



## LEGISLATIVE BRIEF: COURT TELEPHONE SYSTEMS

**Background:** The North Carolina Constitution calls for a unified statewide and state-operated General Court of Justice, comprised of three divisions: the Appellate Division (which includes the Supreme Court and the Appellate Division), the Superior Court Division, and the District Court Division. Most of the operating costs of the General Court of Justice have been borne by the State since the unified system was organized in the early 1960s. Counties are required to provide appropriate and adequate physical facilities, as well as furniture, for those functions of the court system that are carried out at the county level, which is practically all functions except the central administration and the appellate courts. The underlying principle of this system is that any person who seeks justice from the courts should be heard by a person who has the same powers, who is selected in the same way, and who has no financial stake in the outcome, regardless of where the person lives.<sup>1</sup>

When the unified court system was established in the 1960s, a “facilities fee” was authorized to provide a modest offset to the counties for the cost of providing the court and related facilities. This fee is collected in each court case as part of the court costs paid by the litigants and is remitted to the counties where the judgment is rendered. These fees, last raised in 1998, are:

District Court – Criminal	\$12	Superior Court – Criminal	\$30
District Court – Civil	\$16	Superior Court – Civil	\$16
Magistrates – Civil	\$12		

The fees combined generate close to \$20 million. The greatest numbers of filings are in District Court, with more than 1 million criminal filings last year. The second greatest numbers of filings are civil cases before magistrates, which had more than 300,000 filings last year.

Historically, North Carolina has rigidly applied its interpretation of uniformity, believing that equal justice for all was paramount in considering the sharing of costs between the state and counties for the operation of the court system. Under GS 7A-302 the counties are required to provide courtrooms, office space for juvenile court counselors and support staff as assigned by the Department of Juvenile Justice and Delinquency Prevention, and related judicial facilities (including furniture). This duty extends to the need for office and storage facilities, parking, and related spaces for judges, the clerk of superior court and the clerk’s staff, district attorneys and magistrates, as well as other ancillary personnel defined in statutes or other directives.

In 2007, a provision of the state budget bill (2007-323, s. 14.16(a)) changed this requirement to specify that beginning July 1, 2008, the counties must also provide “properly functioning telephones that meet the specifications for Administrative Office of the Court telephones, and the equipment and infrastructure necessary to support those telephones.”

**Status:** House adopted budget amendment to return this cost to the state, establish study commission. Key opposition expected to be in Senate.

**Key players:** Sen. Dan Clodfelter (Mecklenburg) – 408 Legislative Office Building; (919) 715-8331  
Sen. Bob Atwater (Chatham) – 312A Legislative Office Building; (919) 715-3036

**Action needed:** Encourage the Senate to accept the House position.

<sup>1</sup> Drennan, James C., The Courts, 2007 UNC-Chapel Hill School of Government, Article 36 (pgs 2, 13)