

Article 14.

District Judges.

**§ 7A-140. Number; election; term; qualification; oath.**

There shall be at least one district judge for each district. Each district judge shall be elected by the qualified voters of the district court district in which he or she is to serve at the time of the election for members of the General Assembly. The number of judges for each district shall be determined by the General Assembly. Each judge shall be a resident of the district for which elected, and shall serve a term of four years, beginning on the first day in January next after election.

Each district judge shall devote his or her full time to the duties of the office. He or she shall not practice law during the term, nor shall he or she during such term be the partner or associate of any person engaged in the practice of law.

Before entering upon his or her duties, each district judge, in addition to other oaths prescribed by law, shall take the oath of office prescribed for a judge of the General Court of Justice. (1965, c. 310, s. 1; 1969, c. 1190, s. 11; 2005-425, s. 3.1.)

**§ 7A-140.1. Age limit for service as district judge; exception.**

No district judge may continue in office beyond the last day of the month in which the district judge attains 72 years of age, but district judges so retired may be recalled for periods of temporary service as provided in Subchapter III of this Chapter. (2023-134, s. 16.14(j).)

**§ 7A-141. Designation of chief judge; assignment of judge to another district for temporary or specialized duty.**

When more than one judge is authorized in a district, the Chief Justice of the Supreme Court shall designate one of the judges as chief district judge to serve in such capacity at the pleasure of the Chief Justice. In a single judge district, the judge is the chief district judge.

The Chief Justice may transfer a district judge from one district to another for temporary or specialized duty. (1965, c. 310, s. 1.)

**§ 7A-142. Vacancies in office.**

(a) A vacancy in the office of district judge occurring for causes other than expiration of term shall be filled by appointment of the Governor. The appointee shall serve until an election is conducted at the same time as the next election for members of the General Assembly that is more than 60 days after the vacancy occurs, as provided in this section.

(b) An appointee shall hold office as follows:

(1) If the unexpired term of office ends on the first day of January following the next election for members of the General Assembly, the Governor shall appoint to fill the vacancy for the unexpired term of office, and the election shall be for a four-year term.

(2) If the unexpired term of office ends on the first day of January two years following the next election for members of the General Assembly, the Governor shall appoint to fill the vacancy until the election is certified, and the election shall be for the unexpired term of office.

(c) Prior to the appointment, the bar of the judicial district, as defined in G.S. 84-19, shall nominate five persons who are residents of the judicial district who are duly authorized to practice law in the district for consideration by the Governor. The nominees shall be selected by vote of

only those bar members who reside in the district. In the event fewer than five persons are nominated, upon providing the nominations to the Governor, the bar shall certify that there were insufficient nominations in the district to comply with this section. Prior to filling the vacancy, the Governor shall give due consideration to the nominations provided by the bar of the judicial district.

(d) For any election held under this section, the following shall apply:

- (1) If the vacancy occurs prior to the opening of the filing period for the office as provided in G.S. 163-106.2, the election shall be conducted in accordance with the general laws governing elections in Chapter 163 of the General Statutes.
- (2) If the vacancy occurs after the opening of the filing period for the office as provided in G.S. 163-106.2, the election shall be conducted in accordance with the general laws governing elections in Chapter 163 of the General Statutes, except for the following:
  - a. Each political party executive committee for the district in which the vacancy occurs may nominate an individual to be listed on the general election ballots in accordance with G.S. 163-114. This nomination shall occur, and the nomination shall be submitted to the State Board of Elections, within seven calendar days of the vacancy occurring.
  - b. Individuals seeking to appear on the general election ballots as an unaffiliated candidate shall comply with G.S. 163-122, except that the State Board of Elections shall set the time for the filing of written petitions, provided that the time for filing of written petitions is open for at least three full business days and concludes within seven calendar days of the vacancy occurring.
  - c. In order to be listed on the general election ballots, individuals who are nominated by a political party executive committee or who file a written petition to appear on the general election ballots as an unaffiliated candidate must submit a statement of economic interest to the State Ethics Commission as required by G.S. 138A-22 no later than 10 calendar days of the vacancy occurring.
  - d. The State Board of Elections may delay the date by which a county board of elections must make absentee ballots available for voting pursuant to G.S. 163-227.10 if the timing of the vacancy makes compliance with the 60-day deadline impossible. (1965, c. 310, s. 1; 1975, c. 441; 1981, c. 763, ss. 1, 2; 1985 (Reg. Sess., 1986), c. 1006, s. 1; 1987 (Reg. Sess., 1988), c. 1037, s. 16; c. 1056, s. 7; c. 1086, s. 112(b); 1991, c. 742, s. 16; 1999-237, s. 17.10; 2001-403, s. 2(a); 2002-159, s. 58; 2011-28, s. 2; 2013-387, s. 4; 2021-180, s. 16.6(a); 2022-72, s. 5.2(a); 2022-73, s. 7(a); 2023-46, s. 20(a).)

