

DISTRICT COURT JUDGES CONFERENCE


AOC UPDATE

COURT PERFORMANCE AND BACKLOG REDUCTION

JUDGE ANDREW HEATH AOC DIRECTOR	EMILY MEHTA MANAGER, AOC RESEARCH POLICY AND PLANNING DIVISION	DAVID SLAYTON VICE PRESIDENT OF COURT CONSULTING SERVICES, NATIONAL CENTER FOR STATE COURTS	VANESSA MARTINUCCI DIRECTOR, NORTH CAROLINA STATE CRIME LABORATORY
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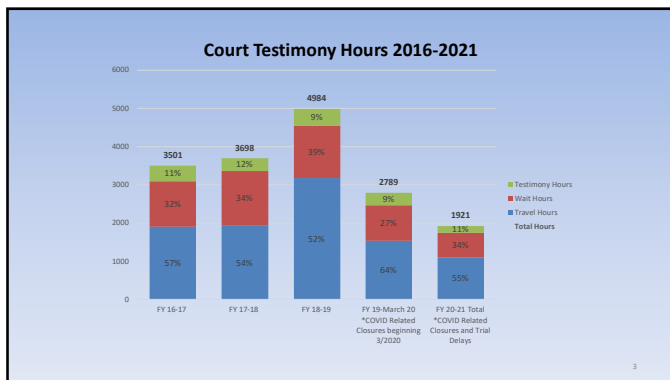


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NORTH CAROLINA STATE CRIME LABORATORY UPDATE

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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

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

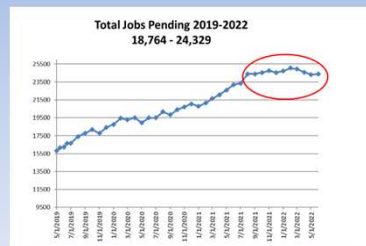
	TOTALS	New Hire (11)	2nd discipline (12)
DNA Database (0)	0		
Digital Evidence (1)	1		1
Drug Chemistry (1)	1	1	
Evidence Techs (2)	2	2	
Forensic Biology (2)	2	2	
Trace Evidence (2)	2	1	1
Latent Evidence (3)	3	1	2
Firearms (7)	7	5	2
Toxicology (1)	1	1	
TOTAL	25	13	12



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Pending Exams

Total Jobs Pending 2019-2022
18,764 - 24,329

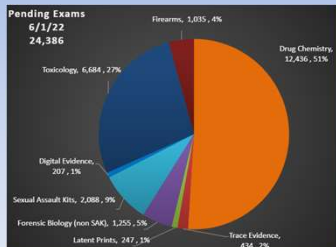


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Pending Exams

All Pending Exams by Discipline as of 6/1/22

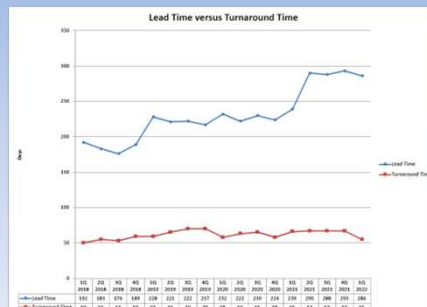
Drug Chemistry	12,436
Trace Evidence	434
Latent Prints	247
Forensic Biology (non SAK)	1,255
Sexual Assault Kits	2,088
Digital Evidence	207
Toxicology	6,684
Firearms	1,035
TOTAL	24,386



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Lead Time vs Turnaround Time

Q1 2022: LT = 293 days TAT=55 days



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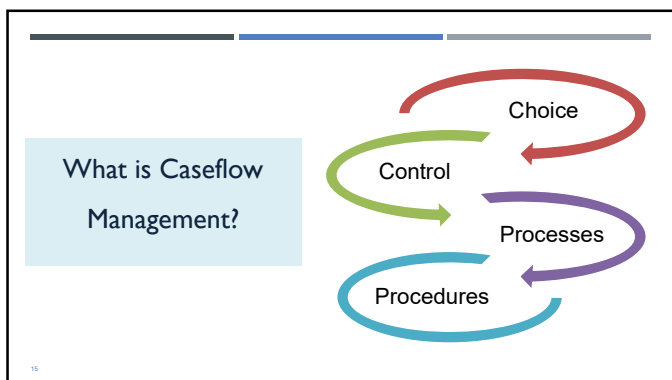


EFFECTIVE CASE MANAGEMENT IN A POST-PANDEMIC WORLD

DAVID SLAYTON, VICE PRESIDENT
 COURT CONSULTING SERVICES
 @STATECOURTS

NCSC
 National Center for State Courts

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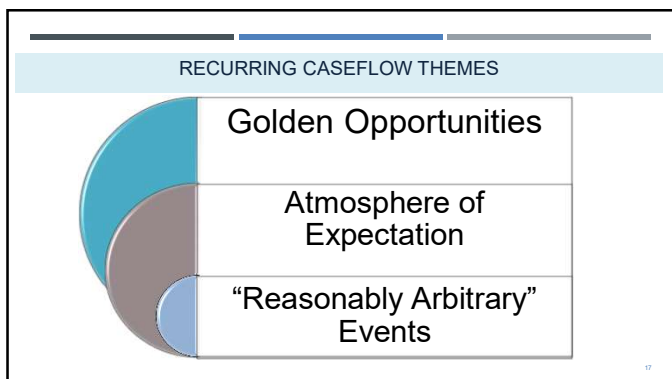
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HIGH PERFORMANCE COURT Framework
 A Road Map for Improving Court Management

