

Summer

# On The Record

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Summer 2011

Charles Keller, Jr., *Editor*

*From the Trial Court Administrator*

## Budget Recap: How We Fared



Todd Nuccio

The legislative session that recently came to a close proved to be one of the most challenging in my tenure with the courts. The twists and turns and ups and downs certainly made for an interesting, but I cannot say an enjoyable, ride. Despite what appeared to be the brewing of the perfect storm, the 26<sup>th</sup> District navigated its way through troubled waters and emerged largely unscathed. Below is a brief recap of the relevant highs and lows of the session.

1. The House JPS Committee proposes the elimination of Family Court, Drug Court and Custody Mediation.
2. Efforts to repel the above action succeed. In lieu of the original cuts, funding for Custody Mediation is completely restored and Drug Court and Family Court are given a one-year reprieve under a continuation review scenario. However, 110 support staff positions in District Attorney Offices are placed on the chopping block along with all TCA positions across the state.
3. Funding is restored for TCA positions on the House floor as long as an offsetting reduction is made within each judicial district with a TCA. The number of District Attorney support staff to be eliminated is reduced to 55.
4. The Senate JPS Committee fully restores funding for TCA positions, but it completely eliminates all funding for Drug Courts.
5. The Senate version of the budget prevails in the reconciliation discussions between the House and Senate. As a result, Family Court receives one-year continuation review funding, TCA and Custody Mediation funding are completely restored, District Attorney support staff reductions across the state remain at 55 and Drug Court funding is eliminated.
6. The Board of County Commissioners is approached about picking up the cost of our Drug Court operations and full funding for the positions eliminated by the State is approved.

So, after all is said and done, all programs and services have remained intact. Please know that I do not diminish the emotional toll that everyone has paid along the way and that I recognize difficulties still remain as we reorganize and transition a number of positions over to County funding. It has been a very difficult journey and I wish we could have avoided all the unpleasantness. I also know we have not seen the end and that a battle still awaits us in the next legislative session when we will again have to demonstrate the merits of Family Court. What I am saying, though, is that we need to see the glass as half-full rather than half-empty and realize that we live to fight another day. I stand ready to help advance the cause.

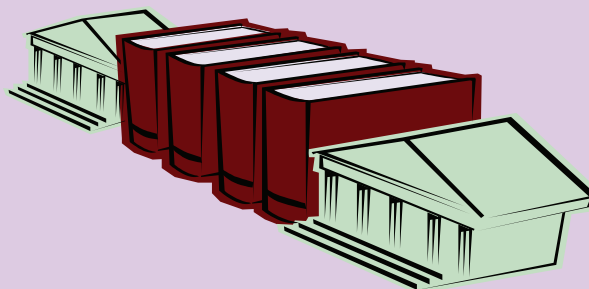
## Small Wins For Mecklenburg County Courts *by Todd Nuccio*

Although budget negotiations were our primary focus and the most time consuming, we still made some progress in advancing our legislative agenda. What follows on the next page is a highlight of those efforts.

**HB 234** – Signed into law by the Governor. Among other things, the bill removes the requirement that potential jurors be able to hear in order to serve. The change conforms state law with the federal ADA Title III requirements.

**HB 494** – Passed the House and is now eligible for consideration by the Senate in the next session. Among other things, this bill allows the use of alcohol monitoring devices in drug treatment courts.

**HB 517** - Passed the House and is now eligible for consideration by the Senate in the next session. Among other things, this bill allows for the official establishment of a chief magistrate position. Unfortunately, opposition from the AOC eliminated the provision that allowed for additional compensation to be paid that is commensurate with the new duties and responsibilities. We will now see what can be accomplished on the Senate side.



**SB 131** – Signed into law by the Governor. The bill provides for the potential establishment of a collection fee that can be retained by the County when they fund services like our fine collection program.

Unfortunately, opposition from the AOC again watered down the bill so that it simply allows the AOC the discretion to enter into a contract instead of requiring such.

**SB 133** – Passed the Senate and is eligible for consideration by the House in the next session. The bill eliminates the requirement that the address of jurors be part of the master list filed with the Register of Deeds to address privacy concerns.

**SB 135** – Signed into law by the Governor. The bill allows juvenile records to be considered in making bond determinations for defendants arrested for subsequent felony arrests as adults.

**SB 756** – Died in the House. Legislation that would have undermined pretrial release programs across the state was successfully prevented from moving forward.

## Court Reporter Retires After Thirty Years

Court Reporter Otis Massey is retiring after thirty years of service for the 26th Judicial District and twenty years in the Federal courts. Otis, who is a native of Jefferson, Georgia, came to work as a court reporter in 1981. After he retires, Otis said is looking forward to just relaxing and doing some traveling. We thank Otis for his years of service to the Court and wish him well in his retirement.



Otis Massey

## Summer Adoption Day Event Held

On Friday, June 17 in Courtroom 8350 of the Mecklenburg County Courthouse, thirty-two children received a copy of their Adoption Decree at the summer Adoption Day event. Eight additional families received both copies of their decrees during a special session of court at the Mecklenburg County Courthouse. In addition, a total of twenty-four families who finalized a combined total of thirty-five adoptions since the last adoption day on November 20, 2010 were invited to attend. These families and their children were recognized by receiving a certificate of family inclusion on June 17, 2011. The ceremonial session of court was followed by a reception to celebrate the new families.

