



NORTH CAROLINA
ADMINISTRATIVE OFFICE
of the COURTS

Office of the Director
Judge John W. Smith
Director

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February 9, 2015

Lee Harriss Roberts, State Budget Director
Office of State Budget and Management
Raleigh, North Carolina

Dear Mr. Roberts,

In my duty as director of the Administrative Office of the Courts per §7A-343 (4) and as directed by G.S. §143C-3-2, I submit this estimate of the financial needs of the Judicial Branch for inclusion within the Governor's recommended 2015 – 2017 budget.

In collaboration with the Chief Justice, we will continue to stress innovation and efficiency while focusing on the paramount objectives of the court system. We must provide a twenty-first century judiciary.

The judiciary has met the challenges of the recession, diligently working to ensure courthouses remained open and resources, while limited, were properly utilized. While operations and service have been maintained, this has been accomplished through vacancy management, cancelling projects, and delaying maintenance. Turnover has risen significantly. Courts are unable to sustain this level of operations. Access is required twenty four hours a day, every day, in all 100 counties, utilizing only 2% of the state's overall budget. The state must strengthen the investment in our judiciary.

The Judicial Branch submits as approved and certified by the Chief Justice, only the most critical and essential needs of the courts. These areas are as follows:

For inclusion within the Governor's recommended budget: Justice and Public Safety

- **Return Operating Budget to Actual**

Reestablish critical operating budgets, which are at the lowest point of the last decade, to conform to actual spending. Since 2008, the North Carolina judiciary general fund has lost 41.4% of essential operating line items. This restores funding for costs such as jurors, witnesses, interpreters, expert witnesses for prosecutors, maintenance for equipment, hardware and software. Anticipated statewide annual costs to operate the courts exceed our certified operating budget by \$15.9 million.

Recurring Need: FY 2015 – 16: \$15.9 million

For inclusion within the Governor's recommended budget: Justice and Public Safety

- **Court Electronic Filing**

Phase one of eFiling focuses on civil superior court and business court electronic filing functionality. Technology enhancements will eliminate paper filing requirements and provide wireless access technology in our county civil courtrooms and business courts. Funding supports phase one technology development, hardware and software requirements, implementation and user training. This initial phase establishes North Carolina's commitment toward a multi-year comprehensive electronic court technology platform.

Non-Recurring Need: FY 2015 – 16: \$5.4 million

Total Need: FY 2016 – 2017: \$2.4 million

R: \$340,000, NR: \$2.02 million

For inclusion within the Governor's recommended budget: Statewide Reserves and Compensation

- **Continue North Carolina's Investment in Judicial Employees**

The judiciary recognizes that our greatest assets are the more than 6,000 employees who provide daily access to justice throughout the state. Our request fulfills a commitment to recognize their services by requesting a 3% increase for court employees' compensation and continuation of pay plan step increases for assistant clerks, deputy clerks, and magistrates.

- **Judicial Employees 3% Compensation Increase**

Employees not subject to a pay plan increase

Recurring Need: FY 2015 – 16: \$7.6 million

- **Magistrates and Clerks of Superior Court Pay Plan Step**

Eligible employees subject to pay plans would receive an additional step on their respective pay plan.

Recurring Need: FY 2015 – 16: \$5.4 million

Our workload formulas developed in consultation with the National Center for State Courts support the need for an additional 536 court personnel. Judicial offices throughout the state continue to provide superior services to citizens while facing severe staffing shortages. In the past five years we have lost over 8% of our workforce. However, we are not seeking dedicated funding for the 536 positions until other critical needs are funded.

- **Court Personnel Based on Workload Formulas**

To meet workload needs, the courts require additional courthouse personnel to be designated in the following areas: trial courts 67 FTE, clerks of superior court offices 183 FTE, district attorney offices 154 FTE, magistrates 78 FTE, Guardian ad Litem 54 FTE.

Recurring Need: FY 2015 – 16: \$40.6 million

536 FTE

We look forward to working with your office, legislative leaders, and stakeholders of the court system toward funding restoration. Providing access to our courts and timely justice to our citizens, can only be accomplished by adequately funding the courts.

Sincerely,



John W. Smith

The following request is submitted on behalf of the Innocence Inquiry Commission which is administratively housed with the Administrative Office of the Courts:

The North Carolina Innocence Inquiry Commission is requesting a recurring expansion budget item of \$100,000 to be used for DNA testing, forensic testing, and consulting with scientific experts. The Commission spends an average of \$85,000 on DNA testing each year and an additional \$7,750 on scientific experts. The Commission has been fortunate to receive a federal grant to cover the bulk of these expenses. However, the grant is no longer sufficient to cover all of the costs associated with the rapidly progressing forensic sciences and the grant expires at the end of 2015.

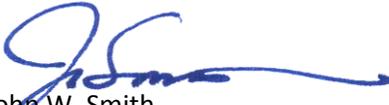
In 2014, four cases progressed to hearing through the Commission's work. Three of those cases involved substantial DNA testing that had to be conducted at private labs capable of completing highly sophisticated testing. In the cases of Leon Brown and Henry McCollum, the Commission spent a total of \$86,405 on DNA testing. The testing ultimately resulted in a DNA CODIS databank hit to a serial rapist and murderer. Leon Brown and Henry McCollum were exonerated as a result of the Commission's investigation and the District Attorney is considering charging the CODIS hit suspect. In the case of Joseph Sledge, the Commission spent \$53,650 for DNA testing and \$22,000 for scientific experts. The Commission conducted a December 2014 hearing.

The Commission no longer has adequate funding sources to meet the demands of testing required to properly investigate each case. The \$100,000 recurring budget expansion will allow the Commission to continue to subject physical evidence to high quality advanced forensic testing and consult with scientific experts.

- **Innocence Inquiry Commission**
Expansion for the Innocence Inquiry Commission, which is administratively housed with the Administrative Office of the Courts. Expansion funds for additional DNA testing are needed to respond to the increased number of cases being handled by the Commission.

Recurring Need: FY 2015 - 16: \$100,000

Very truly yours,



John W. Smith