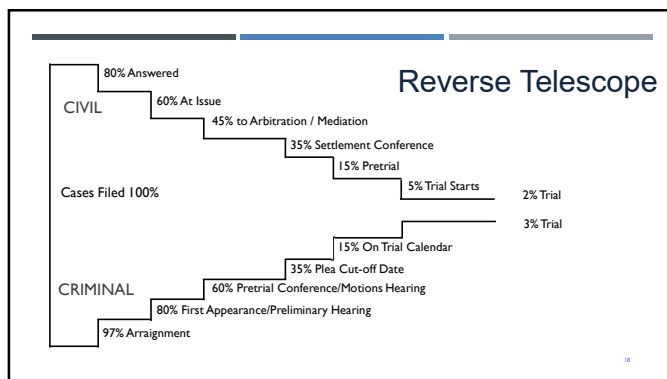
Four Administrative Principles:

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

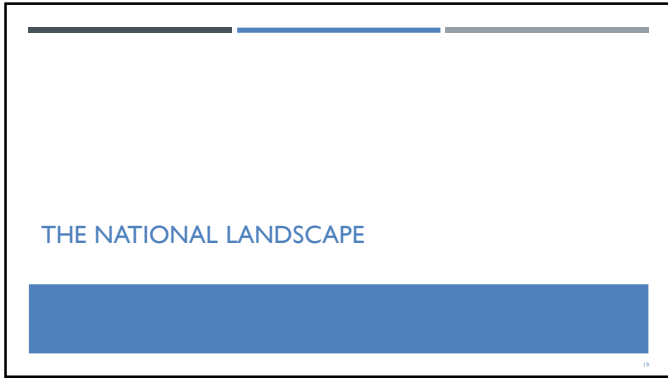
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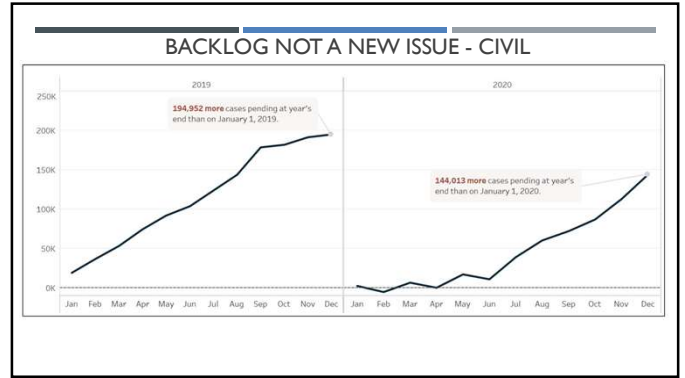
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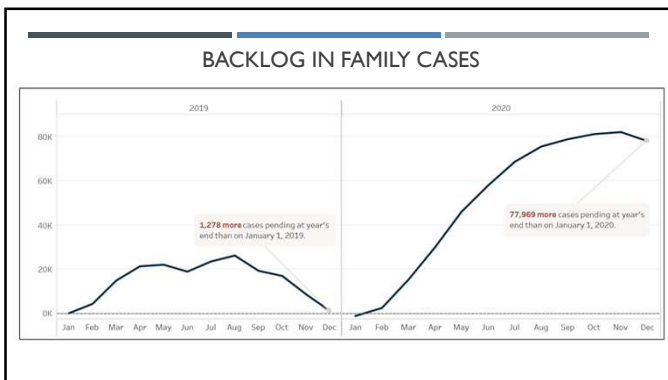
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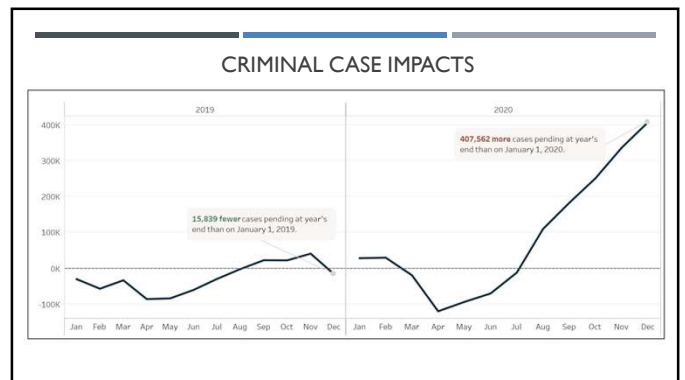
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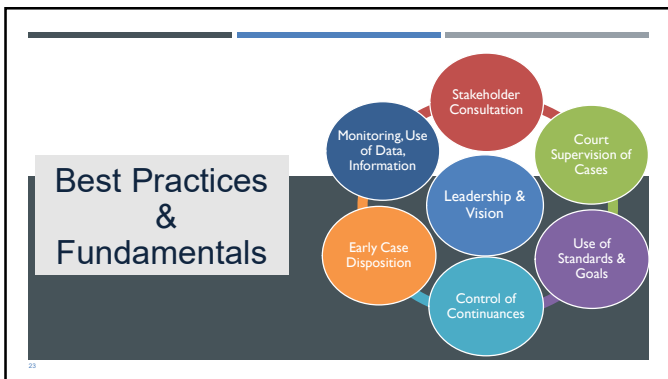
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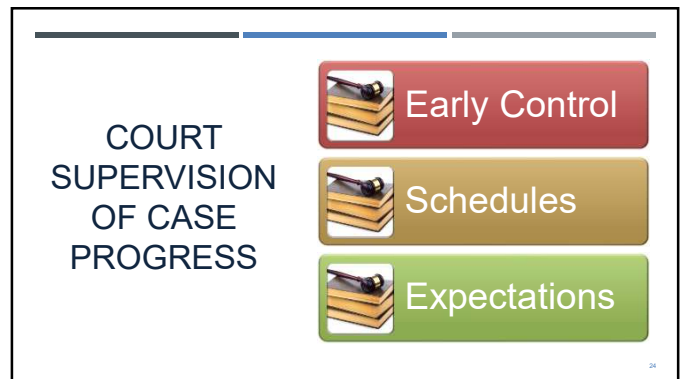
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EFFECTIVE CRIMINAL CASEFLOW MANAGEMENT PROJECT - 2020

