- Schedule availability
- Expectations



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HOW TO MULTIPLY YOUR WORKLOAD

1st
TRIAL DATE

2nd
TRIAL DATE

3rd
TRIAL DATE

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ACHIEVING FIRM TRIAL DATES

- Late in the process
- Early in case life
- Backup systems
- Monitoring data



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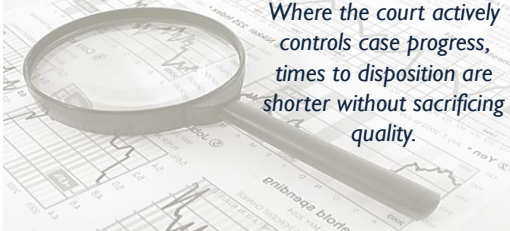
CONTINUANCE POLICIES



What elements should a policy include?

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RESEARCH FINDINGS



Where the court actively controls case progress, times to disposition are shorter without sacrificing quality.

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EXPEDITIOUS COURTS

- Early and continuous control
- Firm dates
- Time standards
- Focus issues and problems



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CASE STANDARDS AND BACKLOG REDUCTION

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Fundamental #4: Standards and Goals

- System as a whole (large scale)
- Individual cases
- Intermediate steps in the system
- Interim progress in individual cases



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MACRO, MICRO & PERFORMANCE STANDARDS



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Model Time Standards

TABLE OF MODEL TIME STANDARDS

Case Category	Case Type	OSCA Standard	AMA Standard	Model Standard
CRIMINAL	Felony	100% within 180 days	90% within 120 days 98% within 180 days 100% within 300 days	75% within 90 days 92% within 180 days 98% within 300 days
	Misdemeanor	100% within 90 days	90% within 30 days 100% within 90 days	75% within 60 days 92% within 90 days 98% within 180 days
	Traffic and Local Ordinance			75% within 30 days 92% within 60 days 98% within 90 days 98% within 180 days
*Habeas corpus and similar Post-conviction proceedings (Following a criminal conviction)				
CIVIL	General Civil	100% of non-jury within 12 months 100% jury trials within 18 months	90% within 12 months 98% within 18 months 100% within 24 months	75% within 90 days 92% within 240 days 98% within 300 days
	Summary Matters			75% within 60 days 92% within 90 days 98% within 180 days
	Domestic/Divorce/Allocation of Parental Responsibility	100% uncontested within 3 months 100% contested within 6 months	95% within 3 months 98% within 6 months 100% within 12 months	75% within 120 days 92% within 180 days 98% within 300 days
* Post Judgment Motions				
* Noncase Orders				

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IMPLEMENTATION STRATEGIES: MODEL TIME STANDARDS



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MEASUREMENT WITH TIME STANDARDS = RESULTS

- Encourages compliance
- Broad use
- Non-compliance checks




Need multiple ways to measure compliance.

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DUTIES OF THE DIRECTOR
N.C. GEN. STAT. § 7A-343

The Director's duties include all of the following:


- ★ (1) Collect and compile statistical data on the judicial operation of the courts.
- (2) Determine the state of the dockets and evaluate the practices and procedures of the courts.
- (7) Make recommendations for the improvement of the operations of the Judicial Department.



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COURT OPERATIONS STATISTICS
N.C. GEN. STAT. § 7A-343(l)



“Collect and compile statistical data and other information on the judicial and financial operation of the courts and on the operation of other offices directly related to and serving the courts.”



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COURT OPERATIONS STATISTICS N.C. GEN. STAT. §7A-343(l)

- Land mass of ~54 million square miles
 - Geographically larger than England
- Provide Justice to ~10.6 million residents
 - Larger population than Greece, Switzerland
- GDP of ~\$655 Billion
 - Larger GDP than Austria, Norway
- AOC Supports ~7,000 employees





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COURT OPERATIONS STATISTICS DISTRICT COURT BENCH

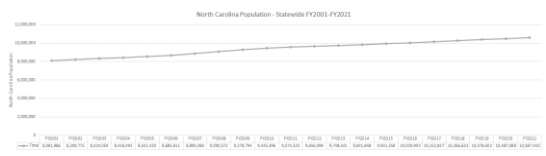
- 1,316,085 cases pending (as of 5/31/22)
 - Largest categories reside in District Court
 - Misdemeanors and infractions make up 60% of all statewide filings
- 283 District Court Judges
 - 285 authorized on 1/1/2023; Updated Workload Formula shows need of 281.47
- 141.25 Staff positions supporting District Court Judges




