

NORTH CAROLINA GENERAL ASSEMBLY  
1965 SESSION

CHAPTER 683  
HOUSE BILL 665

AN ACT TO AMEND CHAPTER 971 OF THE SESSION LAWS OF 1955, AS AMENDED, RELATING TO THE NUMBER, DUTIES AND COMPENSATION OF THE JUDGES AND SOLICITORS OF THE MUNICIPAL-COUNTY COURT OF GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 971 of the Session Laws of 1955, as amended by Section 2 of Chapter 1278 of the Session Laws of 1957 and as further amended by Chapter 846 of the Session Laws of 1959, is hereby amended by rewriting subsection (a) to read as follows:

"(a) Judges. Election and Term. Apportionment of Duties. Senior Judge. Substitute Judges. There shall be a senior judge and two other judges, each position to be a separate office, who shall be elected by a majority vote of the committee of election created by this Act and who shall each serve for terms of four years, except for the initial term of the judge who is to be elected to serve from July 1, 1965, through December 31, 1969. However, all judges shall serve until their successors are elected and qualified; provided, that the two incumbent judges, and each of them, shall be and they are hereby confirmed in their respective offices for the remainder of their respective present terms. The committee of election shall, within sixty (60) days next preceding July 1, 1965, elect one judge whose initial term of office shall commence on July 1, 1965, and terminate on December 31, 1969; thereafter said term of office shall commence on January 1, 1970, and run for respective periods of four years. With the exception of the above mentioned initial term, the committee of election shall, within sixty (60) days next preceding the termination of each term of office of the senior judge and the other judges, elect the respective successor judges, beginning with the election of the senior judge and the remaining judge whose terms of office shall commence on January 1, 1966. In the case of a vacancy in any office, the committee of election shall, not less than five (5) nor more than twenty (20) days after such vacancy occurs, elect the successor in said office of the court for the unexpired term. Nothing herein shall prevent the election of one of the incumbent judges to the office of senior judge. Neither the senior judge nor the other judges shall practice law while in office.

"The senior judge and the judges shall have equal and concurrent jurisdiction, authority and power, except that the senior judge shall have the sole duty and authority to supervise and administer the administrative functions of the court, its docket and calendar and, generally, the power to assign trial work of the judges by apportioning

cases upon the docket between judges, but shall not exercise administrative supervision and control over the office of the solicitors.

"Whenever in the judgment of the judges the need exists, the senior judge or, in his absence or disability, either of the other judges may, by order entered and filed with the clerk, appoint one or more attorneys at law to act as substitute judge. Such order of appointment shall set forth the specific session or sessions of said court and the specific time for which said substitute judge shall serve and, for such period of time and such sessions specified, said substitute judge shall have the powers of a judge of said court."

Sec. 2. Section 2 of Chapter 971 of the Session Laws of 1955, as amended by Section 3 of Chapter 1278 of the Session Laws of 1957, is hereby amended by rewriting subsection (b) to read as follows:

"(b) Solicitors. Election and Term. Assignment of Duties. There shall be three offices of solicitor to be composed of a senior solicitor and two other solicitors, and the solicitor for each office shall be elected by a majority vote of the committee of election created by this Act, and each shall serve for terms of two years, except for the initial term of the senior solicitor who is to be elected and serve from July 1, 1965, through December 31, 1967. However, all solicitors shall serve until their successors are elected and qualified; provided, that the two incumbent solicitors shall be and they each are hereby confirmed in their respective offices for the remainder of their respective present terms. The committee of election shall, within sixty (60) days next preceding July 1, 1965, elect the senior solicitor whose initial term of office shall commence on July 1, 1965, and terminate on December 31, 1967; thereafter said term of the senior solicitor shall commence on January 1, 1968, and run for respective terms of two years. With the exception of the above-mentioned initial term of the senior solicitor, the committee of election shall, within sixty (60) days next preceding the termination of each term of office of the senior solicitor and the other solicitors, elect the successor solicitors, beginning with the election of one solicitor whose term of office commences on January 1, 1966, and beginning with the election of the other solicitor whose term of office commences on January 1, 1967. In the event an incumbent solicitor is elected to serve the initial term of senior solicitor, then the committee of election shall elect a successor to complete the unexpired term of such incumbent solicitor. In the case of any other vacancy in any office, the committee of election shall, not less than five (5) nor more than twenty (20) days after such vacancy occurs, elect the successor in said office of the court for the unexpired term. The senior solicitor shall not practice law while in office and shall be available for consultation and advice with law enforcement officers, witnesses, attorneys and other parties of interest during all reasonable office hours. The other solicitors may practice law only during such hours as their duties as solicitors will permit. Neither of the other solicitors shall practice law before the court, nor shall they privately practice law before any other court, except in matters of a civil nature.

"The senior solicitor and the other solicitors shall have equal and concurrent jurisdiction, authority and power, except that the senior solicitor shall have the duty and authority to supervise and administer the administrative functions of the solicitorial offices including the assignment of the prosecution of cases and providing reasonable

office hours in which the other solicitors shall be available for consultation and advice with respect to criminal prosecution pending or to be instituted in the court."

Sec. 3. Section 2 of Chapter 971 of the Session Laws of 1955 is amended by rewriting subsection (c) to read as follows:

"(c) Substitute Solicitors. Whenever in the judgment of the solicitors the need exists, the senior solicitor or, in his absence or disability, either of the other solicitors shall certify the need for and appointment of a substitute solicitor, whereupon the senior judge or, in his absence or disability, either of the other judges may, by order entered and filed with the clerk, appoint one or more attorneys at law recommended by the solicitor to act as substitute solicitor. Such order of appointment shall set forth the specific session or sessions of said court and the specific time for which said substitute solicitor shall serve and, for such period of time and such sessions specified, said substitute solicitor shall have the powers of a solicitor of said court."

Sec. 4. Section 2 of Chapter 971 of the Session Laws of 1955 is amended by rewriting subsection (g) to read as follows:

"(g) Salaries and Compensation. All salaries of the court officials and compensation for personnel and employees shall be paid by the City of Greensboro. The salary of the senior judge shall be thirteen thousand dollars (\$13,000.00) per year and the salary of each of the other judges shall be twelve thousand dollars (\$12,000.00) per year, each payable in equal monthly installments. The salary of the senior solicitor shall be eleven thousand dollars (\$11,000.00) per year and the salary of each of the other solicitors shall be nine thousand dollars (\$9,000.00) per year, each payable in equal monthly installments."

Sec. 5. If any part of this Act shall be declared unconstitutional or invalid, the remainder of the Act shall nevertheless remain in full force and effect.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1965.