What Is the Key?

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

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



HTTPS://WWW.NCJC.ORG/SERVICES-AND-EXPERTISE/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

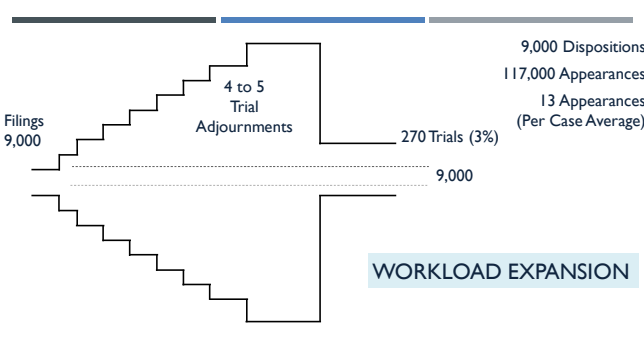


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HOW TO MULTIPLY YOUR WORKLOAD

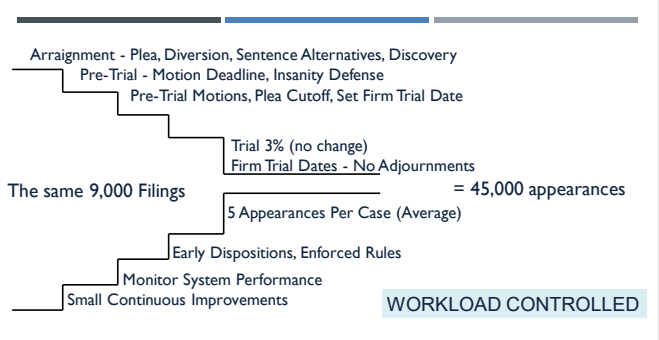


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WORKLOAD EXPANSION

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WORKLOAD CONTROLLED

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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



Model Time Standards
FOR STATE TRIAL COURTS

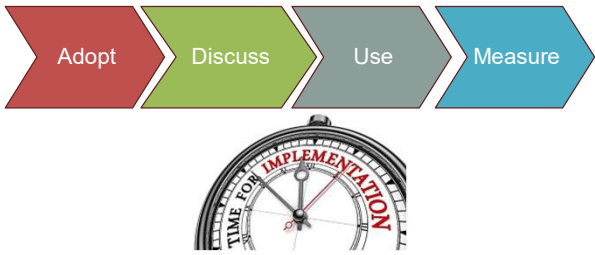
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Model Time Standards

Case Category	Case Type	COJCA Standard	ABA Standard	Model Standard
CRIMINAL	Felony	100% within 180 days	90% within 120 days	75% within 90 days
		98% within 180 days	90% within 180 days	90% within 180 days
	Misdemeanor	100% within 90 days	90% within 30 days	75% within 60 days
		98% within 90 days	100% within 90 days	90% within 90 days
Traffic and Local Ordinance				75% within 30 days
				90% within 60 days
				98% within 180 days
CIVIL	General Civil	100% of non-jury within 12 months	90% within 12 months	75% within 180 days
		100% jury trials within 18 months	98% within 18 months	90% within 365 days
	Summary Matters			75% within 60 days
FAMILY	Divorce/ Allocation of Parental Responsibility	100% uncontested within 3 months	90% within 3 months	75% within 120 days
		100% contested within 6 months	98% within 6 months	90% within 180 days
	Trial Judgment Motions			98% within 365 days
		Protection Orders		

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IMPLEMENTATION STRATEGIES: MODEL TIME STANDARDS



Adopt Discuss Use Measure

TIME FOR IMPLEMENTATION

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MEASUREMENT WITH TIME STANDARDS = RESULTS

- Encourages compliance
- Broad use
- Non-compliance checks



MEASURE SUCCESS


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.



