

North Carolina Appeals Courts

Court of Appeals

Three judge panels hear arguments appealed from District and Superior courts and from State administrative agencies, except for cases involving a death sentence, which go directly to the Supreme Court.

Fifteen judges are elected at large in non-partisan elections for an 8 year term. Vacancies are filled by appointment of the Governor; the appointee serves until next general election. Justices must be licensed to practice law in NC.

Supreme Court

The Supreme Court hears appeals from the Court of Appeals, and capital cases directly from the trial courts. It makes no determination of fact; rather, it considers error in legal procedures or in judicial interpretation of the law.

The Chief Justice and the six associate Justices are elected statewide in a non-partisan election for eight year terms and must be licensed to practice law in NC. Vacancies are filled by appointment of the Governor; an appointee serves until next general election.

What to remember when you vote

Judges are **elected** on the non-partisan ballot.

Candidates for the Supreme Court and the Court of Appeals are eligible to participate in the Public Finance Campaign Fund. To do so, candidates agree to limit fund raising from private sources in order to receive additional money from the Public Finance Fund. (Repealed by NC GA, 2013.)

The NC State Board of Elections publishes and distributes a Nonpartisan Judicial Voter Guide. It is available at <http://www.sboe.state.nc.us/>.
Expires in 2016.

About the League of Women Voters

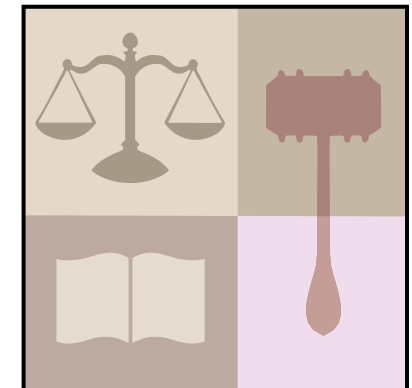
The League of Women Voters is a nonpartisan organization for women and men that encourages the informed and active participation of citizens in government and influences policy through education and advocacy. Any citizen over 18, male or female, may become a voting member of the League.

For more information, see the website for LWV of Orange, Durham, and Chatham Counties at <http://lwvdoc.org>.



League of Women Voters
of
Orange Durham and
Chatham Counties

Brief Guide to North Carolina Courts



The information in this pamphlet is derived from more detailed information provided by the North Carolina Court System at <http://www.nccourts.org>.

North Carolina Trial Courts

Superior Court (*Elected*)

Superior Courts are divided into 8 divisions and 46 districts across the state. Every six months, Superior Court judges rotate among the districts within their division. The rotation system helps avoid favoritism that might result from having a permanent judge in one district.

All felony criminal cases, civil cases involving more than \$10,000, and misdemeanor and infraction appeals from District Court are tried in Superior Court. A jury of 12 hears criminal cases. In civil cases, juries are often waived.

Superior Court judges are elected in a non-partisan election for 8 years and must be authorized to practice law in North Carolina. Vacancies are filled by appointment of the Governor; replacements are elected at the next general election.

Special District Courts

Family Courts deal with divorce, child custody, delinquency and abuse.

Drug Treatment Courts deal with substance abuse and repetitive criminal behavior.

District Court (*Elected*)

Every County has at least one **District Court** which handles **civil cases** such as divorce, custody, child support and cases involving less than \$10,000; **criminal cases** tried without a jury; and **juvenile cases** involving delinquents under 16 or children under 18 who are undisciplined, dependent, neglected or abused.

District Court judges are elected in a non-partisan election for 4 years, and must be authorized to practice law in NC. Vacancies are filled by appointment of the Governor.

The **Chief District Judge** oversees Magistrates and Small Claims Court:

Magistrates accept guilty pleas for minor misdemeanors and traffic violations; and accept waivers of trial for worthless-check cases, among other things. In civil cases, the magistrate tries small claims up to \$4,000 and landlord eviction cases.

Small Claims Court handles civil cases at plaintiff request and when the amount in controversy is \$5,000 or less. The principal relief sought in small claims court is money, the recovery of specific personal property, or eviction. There is no jury and usually no lawyers. A person who loses in small claims court may appeal for a trial by jury or before a judge in District Court.

Court officers

Elected

The **District Attorney**, elected by county voters for a 4 year term, prosecutes all criminal cases in District and Superior courts and must be authorized to practice law in NC.

The **Clerk of the Court**, elected by county voters for a 4 year term, oversees operations of the District and Superior Courts; probates wills and administers trusts and estates; hears adoption and incompetency proceedings; issues warrants; and exerts some of the powers of a magistrate.

Appointed

A **Public Defender**, who must be a member of the NC Bar with two years experience, is a full-time, state-paid attorney in the Office for Indigent Services. The Defender's sole function is to represent indigent defendants in criminal cases. Fourteen districts in the state have Public Defenders.

A **Magistrate is** appointed for a 2 year term by the Senior Superior Court judge upon recommendation of the Clerk of Court, and must have a degree from a 4 year educational institution or from a 2 year educational institution with 4 years of relevant work experience. The magistrate issues warrants and sets bail in criminal cases; accepts pleas and fines in minor criminal cases; and presides over Small Claims court.