**§ 7A-143. Repealed by Session Laws 1973, c. 148, s. 6.**

**§ 7A-144. Compensation.**

(a) Each judge shall receive the annual salary provided in the Current Operations Appropriations Act, and reimbursement on the same basis as State employees generally, for his or her necessary subsistence expenses and for travel expenses when on official business outside the

judge's county of residence. For purposes of this subsection, the term "official business" does not include regular, daily commuting between a judge's home and the court. Travel distances, for purposes of reimbursement for mileage, shall be determined according to the travel policy of the Administrative Office of the Courts.

(b) Notwithstanding merit, longevity and other increment raises paid to regular State employees, a judge of the district court shall receive as longevity pay an annual amount equal to four and eight-tenths percent (4.8%) of the annual salary set forth in the Current Operations Appropriations Act payable monthly after five years of service, nine and six-tenths percent (9.6%) after 10 years of service, fourteen and four-tenths percent (14.4%) after 15 years of service, nineteen and two-tenths percent (19.2%) after 20 years of service, and twenty-four percent (24%) after 25 years of service. "Service" means service as a justice or judge of the General Court of Justice, as a member of the Utilities Commission, as an administrative law judge, or as director or assistant director of the Administrative Office of the Courts. Service shall also mean service as a district attorney or as a clerk of superior court. (1965, c. 310, s. 1; 1967, c. 691, s. 10; 1983, c. 761, s. 245; 1983 (Reg. Sess., 1984), c. 1034, s. 165; c. 1109, ss. 11, 13.1; 1985, c. 698, s. 10(a); 1987 (Reg. Sess., 1988), c. 1100, s. 15(d); 1989, c. 770, s. 5; 2007-323, s. 28.18A(f); 2009-451, s. 15.17B(a); 2017-57, s. 35.4(g).)

**§ 7A-145. Repealed by Session Laws 1971, c. 377, s. 32.**

**§ 7A-146. Administrative authority and duties of chief district judge.**

The chief district judge, subject to the general supervision of the Chief Justice of the Supreme Court, has administrative supervision and authority over the operation of the district courts and magistrates in the chief district judge's district. These powers and duties include, but are not limited to, the following:

- (1) Arranging schedules and assigning district judges for sessions of district courts.
- (2) Arranging or supervising the calendaring of noncriminal matters for trial or hearing.
- (3) Supervising the clerk of superior court in the discharge of the clerical functions of the district court.
- (4) Assigning matters to magistrates, and consistent with the salaries set by the Administrative Officer of the Courts, prescribing times and places at which magistrates shall be available for the performance of their duties; however, the chief district judge may in writing delegate his authority to prescribe times and places at which magistrates in a particular county shall be available for the performance of their duties to another district court judge or the clerk of the superior court, or the judge may appoint a chief magistrate to fulfill some or all of the duties under subdivision (12) of this section, and the person to whom such authority is delegated shall make monthly reports to the chief district judge of the times and places actually served by each magistrate.
- (5) Making arrangements with proper authorities for the drawing of civil court jury panels and determining which sessions of district court shall be jury sessions.
- (6) Arranging for the reporting of civil cases by court reporters or other authorized means.
- (7) Arranging sessions, to the extent practicable for the trial of specialized cases, including traffic, domestic relations, and other types of cases, and assigning

district judges to preside over these sessions so as to permit maximum practicable specialization by individual judges.

