

## DUTIES OF THE CHIEF DISTRICT JUDGE

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### *Selection of the chief district judge*

GS 7A-141 provides that the chief district judge is selected by and serves at the pleasure of the chief justice.

### *Duties assigned by the North Carolina Constitution*

Assignment of judges within district [Art. IV, § 11] — Chief district judge is to make assignment of district judges within each district.

### *Duties assigned by the General Statutes*

Hear declaratory judgment action or assign judge [GS 1-262] — If the parties do not agree upon a judge, a declaratory judgment action pending in the district court division may be heard by the chief district judge or by a district judge authorized by the chief to hear motions and enter interlocutory orders.

Confirmation of judicial sale of real property [GS 1-339.28] — A public sale of real property ordered by a district judge may not be consummated by the judge ordering the sale, the chief district judge or a district judge authorized by the chief to hear motions and enter interlocutory orders.

Calendaring medical malpractice action [GS 1A-1, Rule 16(b)] — Judge who conducts final pretrial conference in medical malpractice case refers any consent order on scheduling the trial to the senior resident superior court judge or chief district judge who in turn either approves the consent order or sets the date for the trial.

Supervision of discovery [GS 1A-1, Rule 30(h)] — For actions in district court the judge who may rule on motions related to discovery is the chief district judge or a judge designated by the chief under GS 7A-192 to hear motions and enter interlocutory orders.

Substitution of new judge when trial judge becomes disabled [GS 1A-1, Rule 63] — If a district judge hearing a matter becomes disabled or dies or retires or otherwise leaves office after the verdict is returned or hearing is concluded, the chief district judge performs remaining functions, including entry of judgment.

Approval of non-binding arbitration [GS 7A-37.1] — Non-binding arbitration program for civil cases involving no more than \$15,000 may be implemented in a district with the approval of the chief district judge and the Administrative Office of the Courts (AOC).

Participation in criminal district court mediation [GS 7A-38.3D] — Mediation program may be implemented in criminal district court with agreement of the chief district judge, district attorney and community mediation center.

Family law settlement conferences [GS 7A-38.4A] — Chief district judge may order settlement conference or other settlement procedure for equitable distribution, alimony, child or post-separation support, and may adopt rules for ordering settlement procedures. AOC may require chief district judge to report statistical data on settlements.

Encourage mediation; refer citizen-initiated cases to mediation center [GS 7A-38.5] — Chief district judge is to encourage mediation in criminal and civil cases when the judge determines it is an appropriate alternative. The chief district judge is to refer to the local mediation center any citizen-initiated case in which a warrant is issued unless the case involves domestic violence, the chief district judge decides it is inappropriate, or there is no local mediation center. The district attorney may choose not to have the referral rule apply in the district by filing a statement to that effect with the chief district judge.

Additional seats for superior court [GS 7A-42] — Senior resident superior court judge may set sessions of superior court in Thomasville and Mooresville after consultation with the chief district judges for those districts.

Petition to remove clerk [GS 7A-105] — A procedure to remove the clerk of court is initiated by filing a petition with the chief district judge; the hearing is conducted by the senior resident superior court judge.

Additional seats of court [GS 7A-130] — Sessions of district court may be held at locations outside the county seat as authorized by the General Assembly, if the chief district judge and AOC concur that the facilities are adequate.

Duties of the chief district judge [GS 7A-146] — The statute lists the following duties of the chief district judge:

- Arrange schedules and assign judges.
- Arrange calendaring of noncriminal matters.
- Supervise clerk of court in discharge of clerical functions in district court.
- Assign matters to magistrates and set schedules. Chief may assign to another judge or to clerk of court the responsibility for setting magistrates' schedules.
- Arrange for drawing of civil jury panels and determine which sessions are to be jury sessions.
- Arrange for reporting of civil cases.

- Arrange sessions for specialized cases, including traffic and domestic relations, and assign judges so as to permit specialization.
- In an emergency assign magistrates to temporary duty outside the county but within the district.
- In an emergency assign magistrates to temporary duty in another district, upon request of that district's chief judge and with approval of the AOC.
- Designate another judge to act as chief during absence or disability.
- Designate lawyer magistrates to appoint counsel for indigents in noncapital cases.

Approve specialized judgeships [GS 7A-147] — Before January 1<sup>st</sup> of an election year, the AOC may designate a judgeship as a specialized judgeship, have it listed that way on the ballot, with the approval of the chief district judge.

Approve waiver lists [GS 7A-148] — Chief district judges are to meet annually, approve list of offenses for which magistrates and clerks of court may accept waivers and guilty pleas and to set schedule of fines for those offenses.