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NORTH CAROLINA POPULATION HAS INCREASED OVER TIME

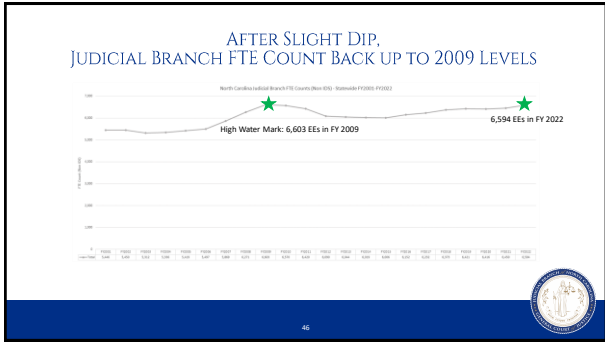


Year	Population
2000	8,000,000
2001	8,050,000
2002	8,100,000
2003	8,150,000
2004	8,200,000
2005	8,250,000
2006	8,300,000
2007	8,350,000
2008	8,400,000
2009	8,450,000
2010	8,500,000
2011	8,550,000
2012	8,600,000
2013	8,650,000
2014	8,700,000
2015	8,750,000
2016	8,800,000
2017	8,850,000
2018	8,900,000
2019	8,950,000
2020	9,000,000
2021	9,050,000

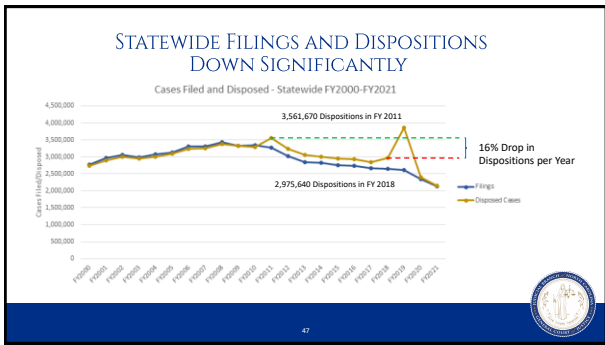


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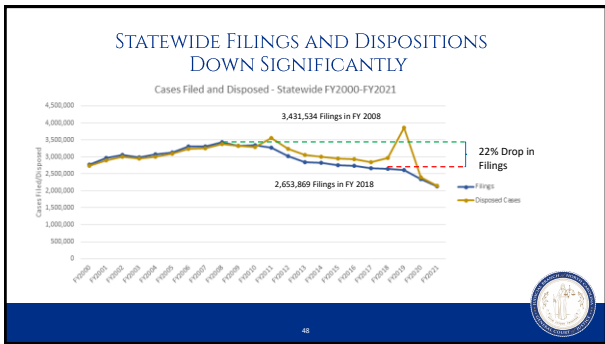
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COURT OPERATIONS STATISTICS N.C. GEN. STAT. § 7A-343(l)

Judicial Branch positions have been restored to the 2009 high water mark, but statewide filings and dispositions are down significantly.

Despite these trends, feedback from stakeholder groups indicate judicial branch officials and employees are working harder than ever.

How do we reconcile this?



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INCREASED CASE COMPLEXITY IS STRAINING RESOURCES



- Recent Developments affecting the courts:
 - Justice Reinvestment Act
 - Juvenile Justice Reinvestment Act ("Raise the Age")
 - Crime Victims' Rights Act ("Marsy's Law")
 - Open File Discovery
 - Motions for Appropriate Relief
 - Numerous Expiration Law Changes
 - Biological and Toxicological Evidence
 - Digital Evidence

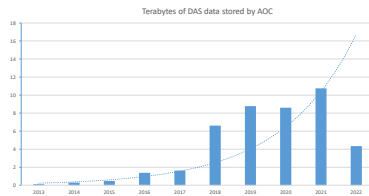


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EXPONENTIAL INCREASE IN DIGITAL EVIDENCE

- Discovery data, including bodycam footage and cell phone dumps, contribute to ~85% of storage



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COURT OPERATIONS STATISTICS N.C. GEN. STAT. § 7A-343(2)

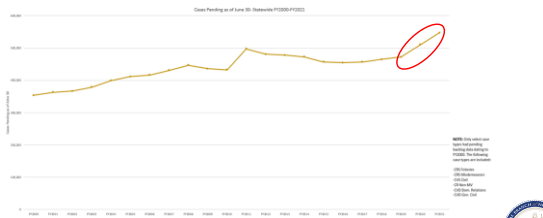
“Determine the state of the dockets and evaluate the practices and procedures of the courts, and make recommendations concerning the number of judges, district attorneys, and magistrates required for the efficient administration of justice.”