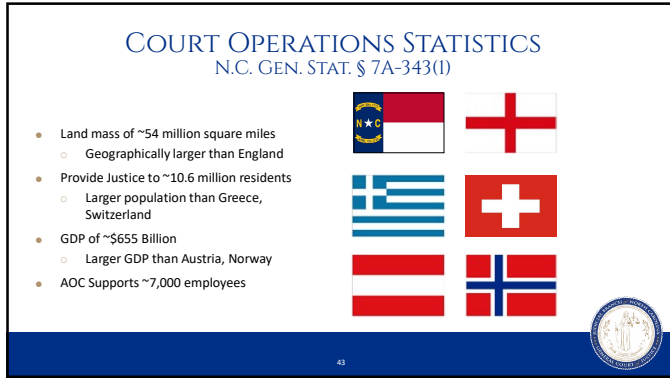
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COURT OPERATIONS STATISTICS
N.C. GEN. STAT. § 7A-343(I)

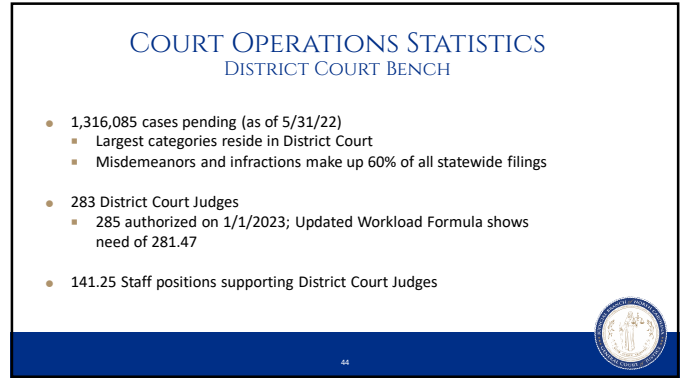
“Collect and compile statistical data and other information on the judicial and financial operation of the courts and on the operation of other offices directly related to and serving the courts.”



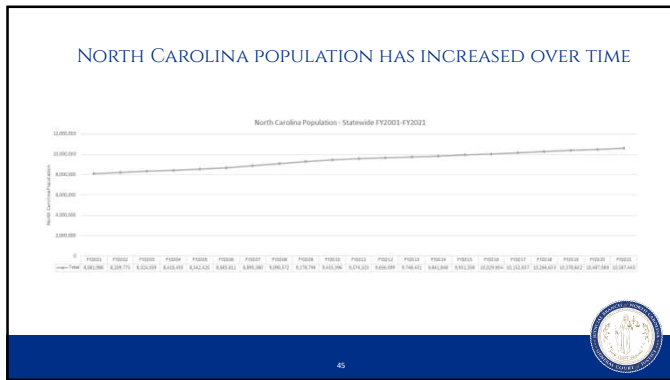
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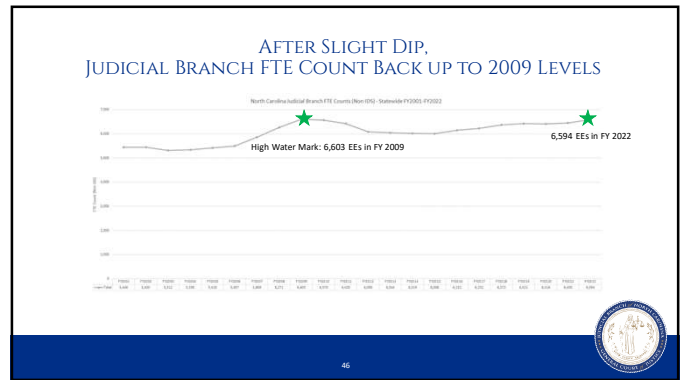
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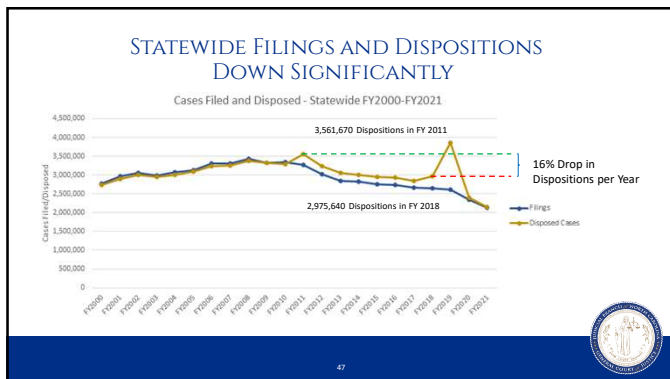
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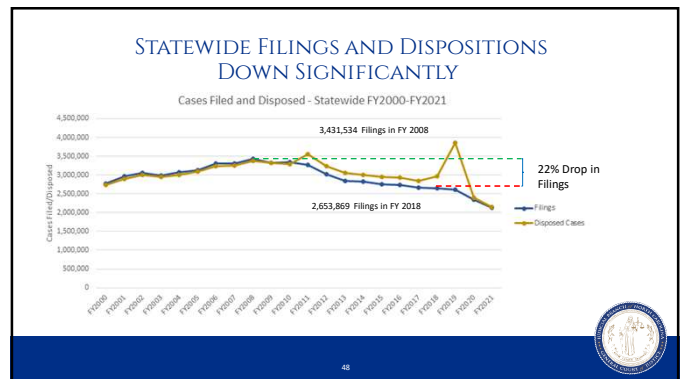
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COURT OPERATIONS STATISTICS N.C. GEN. STAT. § 7A-343(1)

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

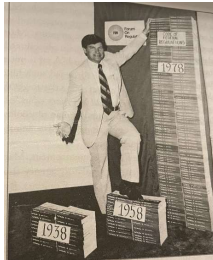
Despite these trends, feedback from stakeholder groups indicate judicial branch officials and employees are working harder than ever.

