

# North Carolina's Judicial Branch

The judicial power of the state is outlined in Article IV of the NC Constitution. North Carolina runs a statewide court system, so while some employees of the court may be elected in their local jurisdictions, they are all state employees. The court system is also state funded, and the state incurs all expenses except for facilities and security. The General Court of Justice is composed of three divisions: an Appellate Division, a Superior Court Division, and a District Court Division.

## APPELLATE COURT DIVISION

The Appellate Division is made up of the Court of Appeals and the Supreme Court of North Carolina. The Court of Appeals has 15 judges who sit in rotating panels of three; the Supreme Court has a Chief Justice and six associate justices. Both Court of Appeals Judges and Supreme Court Judges are elected to eight-year terms.

## DISTRICT COURT DIVISION

The District Court Division is a trial court; it is currently divided into 41 districts, and elections of one or more District Court Judges are held in each district. District Court judges are elected to four-year terms. District Courts handle three types of cases: civil, criminal, and juvenile.

**Civil cases** include civil disputes (such as breach of contract) involving less than \$10,000 and all cases related to family matters. Family matters include divorce, custody, child support, adoption, and domestic violence.

**Juvenile cases** involve children under the age of 18 who are determined to be undisciplined, dependent, neglected or abused. Juvenile court also deals with children under the age of 16 accused of being delinquent.

District Courts hear **criminal cases** involving misdemeanors and infractions; criminal cases are the most common of the three categories and are heard without a jury.

**Magistrates** are judicial officials who hear preliminary matters and dispose of minor civil cases. They are not judges, even though they do possess limited judicial powers. In criminal cases, magistrates issue warrants and set bail. Magistrates also accept guilty pleas and payments of fines for traffic violations and some misdemeanors. Magistrates are appointed by the Senior Resident Superior Court Judge; their terms are initially two years, followed by four-year terms.

## CLERKS OF COURT

Clerks of Court are elected in every county in North Carolina and are responsible for all clerical and record-keeping functions of the Superior and District Courts; they are elected to four-year terms. Clerks also act as probate judges, which means they deal with wills and estates; decide guardianship for minors; and determine incompetence. Clerks have the power to issue arrest and search warrants and to accept guilty pleas and payments for minor offenses.

## JURORS

Jurors are citizens who listen to cases and determine a person's right to property, right to freedom, or, in capital cases, right to life. To be eligible to serve as a juror in North Carolina, one must fulfill the following requirements: Citizen of the state and a resident of the county, 18 or older, able to speak and understand the English language, physically and mentally competent, and have no felony conviction. Generated lists of jurors come from voter registration lists and drivers' license lists.

## Supreme Court

The Supreme Court hears cases appealed from the Court of Appeals and some cases that bypass the Court of Appeals, such as death sentence cases, which must be heard by the Supreme Court. The role of the Supreme Court is to determine legal error or interpretation of the law; the Court does not hear cases to determine fact. The Supreme Court does not have a jury.

## Court of Appeals

The Court of Appeals hears cases appealed from Superior and District Courts and decides cases on questions of law ranging from parking tickets to murder cases. This court mostly reviews matters decided by trial courts to determine if there are legal errors in the trial. The Court of Appeals does not have a jury.

## SUPERIOR COURT DIVISION

The Superior Court Division is a trial court; it is currently divided into eight divisions and 46 judicial districts, and elections of one or more Superior Court Judges are held in each district. Superior Court Judges are elected to eight-year terms. Every six months, Superior Court Judges rotate among the districts in their division.

## Superior Court

The Superior Court tries civil cases involving more than \$10,000, felony criminal cases, and misdemeanor and infraction appeals from District Court. The Superior Court employs a jury in all criminal and most civil cases.