- (8) Repealed by Session Laws 1991 (Regular Session, 1992), c. 900, s. 118(b), effective July 15, 1992.
- (9) Assigning magistrates when exigent circumstances exist to temporary duty outside the county of their appointment but within that district pursuant to the policies and procedures prescribed under G.S. 7A-343(11); and, upon the request of a chief district judge of another district and upon the approval of the Administrative Officer of the Courts, to temporary duty in the district of the requesting chief district judge pursuant to the policies and procedures prescribed under G.S. 7A-343(11). The chief district judge may, in writing, delegate the authority to assign magistrates in this subdivision to an appointed chief magistrate. A chief magistrate with authority delegated under this subdivision shall make monthly reports to the chief district judge of the times and places actually served by each magistrate.
- (10) Designating another district judge of that district as acting chief district judge, to act during the absence or disability of the chief district judge.
- (11) Designating certain magistrates to appoint counsel and accept waivers of counsel pursuant to Article 36 of this Chapter. This designation does not give any magistrate the authority to appoint counsel or accept waivers of counsel for potentially capital offenses, as defined by rules adopted by the Office of Indigent Defense Services. The chief district judge may delegate, in writing, the authority to designate magistrates in this subdivision to an appointed chief magistrate.
- (12) Designating a full-time magistrate in a county to serve as chief magistrate for that county for an indefinite term and at the judge's pleasure. The chief magistrate shall have the derivative administrative authority assigned by the chief district court judge under subdivisions (4), (9), (11), and (13) of this section. This subdivision applies only to counties in which the chief district court judge determines that designating a chief magistrate would be in the interest of justice.
- (13) Investigating written complaints against magistrates. The chief district judge may, in writing, delegate authority to an appointed chief magistrate to make preliminary investigations into written complaints against magistrates and to make a written report of their preliminary findings to the chief district judge. However, the delegation shall not authorize the chief magistrate to make written findings of misconduct or take any disciplinary action. Upon investigation and written findings of misconduct in violation of the Rules of Conduct for Magistrates, a chief district court judge may discipline a magistrate in accordance with the Rules of Conduct for Magistrates. Written complaints received by the chief district court judge and records of investigations into those complaints are to be treated as personnel records under Article 7 of Chapter 126 of the General Statutes. Notwithstanding Article 7 of Chapter 126 of the General Statutes, once a letter of caution, written reprimand, or suspension has been issued by the chief district court judge, the written complaint, and the record of the chief district court judge's action on that complaint, including any

investigatory records, are no longer confidential personnel records. (1965, c. 310, s. 1; 1971, c. 377, s. 8; 1977, c. 945, s. 1; 1983, c. 586, s. 1; 1983 (Reg. Sess., 1984), c. 1034, s. 85; 1985, c. 425, s. 2; c. 764, s. 8; 1985 (Reg. Sess., 1986), c. 852, s. 17; 1991 (Reg. Sess., 1992), c. 900, s. 118(b); 2009-419, s. 2; 2011-411, s. 2(b); 2013-89, s. 1; 2015-247, s. 3(a); 2018-138, s. 2.12(c); 2022-47, ss. 5(b), 6(a); 2023-103, s. 10.)

#### **§ 7A-147. Specialized judgeships.**

(a) Prior to January 1 of each year in which elections for district court judges are to be held, the Administrative Officer of the Courts may, with the approval of the chief district judge, designate one or more judgeships in districts having three or more judgeships, as specialized judgeships, naming in each case the specialty. Designations shall become effective when filed with the State Board of Elections. Nominees for the position or positions of specialist judge shall be made in the ensuing primary and the position or positions shall be filled at the general election thereafter. The State Board of Elections shall prepare primary and general election ballots to effectuate the purposes of this section.