How do we reconcile this?




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INCREASED CASE COMPLEXITY IS STRAINING RESOURCES



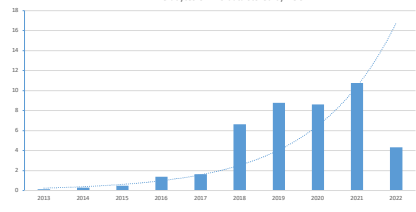
- Recent Developments affecting the courts:
 - Justice Reinvestment Act
 - Juvenile Justice Reinvestment Act ("Raise the Age")
 - Crime Victims' Rights Act ("Marsy's Law")
 - Open File Discovery
 - Motions for Appropriate Relief
 - Numerous Expunction Law Changes
 - Biological and Toxicological Evidence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




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EXPONENTIAL INCREASE IN DIGITAL EVIDENCE

Terabytes of DAS data stored by AOC



- 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.”



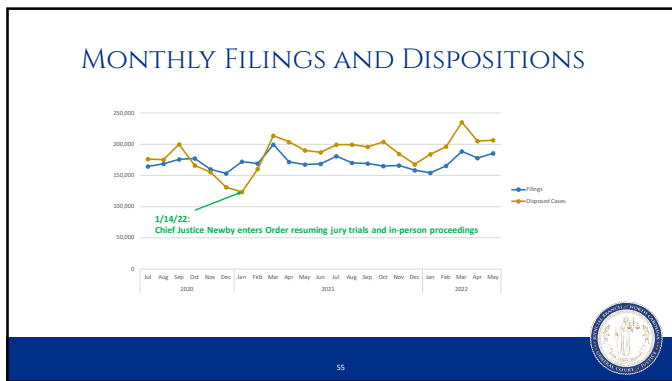
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STATE OF THE DOCKETS: STEEP INCREASE IN PENDING CASES CAUSED BY COVID

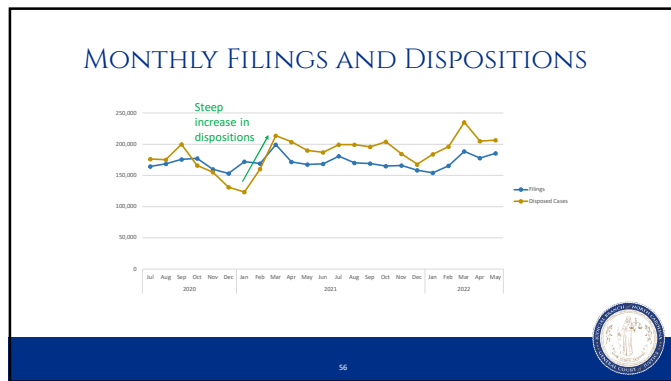
Cases Pending as of June 30, Quarterly FY2020-FY2022