Consultation on number of magistrates [GS 7A-171] — The number of magistrates in each county above the statutory minimum is to be set by the AOC after consultation with the chief district judge.

Consultation on magistrates' salaries [GS 7A-171.1] — AOC is to consult chief district judge before setting annual salary for magistrate under the statute.

Suspension of magistrate [GS 7A-173] — Chief district judge may suspend magistrate, set hearing before senior resident superior court judge on removal of the magistrate, upon receipt of a sworn complaint and determination that the charges constitute grounds for removal.

Rules on additional seats of court [GS 7A-182] — Chief district judge sets rules for clerical functions at additional seat of court that is in more than one county, after consultation with clerks and district bar committee.

Designation of judges to hear matters in chambers [GS 7A-192] — Chief district judge designates judges to hear matters in chambers and enter interlocutory orders; designation must be by written order or rule.

Reporting of civil trials [GS 7A-198] — Chief district judge requests reporting equipment from AOC when court reporters are not available. Chief district judge appoints court reporters and sets pay within limits set by AOC.

Assignment of judges in county seat in more than one county [GS 7A-199] — When a county seat is in more than county and district, the chief district judge for the district having the greater number of voters assigns the judges. Criminal cases arising in other part of the municipality may not be heard except by agreement of the chief district judge for that other district.

Assignment of small claims [GS 7A-211] — Chief district judge may assign small claim action to magistrate, if defendant is from same county as magistrate.

Assignment of motor vehicle lien cases [GS 7A-211.1] — Chief district judge may assign motor vehicle mechanic and storage lien action to magistrate of county in which lien arises.

Nonassignment of small claim [GS 7A-215] — Chief district judge may order that small claim not be assigned to magistrate.

Perfection of small claim [GS 7A-216] — Chief district judge, or clerk or magistrate to whom small claim is assigned, may order the plaintiff to perfect the claim and, to that end, may grant extensions of time.

Hearing venue, jurisdiction issues in small claims [GS 7A-221] — A defendant's objection to venue or jurisdiction, or motion to change venue, in a small claim action is heard by the chief district judge or a district judge designated by the chief.

Authorize magistrate to hear motion to set aside judgment [GS 7A-228] — Chief district judge may authorize magistrate to hear motion to set aside order or judgment in small claim matter.

Approve district court revocation proceeding for drug court or therapeutic court participant from superior court [GS 7A-271(f)] — District court has jurisdiction to conduct probation revocation proceedings for defendants placed in drug treatment court or therapeutic court program by a superior court judge when the chief district judge and senior resident superior court judge agree to such district court authority.

Approve district court supervision of probation for drug court or therapeutic court defendant from superior court [GS 7A-272(e)] — District court has jurisdiction to supervise probation entered in superior court for defendant to participate in drug treatment court or therapeutic court program, upon agreement of the chief district judge and senior resident superior court judge.

Direct magistrates in worthless check cases [GS 7A-273(6)] — Magistrate may hear and enter judgment as chief district judge directs in worthless check cases involving no more than \$2,000.

Authorize magistrate to take depositions [GS 7A-292] — Magistrate make take depositions and examinations before trial when authorized by the chief district judge. Lawyer magistrate may appoint counsel for indigent defendants in noncapital cases when authorized by the chief district judge.

Authorize magistrate authority in two counties [GS 7A-293] — Magistrate assigned to municipality in two counties and two districts may exercise authority in criminal cases for entire municipality, if approved by clerks of court and chief district judges for both districts.

Custody and visitation mediation program contracts [GS 7A-494] — Chief district judge employs personnel, executes contract for services for custody and visitation mediation program established by AOC.

Custody and visitation mediation program implementation [GS 7A-495] — AOC is to implement custody and visitation mediation program with cooperation of chief district judge.

Comments on indigent defense services [GS 7A-498.5] — Commission on Indigent Defense Services is to solicit comments from senior resident superior court judge and chief district judge on methods for delivering services in district.

Recommendation on public defender [GS 7A-498.7] — Commission on Indigent Defense Services may recommend establishment of a public defender office after consultation with the senior resident superior court judge and chief district judge.

Drug treatment court committee [GS 7A-796] — Drug treatment court management committee is appointed by the senior resident superior court judge with concurrence of the chief district judge and district attorney.

Permanency mediation program [GS 7B-202] — Chief district judge executes contracts for services for permanency mediation program for juveniles when established by the AOC for the district.

Authorize custody of abused juvenile [GS 7B-308] — Physician or medical administrator may retain custody of abused juvenile for medical evaluation and treatment when authorized by chief district judge.