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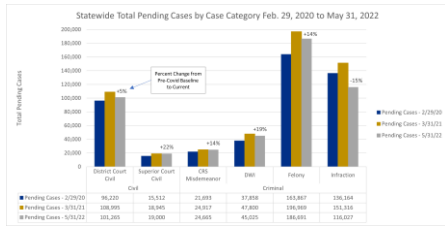
STATE OF THE DOCKETS: STEEP INCREASE IN PENDING CASES CAUSED BY COVID



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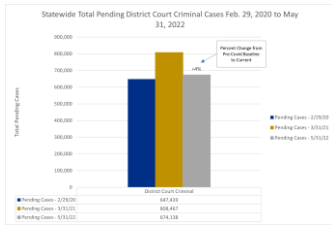
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STATEWIDE PENDING CASES



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STATEWIDE PENDING CASES



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COURT OPERATIONS STATISTICS N.C. GEN. STAT. § 7A-343(2)

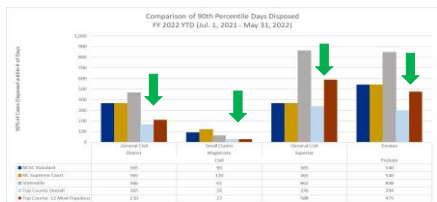
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IMPROVEMENT IS POSSIBLE IN NORTH CAROLINA

Civil / Probate Case Types



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9,000 Filings

4 to 5 Trial Adjournments

270 Trials (3%)

9,000

9,000 Dispositions

117,000 Appearances

13 Appearances (Per Case Average)

UNCONTROLLED WORKLOAD

Source: National Center for State Courts



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Pre-Trial - Motion Deadline
Plea Cutoff, Set Firm Trial Date

Trial 3% (no change)
Firm Trial Dates - No Adjournments

The same 9,000 Filings

5 Appearances Per Case (Average)

= 45,000 appearances

Early Dispositions, Enforced Rules

Monitor System Performance
Small Continuous Improvements

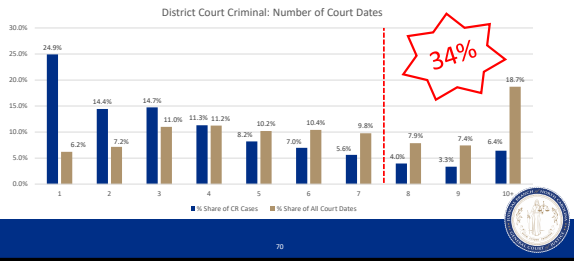
CONTROLLED WORKLOAD

Source: National Center for State Courts



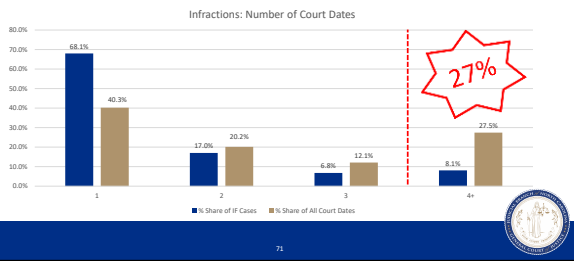
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MAJOR AREA OF CONCERN: CONTINUANCES



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MAJOR AREA OF CONCERN: CONTINUANCES



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COURT OPERATIONS STATISTICS N.C. GEN. STAT. § 7A-343(2)

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N.C. GEN. STAT. § 7A-343(2) RECOMMENDATIONS*

<p>Judicial Support Staff</p> <ul style="list-style-type: none"> 39.0 FTE <p>Magistrates</p> <ul style="list-style-type: none"> 31.0 FTE <p>Conference of Clerks of Superior Court</p> <ul style="list-style-type: none"> Deputy Clerks 221.0 FTE Assistant Clerks 20.0 FTE 	<p>Conference of District Attorneys</p> <ul style="list-style-type: none"> Assistant District Attorneys 21.0 FTE D.A. Administrative Assistants 5.0 FTE D.A. Legal Assistants 93.5 FTE <p>Pay Increases</p> <ul style="list-style-type: none"> Hiring and Retention increases across the branch (in addition to scheduled 2.5%) 2 Additional Steps for Clerks Pay Plan
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*After input from District Court Judges Group, no District Court Judges were recommended. Currently working with Superior Court Judges and do not anticipate recommending additional Superior Court Judges.




