

## So You Want to be a District Court Judge

A few election seasons ago, a campaign sign advocating “Denning for Judge” was posted in our neighborhood. My son noticed it on the way home from school and said, “Mom: Is Dad running for judge?” “No, he isn’t,” I said. Then, in a moment of pique, I said, “Actually, your dad isn’t qualified to be a judge. But I am.” Since I’ve obviously done such a great job teaching civics (and equal rights) to my children, I thought I’d share a bit with you about the selection, qualifications, and work of a North Carolina district court judge—a group of judicial officials with whom I frequently work.

**Background.** North Carolina is [divided into 44 electoral district court districts](#), which range in number from 1 to 30. Some districts share a number followed by an alphabetical letter, such as (A, B, C, or D). Two groups of districts, Districts 9 and 9B (Franklin, Granville, Vance, and Warren Counties) and Districts 20A, 20B, 20C, and 20D (all in Union County), are separated for electoral purposes but are [combined for administrative purposes](#).

A district court [sits in the county seat of each county](#) and in [additional cities and towns authorized by the legislature](#). The legislature establishes the number of district court judges in each district, but there must be at least [one district court judge in each district](#). Not surprisingly, District 26, which consists of Mecklenburg County, has the largest number of district court judges: 21. District 10, which consists of Wake County, is a close second with 19 district court judges. Other districts are significantly smaller. For example, there are only two district court judges in District 9A, which is comprised of two counties: Person and Caswell. In all, there are [270 district court judges](#) in North Carolina.

**Selection of district court judges.** As is evidenced by the campaign sign, district court judges are [elected officials](#). Voters in the district court district in which the judge is to serve vote for district court judges in general election years. Unlike superior court and appellate court judges who are elected to eight-year terms, district court judges serve four-year terms, which begin on the first day in January following their election.

When there is a [vacant district judge position](#), the governor appoints a person to fill it. The bar of the judicial district nominates five people who are residents of the district and who are authorized to practice law in the district for the Governor’s consideration. The nominees are selected by a vote of the local bar. The Governor must give “due consideration” to the bar’s nominations, but is not bound to select a judge from among the nominees. Appointees to the bench hold their seats for the remainder of the unexpired term. [N.C. Const. Art. IV § 10, G.S. 163-9; G.S. 7A-142](#).

**Who may serve?** Only persons authorized to practice law in North Carolina are eligible for election or appointment as a judge (district, superior or appellate). N.C. Const. Art. IV, Sec. 22. Because that wasn’t always the rule, there is an exception for persons elected to or serving in such capacities on or before January 1, 1981. So, as I told my son, since I’m a licensed attorney and

my husband is not, I'm the only Denning in our house who could be a judge.

In addition to being licensed N.C. attorneys, district court judges must reside in the district for which they are elected. N.C. Const. Art. IV, § 10; [G.S. 7A-140](#). Tighter residency restrictions apply in certain multi-county districts, where judges for particular seats are required to reside in a specified county within the district. See [G.S. 7A-133](#)(b1) – (b4).

**There's an age limit.** No justice or judge of the General Court of Justice (of which the District Court is a part) may continue in office beyond the last day of the month in which he or she [turns 72 years old](#). Retired judges who have attained this age may, however, continue to be recalled for periods of temporary service.

**What's the pay?** The annual salary for a district court judge is \$111,684. The General Assembly sets the salary for all judges, and it may not reduce this amount during a judge's term in office. N.C. Const. Art. IV, Sec. 21. This constitutional prohibition made [news](#) a few years ago when then-Chief Justice Sarah Parker asked judges at all levels to agree to a voluntary 0.5 percent pay cut that matched the unpaid furloughs imposed on other state employees. The legislature couldn't order a pay-cut—but it could ask.

A judges' compensation may never depend upon the decision the judge reaches or his or her collection of costs. N.C. Const. Art. IV, Sec. 21. That doesn't mean, of course, that no one is paying attention to those matters. See, e.g. [G.S. 7A-350](#) (requiring that the Administrative Office of the Courts maintain a list of all cases in which a judge makes a finding of just cause to grant a waiver of criminal court costs and report the waivers by district and by judge to the General Assembly).

After five years of service, district court judges receive longevity pay pursuant to the formula set forth in [G.S. 7A-144](#).

**It's a full-time job.** District court judges must devote their "full time to the duties of the office." They may not practice law during their term of office; nor may they be the partner or associate of any person engaged in the practice of law. [G.S. 7A-140](#). The [Code of Judicial Conduct](#) (which governs the conduct of any justice or judge of the General Court of Justice, including any retired justice or judge recalled for service as an emergency judge) imposes further restrictions, prohibiting judges from serving as the officer, director or manager of any business. See *In re Belk*, 364 N.C. 114 (2010) (removing district judge from office based in part on his failure to resign from a corporate board).

**What do district court judges do?** A lot. District courts have original jurisdiction for the trial of all [misdemeanor criminal actions](#) and [infractions](#). More than 2 million such cases were disposed of in district court in the [2014-15 fiscal year](#). Not all of these cases required a court appearance, of course, but more than 300,000 did. District court judges conduct first appearances in felony cases

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and [preside over probable cause hearings for felony charges](#). They accept pleas of guilty to and impose sentences for thousands of Class H and I felony offenses each year.

District courts have exclusive, original jurisdiction over all case involving [juveniles who are alleged to be abused, neglected, or dependent](#) and over [juveniles who are alleged to be delinquent](#). They have jurisdiction over emancipation proceedings, the termination or reinstatement of parental rights, proceedings involving consent for an abortion on an unemancipated minor, and proceedings by an underage party seeking judicial authorization to marry.

District court also is the [proper division for the trial of civil actions](#) in which the amount in controversy is \$25,000 or less (7A-243) and the [trial of all civil actions](#) (regardless of amount) for annulment, divorce, equitable distribution of property, alimony, child support, child custody and the enforcement of separation or property settlement agreements between spouses.

District court judges also conduct hearings in involuntary commitment proceedings.

This is an incomplete list, but I think you get the idea.

A district court judge must know many areas of law. He or she also must be capable of effectively managing crowded dockets and of interacting appropriately with the thousands of citizens who appear in district court.

On second thought, maybe I'm not qualified. But don't tell my son.