Authorize magistrate to issue juvenile petition [GS 7B-404] — Magistrate may issue petition for abused, neglected or dependent juvenile when clerk's office is closed and magistrate is authorized to do so by chief district judge.

Nonsecure custody orders for juveniles [GS 7B-502] — Chief district judge by written order may authorize persons other than judges to order juvenile placed in nonsecure custody.

Rules on sharing information [GS 7B-700] — The chief district judge may either adopt local rules or enter an administrative order concerning the sharing of information among parties and the use of discovery in juvenile proceedings.

Scheduling juvenile hearings [GS 7B-801] — Adjudicatory hearing involving juvenile is to be held at time and place designated by chief district judge.

Rules on predisposition reports on juveniles [GS 7B-808] — Chief district judges adopts rules or issues order on sharing of predispositional reports on juveniles.

Consultation on transfer of venue [GS 7B-900.1(d)] — Before transferring venue of a juvenile matter to another county the judge is to communicate with the chief district judge or a judge presiding in juvenile court in the county to which the case is to be transferred.

Scheduling hearings on termination of parental rights [GS 7B-1109] — Hearings on termination of parental rights are to be held at time and place designated by chief district judge.

Implementation of guardian ad litem program [GS 7B-1201] — Guardian ad litem program is to be implemented by the AOC in cooperation with the chief district judge.

Community child protection team [GS 7B-1407(c)] — When local community child protection team reviews records of additional child fatalities it is to include a district judge appointed by the chief district judge.

Venue of delinquency proceeding [GS 7B-1800] — Chief district judge of juvenile's district of residency may request transfer of proceeding for delinquent or undisciplined juvenile to that district.

Juvenile delinquency petition procedures [GS 7B-1803] — Chief district judge is to issue order establishing procedures for petitions for juveniles alleged to be delinquent or undisciplined.

Custody orders for juveniles [GS 7B-1902] — Chief district judge by administrative order may delegate to chief court counselor or counselor's staff the authority to issue secure and nonsecure custody orders for juveniles alleged to be delinquent or undisciplined.

Transmission of juvenile custody hearings [GS 7B-1906(h)] — Hearing on whether to continue custody of juvenile may be conducted by audio or video transmission under procedures and using equipment submitted by the chief district judge to the AOC.

Scheduling adjudicatory hearing for delinquent or undisciplined juvenile [GS 7B-2403] — Adjudicatory hearing for delinquent or undisciplined juvenile is to be held at time and place designated by chief district judge.

Deciding number of jurors to be drawn [GS 9-5] — Chief district judge specifies number of jurors to be drawn for each week of district court jury session. Senior resident superior court judge consults with the chief district judge to decide number of jurors to be drawn when pooling of jurors is used.

Procedure for hearing jury excuses [GS 9-6] — Chief district judge sets procedures for hearing and deciding upon jury excuses before session begins, and may designate the trial court administrator to hear applications for excuses.

Excuses for elderly jurors [GS 9-6.1] — Chief district judge receives, or designates district judge or trial court administrator to receive, requests for exemption or deferral of jury service.

Hear appeal of denial of pistol permit [GS 14-404(b)] — An appeal of a sheriff's denial of a pistol permit is by petition to the chief district judge.

Petition for relief from collateral consequences [GS 15A-173.2] — Chief district judge hears petition for relief from collateral consequences of a criminal conviction when the conviction was in district court. The chief district judge may delegate the authority to another judge, a clerk or magistrate.

Remote transmission for search warrant [GS 15A-245] — Senior resident superior court judge and chief district judge submit to AOC procedure and type of audio and video equipment for transmission between law enforcement officer and judicial official issuing search warrant.

Warrants against school personnel [GS 15A-301(b2)] — Chief district judge appoints magistrate to review applications for arrest warrants or other criminal process against school personnel when the district attorney has notified the chief district judge that such criminal process will not require written approval from the DA.

Remote transmission for arrest warrant [GS 15A-304] — Senior resident superior court judge and chief district judge submit to AOC procedure and type of audio and video equipment for transmission between law enforcement officer and judicial official issuing arrest warrant.

Remote transmission for initial appearance [GS 15A-511] — Senior resident superior court judge and chief district judge submit to AOC procedure and type of audio and video equipment for transmission between law enforcement officer and magistrate for initial appearance in noncapital case.

Consultation on pretrial release policies [GS 15A-535] — Senior resident superior court judge sets pretrial release policies after consultation with chief district judge.

Presentence investigation [GS 15A-1332] — Motion for a presentence investigation before the defendant's conviction is made to the chief district judge for case in district court.