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BACKGROUND FOR RECOMMENDATIONS: FOCUS ON TIMELY JUSTICE

North Carolina State Constitution:


- Article I, Sec. 18. states that all courts shall be open, and that justice shall be administered **without favor, denial, or delay.**

Judicial Branch Mission Statement:

- The mission of the North Carolina Judicial Branch is to protect and preserve the rights and liberties of all the people, as guaranteed by the Constitution 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.

AOC Mission Statement:

- The mission of the Administrative Office of the Courts is to assist and equip the General Court of Justice to fulfill its constitutional mandate of **timely** dispensing equal justice under the law.



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N.C. GEN. STAT. § 7A-343(7) RECOMMENDATION FOR IMPROVING OPERATIONS: LOCAL ACTION PLAN


Summer 2021:
Determined relevant statistics, provided detailed pending case reports to each county

November 2021–January 2022:
Met with Judicial Branch leaders from 12 most populous counties as well as Heads of Stakeholder Groups

February 2022:
Statewide meeting facilitated by National Center for State Courts

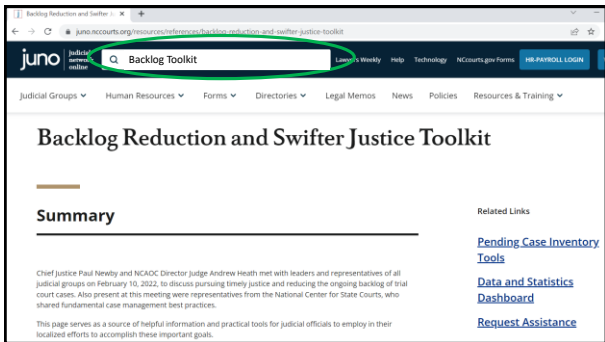
- Shared best practices, feedback from Big 12 counties
- Promoted Local Action Plans to Eliminate Backlog

February–June 2022
Meeting with county courthouse leadership teams to review their statistics and encourage action plan development.



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LOCAL ACTION PLANS

Backlog Reduction & Swifter Justice Toolkit

Develop a [Local Action Plan](#)

- **Step 1 – Convene Meeting with Courthouse Leadership Team**
District Attorney, Senior Resident Judge, Chief District Judge, Clerk, PD
- **Step 2 – Make Data Driven Decisions**
Utilize the [Pending Case Backlog Report](#) and [Pending Case Inventory Tools](#), to identify areas of concern and take action.



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LOCAL ACTION PLANS

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- **Step 3 - Incorporate Continuance Policy**




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LOCAL ACTION PLANS

40 Counties have submitted action plans

- **8 of the largest 12 counties**
- **85 temporary positions authorized**
- **400 employees authorized for overtime compensation**
- **16 time-limited positions for ICMS pilot counties**




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N.C. GEN. STAT. § 7A-343 RECOMMENDATION FOR IMPROVING OPERATIONS: CONTINUANCE POLICY

The responsibility for establishing continuance policies lies with the Senior Resident Superior Court Judge for Superior Court matters, and the Chief District Court Judge for all District Court matters. Those judges shall promulgate and implement written policies, as local rules, designed to reduce delay and insure fairness. Those rules shall be filed with the Administrative Office of the Courts and shall incorporate timelines to effect disposition of cases which are consistent with those recommended in this report.

-May 1, 1996 North Carolina Supreme Court Order



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N.C. GEN. STAT. § 7A-343 RECOMMENDATION FOR IMPROVING OPERATIONS: CONTINUANCE POLICY

- AOC will work with Senior Resident Superior Court Judges to propose any necessary revisions to existing Supreme Court Time Standards (Summer / Fall 2022)
- Senior Resident Superior Court Judges adopt policies, including continuance policies, designed to meet those time standards and submit to AOC in the form of Local Rules (Summer 2022- January 2023)
- AOC Will measure county performance against Supreme Court Time Standards (2023 and beyond)



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CONTINUED INVESTMENT IN IT SUPPORT

- Remote Support
 - 3 Tier assistance = 24/7 day, night, weekend
 - On call supervisor and tech
- Onsite Support
 - 35 regionally staged engineers



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ADDITIONAL UPDATES

- Fellows Program
- Court Reporters
- Medical Malpractice Case Assignment
- Crave
- Mileage Reimbursement
- UNC SOG Leadership Training
- Rotation



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THANK YOU