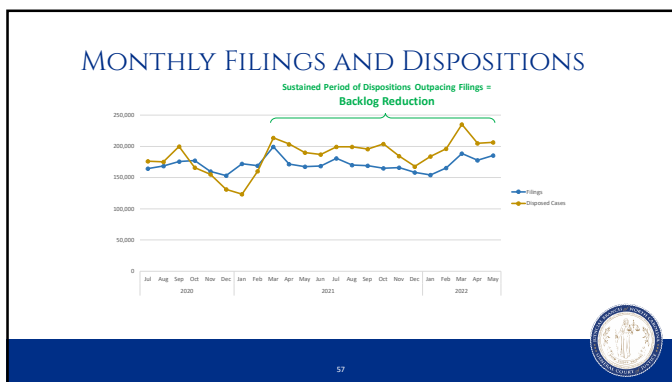
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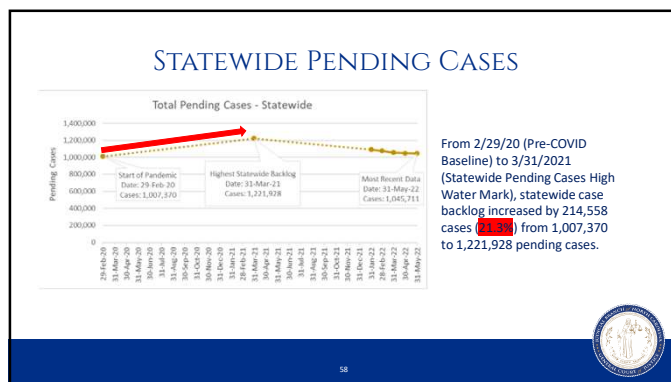
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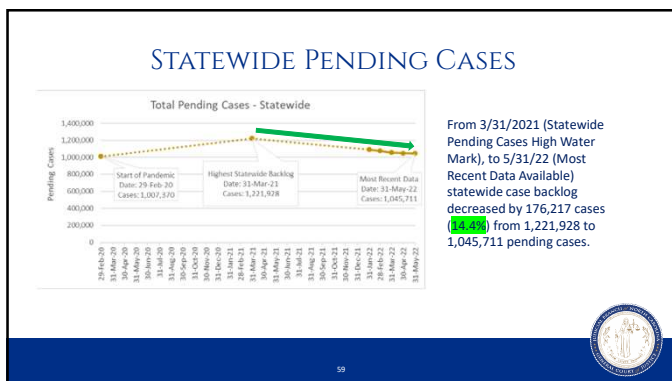
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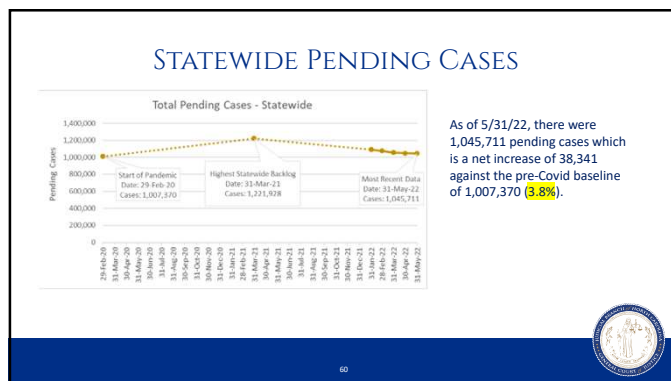
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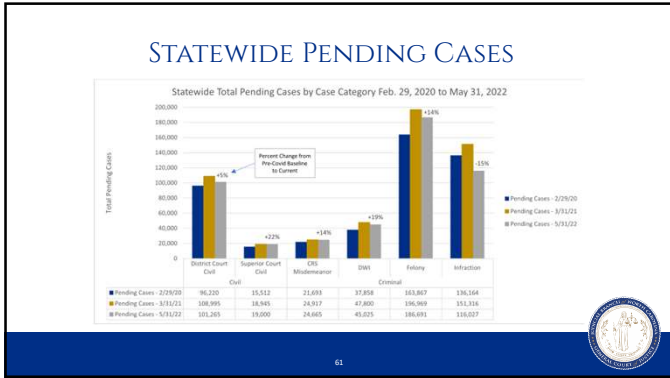
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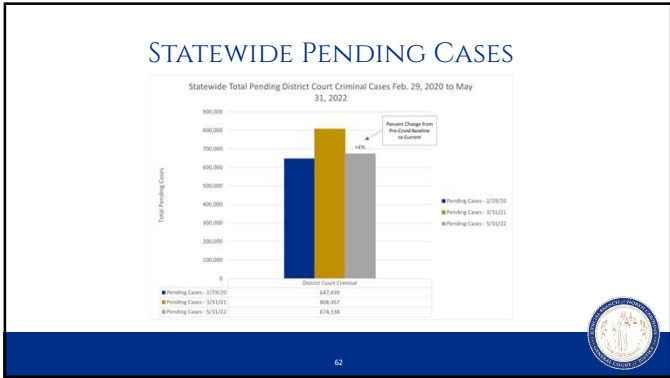
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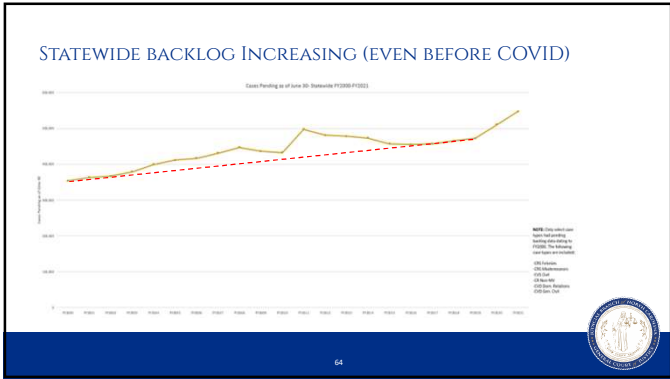
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COURT OPERATIONS STATISTICS

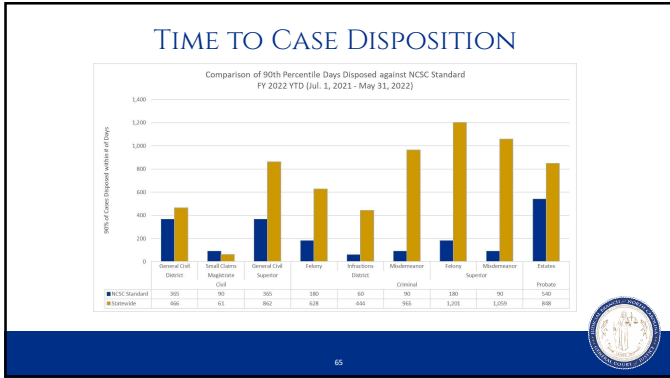
N.C. GEN. STAT. § 7A-343(2)