Motions for appropriate relief [GS 15A-1413] — Motions for appropriate relief filed in district court are to be referred to the chief district judge for assignment to the appropriate judge.

Motions for appropriate relief in noncapital cases [GS 15A-1420(b2)] — The clerk of court is to bring to the attention of the chief district judge a motion for appropriate relief filed in a noncapital case in district court, and the chief district judge is to assign the motion to the appropriate judge within 30 days. The chief district judge may extend the deadline for the judge to complete the initial review and, upon a motion, may reassign the MAR to another judge if the initially-assigned judge has not met the deadline.

Provisional licensee appeals [GS 20-13.3(d2)] — Chief district judge assigns a magistrate to hear appeals from revocations of the drivers licenses of provisional licensees.

Assign magistrate to hear license revocation [GS 20-16.5(g)] — Chief district judge assigns magistrate to conduct hearing when person wants to contest revocation of driver's license for refusing to taking breathalyzer test or because of high blood alcohol reading.

Procedure for chemical analysis room [GS 20-38.5] — Chief district judge, Dep't of Health and Human Services, district attorney and sheriff are to establish procedures for lawyers and witnesses to have access to chemical analysis room used for individuals charged with refusal to submit to breathalyzer and for family and friends of defendant to have access to defendant for independent testing.

Limited driving privilege hearings [GS 20-179.3(d)] — Chief district judge hears request for limited driving privilege if judge who presided at trial is not available or if defendant's conviction was in another jurisdiction.

Consultation on community service coordinator [GS 20-179.4] — Dep't of Correction is to consult with chief district judge about appointment of coordinator for community service alternative punishment program for impaired driving defendants.

Designate magistrate to hear towing cases [GS 20-219.11(c)] — Chief district judge designates magistrate's office where vehicle owner may file request for hearing about lawfulness of vehicle towing, if there is more than one magistrate's office in the county.

Order sale of property pending action to enforce lien [GS 44A-14(b)] — Chief district judge may order real property sold pending the hearing of a claim for a lien, if necessary to prevent substantial waste, destruction, depreciation or other damage.

Foreclosure appeal [GS 45-21.16(e)] — Chief district judge can hear appeal from the clerk in a foreclosure proceeding upon petition of a party when there is no session of superior court scheduled to be held within 30 days of the clerk's hearing.

Set sessions to hear interim distributions of marital property [GS 50-20(i1)] — Hearings on interim distributions of marital property shall be held at sessions arranged by the chief district judge.

Establish expedited child support process [GS 50-34] — In districts that are notified by the AOC that they are subject to the federal requirement for expedited child support, the chief district judge and clerks of court are to establish and implement an expedited child support process. The chief district judge and clerks agree whether the child support hearing officers are to be clerks or magistrates, and ensure that the hearing officers are qualified. The chief district judge, clerks and AOC are to inform lawyers, parties and the public of the new system.

Setting procedure for priority of child support cases [GS 50-36] — The chief district judge is to set a procedure for giving priority for hearings in child support cases transferred from a child support hearing officer to a judge, in districts in which an expedited child support process has been established.



Setting procedure for priority of child support appeals [GS 50-38] — The chief district judge is to set a procedure for giving priority for hearing child support cases appealed from hearing officers to judges, in districts in which an expedited child support process has been established.

Authorize magistrate to issue domestic violence orders [GS 50B-2(c1) and (c2)] — The chief district judge may authorize magistrates to hear motions for *ex parte* domestic violence orders when a district judge is not available. Orders concerning temporary custody are subject to custody rules established by the chief district judge.

Designate judge or magistrate to issue civil no-contact orders [GS 50C-6(d)] — The chief district judge may designate for each county at least one judge or magistrate to be available to issue temporary civil no-contact orders when court is not in session.

Designate judge or magistrate to issue civil no-contact orders to employers [GS 95-265(d)] — The chief district judge may designate for each county at least one judge or magistrate to be available to issue temporary civil no-contact orders to employers making such requests on behalf of employees when court is not in session.

Review certificate for immediate hospitalization for involuntary commitment [GS 122C-264(b1)] — When the clerk receives a certificate from a physician or psychologist that a patient is in need of immediate hospitalization for an involuntary commitment the clerk is to submit the certificate to the chief district judge who must review it within 24 hours and determine whether reasonable grounds exist for the hospitalization.

Notice of rehearing for patient charged with violent crime [GS 122C-276(a)] — The physician for a patient being recommended for continued commitment after an initial period of inpatient commitment is to notify the clerk of court 15 days before the end of the initial commitment. If the patient was committed because of conduct resulting in being charged with a violent crime, and was found incapable of proceeding, the clerk is to notify the chief district judge, district attorney and clerk of the county where the patient was found incapable of proceeding.