(b) The designation of a specialized judgeship shall in no way impair the right of the chief district judge to arrange sessions for the trial of specialized cases and to assign any district judge to preside over these sessions. A judge elected to a specialized judgeship has the same powers as a regular district judge.

(c) The policy of the State is to encourage specialization in juvenile cases by district court judges who are qualified by training and temperament to be effective in relating to youth and in the use of appropriate community resources to meet their needs. The Administrative Office of the Courts is therefore authorized to encourage judges who hear juvenile cases to secure appropriate training whether or not they were elected to a specialized judgeship as provided herein. This training shall be provided within the funds available to the Administrative Office of the Courts for this training, and judges attending the training shall be reimbursed for travel and subsistence expenses at the same rate as is applicable to other State employees.

The Administrative Office of the Courts shall develop a plan whereby a district court judge may be better qualified to hear juvenile cases by reason of training, experience, and demonstrated ability. Any district court judge who completes the training under this plan, which shall include trauma-informed training on recognizing and mitigating adverse childhood experiences and adverse community environments, shall receive a certificate to this effect from the Administrative Office of the Courts. In districts where there is a district court judge who has completed this training as herein provided, the chief district judge shall give due consideration in the assignment of juvenile cases where practical and feasible. (1965, c. 310, s. 1; 1975, c. 823; 1979, c. 622, s. 1; 2017-6, s. 3; 2018-146, ss. 3.1(a), (b), 6.1; 2023-103, s. 7.)

#### **§ 7A-148. Annual conference of chief district judges.**

(a) The chief district judges of the various district court districts shall meet at least once a year upon call of the Chief Justice of the Supreme Court to discuss mutual problems affecting the courts and the improvement of court operations, to prepare and adopt uniform schedules of offenses for the types of offenses specified in G.S. 7A-273(2) and G.S. 7A-273(2a) for which magistrates and clerks of court may accept written appearances, waivers of trial or hearing and pleas of guilty or admissions of responsibility, and establish a schedule of penalties or fines

therefor, and to take such further action as may be found practicable and desirable to promote the uniform administration of justice.

(b) The chief district judges shall prescribe a multicopy uniform traffic ticket and complaint for exclusive use in each county of the State not later than December 31, 1970. (1965, c. 310, s. 1; 1967, c. 691, s. 11; 1983, c. 586, s. 2; 1985, c. 425, s. 1; c. 764, s. 9; 1985 (Reg. Sess., 1986), c. 852, s. 17; 1991, c. 151, s. 1; c. 609, s. 2; 1991 (Reg. Sess., 1992), c. 900, s. 118(a); 1999-80, s. 2.)

**§ 7A-149. Jurisdiction; sessions.**

(a) Notwithstanding any other provision of law, a district court judge of a district court district which is in a set of districts as defined by G.S. 7A-200 has jurisdiction in the entire county or counties in which the district is located to the same extent as if the district encompassed the entire county, and has jurisdiction in the entire set of districts to the same extent as if the district encompassed the entire set of districts.

(b) All sessions of district court shall be for an entire county, whether that county comprises or is located in a district or in a set of districts as defined in G.S. 7A-200, and at each session all matters and proceedings arising anywhere in the county may be heard.

(c) All clerks of court for a county have jurisdiction over the entire county, notwithstanding that the county may be part of a set of districts. (1995, c. 507, s. 21.1(b).)

**§ 7A-150. Reserved for future codification purposes.**

**§ 7A-151. Reserved for future codification purposes.**

**§ 7A-152. Reserved for future codification purposes.**

**§ 7A-153. Reserved for future codification purposes.**

**§ 7A-154. Reserved for future codification purposes.**

**§ 7A-155. Reserved for future codification purposes.**

**§ 7A-156. Reserved for future codification purposes.**

**§ 7A-157. Reserved for future codification purposes.**

**§ 7A-158. Reserved for future codification purposes.**

**§ 7A-159. Reserved for future codification purposes.**