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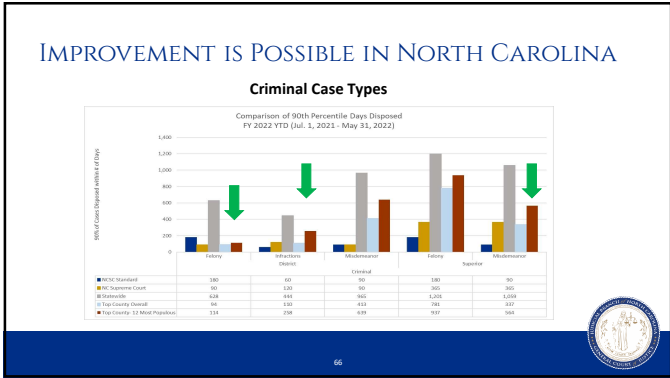
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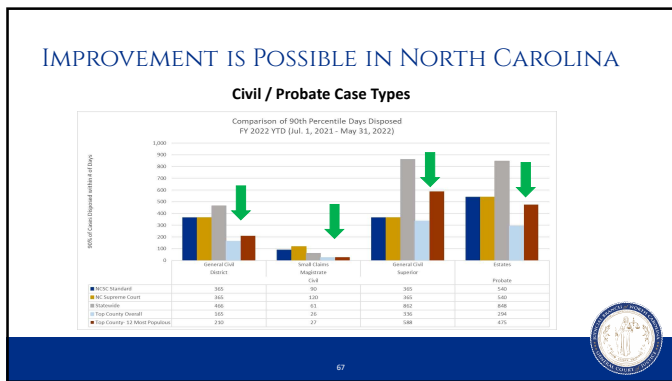
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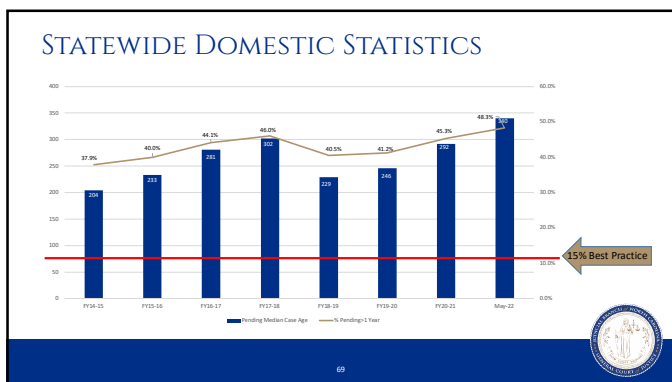


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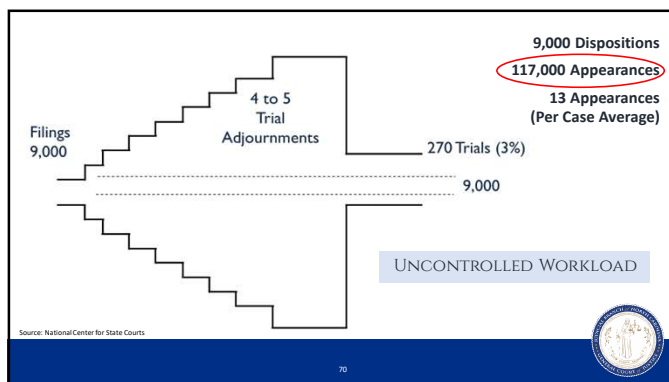
DOMESTIC & JUVENILE TIME STANDARDS

- FCAC charged to: "Advise the Chief Justice and the NCAOC Director on family court issues..."
 - FCAC first published domestic and juvenile time standards in 1999.
 - Updated 1999, 2001, 2005, 2006, 2016, and December 2020.
- Domestic time standards generally recommend case disposition within 1 year.
 - Pending median case age & percentage of cases pending over 1 year assesses performance.
 - Best practice is no more than 15% pending domestic cases are over 1 year old*.
- Juvenile A/N/D time standards generally follow the standards set out in the NCGS.
 - Delinquency time standards were guided by the "Raise the Age" Law.
- Challenges: Inability to measure if districts are meeting the issue specific FCAC domestic standards, inability to measure delinquency standards, A/N/D report data inaccuracies.

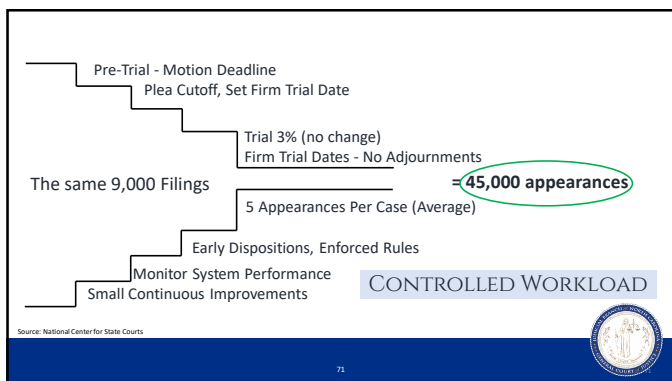
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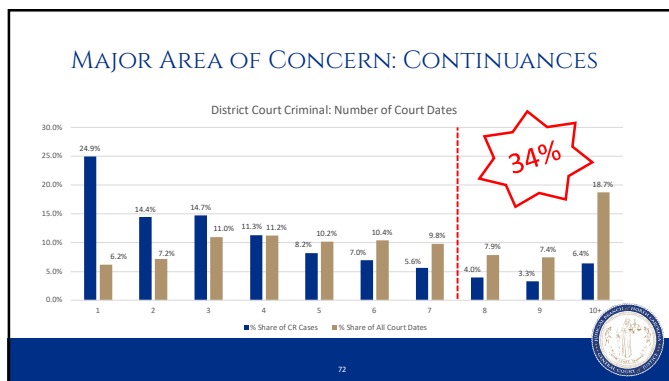
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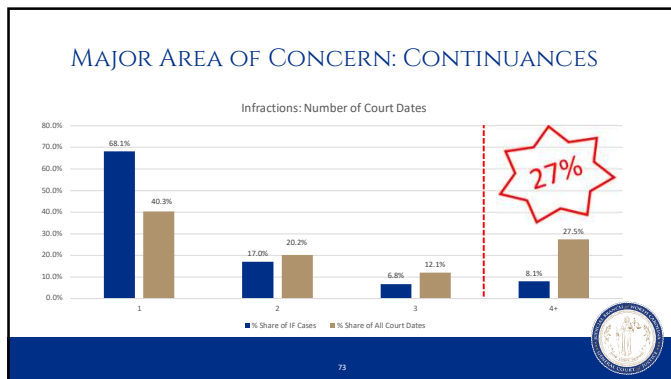
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COURT OPERATIONS STATISTICS