Receive ethics complaints about clerk of court [GS 138A-12(h)(3)] — The State Ethics Commission is to refer a complaint about a clerk of court to the chief district judge for the clerk's county.

County Juvenile Crime Prevention Council [GS 143B-846(a)(14)] — Chief district judge serves on county Juvenile Crime Prevention Council or designates someone to serve.

#### *Duties assigned by the General Rules of Practice for Superior and District Courts*

Calendaring of civil cases and case management plan [Rule 2] — The chief district judge is responsible for calendaring of civil cases and motions and for developing a case management plan with the senior resident superior court judge. The clerk is to put cases on a ready calendar

five months after the complaint is filed, but the time may be extended by written order of the chief district judge. Requests for peremptory settings are made to the chief district judge.

Designation of exceptional case [Rule 2.1] — The chief district judge, in response to a party's motion or on the judge's own motion, may recommend to the chief justice that a case be designated as exceptional.

Resolution of scheduling conflicts [Rule 3.1(b)] — When a lawyer learns of a scheduling conflict before the date on which the matters are to be heard, the lawyer is to give notice to the chief district judge who is to confer with other judges to resolve the conflict.

List of lawyers to serve as guardians ad litem [Rule 7.1] — Guardian ad litem are to be appointed for child crime victims and witnesses from a list approved by the chief district judge.

Receive filings of secure leave periods [Rule 26(E)] — Lawyer is to file secure leave period notice with the chief district judge if there is no trial court administrator for the district.

#### *Duties assigned by the Uniform Rules Regulating Mediation of Child Custody and Visitation Disputes*

Implementation and administration of mediation program [Rule 4] — The AOC is to cooperate with the chief district judge in the implementation and administration of the Custody and Visitation Mediation Program in the district.

Employment of mediators [Rule 4.01] — Mediators are employed by the chief district judge.

Contract for delivery of mediation services [Rule 4.02] — The chief district judge may contract for mediation services when approved by the AOC.

Receive documentation of mediation training [Rule 6.01] — A person who is beginning to provide mediation services is to provide documentation of the completion of training at each level of the training progression.

Evaluation of mediation performance [Rule 6.03] — The AOC is to regularly evaluate the performance of each mediator and is to share the evaluations with the chief district judge.

Referral of placement issues [Rule 7.02] — When a juvenile has been adjudicated abused, neglected, dependent, delinquent or undisciplined, any dispute over placement may be referred to the mediation program if the chief district judge has determined that such referrals are appropriate and that resources are available. The chief district judge is to monitor the number of cases referred.

Receive complaints about mediators [Rule 12.11] — Written materials provided to participants in the mediation program are to include information on filing a complaint with the chief district judge about a mediator or the process.

*Duties assigned by the Rules for Court-Ordered Arbitration*

Approve arbitrator training course [Rule 2(b)] — Arbitrators must complete a training course prescribed by the AOC and approved the chief district judge.

Administration of arbitration [Rule 8] — The chief district judge, or the chief's delegate, is to designate actions eligible for arbitration and schedule hearings.

*Duties assigned by the Canons of Ethics for Arbitrators*

Enforce canons — Although it is not codified, the Supreme Court Order of August 19, 1999, setting the Canons of Ethics for Arbitrators states that the chief district judge or senior resident superior court judge are the "enforcing authority" for the canons.

*Duties assigned by the Rules Implementing Settlement Procedures in Equitable Distribution and Other Family Financial Cases*

Maintain mediator information directory [Rule 2C] — The chief district judge is to maintain a directory of mediators who are certified for the program and who wish to mediate in the county.

Designation of judge for settlement conference [Rule 12A] — The judicial settlement conference is to be conducted by a judge selected by the chief district judge. That judge shall not be assigned to try the action unless approved by the chief district judge.

Development of local rules [Rule 13] — The chief district judge may publish local rules implementing settlement procedures for the district.

*Duties assigned by the Rules of Appellate Procedure*

Entry of orders [Rule 36(a)(2)] — When the rules allow a trial judge to enter an order related to a pending appeal but do not specify the particular judge, the order may be entered by the chief district judge of the district where the case was docketed or any judge designated by the chief district judge to enter interlocutory orders.

*Duties assigned by the Administrative Rules of the Department of Juvenile Justice and Delinquency Prevention*

Designate agency to share information [28 NC Admin Code 01A.0301(j)] — The chief district judge is to issue an administrative order designating local agencies authorized to share information concerning juveniles, in addition to those agencies named in the rule.

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