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

Judicial Support Staff

- 39.0 FTE

Magistrates

- 31.0 FTE

Conference of Clerks of Superior Court

- Deputy Clerks 221.0 FTE
- Assistant Clerks 20.0 FTE

Conference of District Attorneys

- Assistant District Attorneys 21.0 FTE
- D.A. Administrative Assistants 5.0 FTE
- D.A. Legal Assistants 93.5 FTE

Pay Increases

- Hiring and Retention increases across the branch (in addition to scheduled 2.5%)
- 2 Additional Steps for Clerks Pay Plan

*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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Backlog Reduction and Swifter Justice Toolkit

Summary

Chief Justice Paul Newby and NCAOC Director Judge Andrew Heath met with leaders and representatives of all judicial groups on February 10, 2022, to discuss pursuing timely justice and reducing the ongoing backlog of trial court cases. Also present at this meeting were representatives from the National Center for State Courts, who shared fundamental case management best practices.

This page serves as a source of helpful information and practical tools for judicial officials to employ in their localized efforts to accomplish these important goals.

Related Links

- [Pending Case Inventory Tools](#)
- [Data and Statistics Dashboard](#)
- [Request Assistance](#)

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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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PENDING DRIVING WHILE IMPAIRED CASES

Comparison of Cases as of February 29, 2020, March 31, 2021, and May 31, 2022

Prepared by Research, Policy, and Planning

Total Pending Driving While Impaired Cases
County Comparison - Sorted Alphabetically

County	DWI Cases Pending as of 2/29/2020	DWI Cases Pending as of 3/31/2021	DWI Cases Pending as of 5/31/2022	% Change from CY2020	% Change from CY2021	% Change from CY2020 (to Current)
Alamance	958	1,158	1,075	20.9%	-7.2%	12.2%
Alexander	103	125	106	21.4%	-15.2%	-9.9%
Albemarle	211	224	22	-42.2%	0.0%	-42.2%
Anderson	117	130	113	17.9%	-18.5%	-3.4%
Ashie	104	113	67	8.7%	-40.7%	-35.6%
Avery	38	61	45	60.5%	-26.2%	18.4%
Beaufort	265	316	215	26.8%	-6.3%	18.9%
Bertie	84	96	88	14.3%	-8.3%	4.5%
Bladen	112	183	152	38.6%	-16.9%	15.2%

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Alamance County Criminal Pending Case Results

Last updated June 15, 2022, 10:04 AM

Click to view the Pending Case Inventory Tool

Search Records

Case #	Defendant	Year Date	Service Date	Age (Days)	DA	Attorney	Offense CL	Offense	Count	Disposition	Disposition Date
1920202101	RODRIGUEZ, CELIA DAISY	2022-05-24	2016-04-02	2244	BUNICK, DAVID F. BARNETT, DAVID L. T.	THORNTON, PAUL	20-136.1	F	CR002	FILED	2022-05-24
1704_00002	WELLS, BRISTOLE EN ZAL	2017-04-02	2017-04-13	007			20-136.1	F	100Y1	FILED	2017-04-13
1704_00004	HALANDULA, PAVEL DARIUS	2017-08-11	2017-02-08	196	RODRIGUEZ, JOSE HAIT GEORGE	CLAYTON, JAMES E.	20-136.1	F	CR002	FILED	2017-08-11
1708000001	WISSE, GERALD JESSE	2017-09-22	2017-07-02	189	BUNICK, DAVID F. BARNETT, DAVID L. T.	WHELAN, JAMES	20-136.1	F	CR002	FILED	2017-09-22
1708000002	WELLS, BRISTOLE EN ZAL	2017-04-02	2017-04-13	007			20-136.1	F	100Y1	FILED	2017-04-13

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PROVIDING SWIFTER JUSTICE

Backlog Reduction & Swifter Justice Toolkit

Case Statistics by Research, Policy, and Planning

Current fiscal year

2020-2021

CASES FILED: 2,046,426

CASES RESOLVED: 2,081,268

CASES PENDING: 1,316,089

The fiscal year is represented by activity from July 1 through June 30.

Civil case types of estate, other, juvenile, miscellaneous, confidential, special proceedings, and registration are excluded.

File types: Criminal, Civil, Infraction

- AOC's [Case Statistics Dashboard](#) allows easy access to data visualization for dispositions, pending cases, and filings
- Includes charts and tables for criminal/infraction charges and civil issues as well as historical trends of case activity

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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.
- Step 3 – Incorporate Continuance Policy**

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HATO Emily, would you like to also handle 39-44?

Heath, Andrew T., 2022-06-15T13:24:08.831

ME0 Sure.

Mehta, Emily E., 2022-06-15T14:05:35.621

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 Chief District Court Judges to propose any necessary revisions to existing Supreme Court Time Standards (Summer / Fall 2022)
- Chief District 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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THANK YOU



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