The event was free and open to the public. For the eighth year in a row, Mecklenburg County Juvenile Court, the Mecklenburg County Clerk of Superior Court's Office, the Mecklenburg County Department of Social Services (DSS), and the Guardian Ad Litem program co-sponsored this event. The court session was presided over by Chief District Court Judge Lisa C. Bell and was part of a larger event taking place at the courthouse that included games and activities for children. Representatives from various adoption agencies were also on hand to answer questions regarding adoption.

Nationwide, there are an estimated 463,000 children in foster care, and more than 114,000 of them are waiting to be adopted. Between 2000 and 2010, more than 35,000 children were joined together with forever families as part of National Adoption Day activities. Each year, approximately 29,000 children in foster care will age out of the system without ever being placed with a permanent family.

## Lily pads, Line Ups, and Boppity Bop Bop Bop *by David Sherman*

What, if anything, do these random phrases have to do with one another? Simply put: teamwork and communication. On Friday May 28<sup>th</sup>, Trial Court Administrator (TCA) Todd Nuccio and the six Team Leaders of the TCA's office participated in team building activities at the Reedy Creek Nature Center. The Team Leaders voluntarily participated and covered the cost of this activity out of their own pockets.

The group started out with a few ice breakers to set the tone for what proved to be a somewhat silly yet productive group activity. After the ice was broken, the Team Leaders and Todd used a hula hoop in an entirely new method. Standing in a circle while holding hands, the team was tasked with moving a hula hoop around the human circle without letting go of one another. After several attempts to reduce the amount of time it took for the hoop to make its way around by trying several methods, the instructor indicated the group could enlist her assistance. With her help, the hula hoop made it around the circle successfully in mere seconds. Consequently, the team learned that asking for help can make a task sometimes smoother than simply trying to accomplish the task alone. After a few other activities, which focused on group oral communication, the focus shifted. The next activity called "line ups" emphasized non-verbal group communication. Here the participants were required to, without talking; arrange themselves according to the month and date of their birth. As a result the TCA and team leaders learned that even when they face a situation where they can not verbally communicate they can utilize other communication methods and still succeed!

While on the face this may appear to have been a bunch of adults goofing around with hula hoops, balls, and foam noodles (which it certainly was), the principles the activities promoted are tremendously valuable in any group environment. Finally, several Team Leaders stated that the experience was genuinely a good opportunity to bond outside of the work environment and enhance communication among the management team.

## New Jury Commissioner Sworn In

William “Bill” Ballard was recently sworn in as one of our new Jury Commissioners. Mr. Ballard was born in Greenville, South Carolina in 1935, and was raised in Polkton, NC. He holds a B.A. degree in Radio, Television, and Motion Pictures from UNC Chapel Hill, class of 1957. He joined ROTC and served in the US Army, Public Information Office in Aschaffenburg Germany, from 1959-1960. He worked at radio station WADE in Wadesboro, NC and WITN-TV in Washington, NC before joining WBTV in Charlotte, NC in 1967 as general/feature reporter, assignment editor and News Director until 1980. He moved to Jefferson Data Systems until he retired in 1991. Returning to WBTV as Rock Hill, SC Bureau Chief until 1997; his final assignment was “On Faith” reporter until 1999. He retired from Jefferson Pilot Broadcasting System in 1999.



William “Bill” Ballard

He has been married to Dee Stephenson Ballard since 1958. They have three daughters and one son, ten grandchildren, and one great grandchild. Active in civic and church duties, he has been a speaker to many area organizations over the years.

Each county in North Carolina has a Jury Commission comprised of three members. Each member must be a resident and registered voter in the county in which they serve. Their duties are to ensure that sources are utilized to develop a master jury list that is representative of the community at large, as well as to ensure that the way in which potential jurors are summoned is done in a fair and random manner. Gail Logan Gibson and Sandra S. Rook were also selected and appointed Jury Commissioners to serve the 2011-2012 term.

## Eleventh Annual Juror Appreciation Month Held



Judge Richard D. Boner Addresses Jurors

Eleven years have past since the 26th Judicial District first declared July as Juror Appreciation Month. This month is set aside each year to encourage all residents of Mecklenburg County to applaud the efforts of jurors who support the justice system and fulfill this important civic responsibility on a daily basis, as well as to raise awareness of the importance of jury service. Juror Appreciation Month will conclude with Juror Appreciation Week the week of July 25. Jurors will be treated to movies, popcorn, entertainment, guest speakers, and door prizes. A special recognition ceremony was held on Monday, July 25th in the Jury Assembly Room. A Proclamation declaring July, 2011 as Juror Appreciation Month in the 26th Judicial District was read aloud by Senior Resident Superior Court Judge Richard D. Boner, who also spoke to jurors about the importance of jury service. Chief District Court Judge Lisa C. Bell also addressed and thank jurors for their service. Justice Initiatives, Inc. is the primary sponsor of Juror Appreciation Month.

## Family Reunification Day Held

Last year, 235 children in Mecklenburg County were reunified with their families after a time apart due to allegations of abuse, neglect or dependency. Many parents successfully complete parenting plans that prioritize the safety and well-being of their children and ultimately reunite their families. To honor and celebrate the accomplishments and dedication of parents and caregivers who have successfully been reunited with their children, the American Bar Association has declared June 18, 2011 as National Family Reunification Day.

Parents, children, foster parents, judges, lawyers, social workers, community service providers, child advocates and others were invited to gather at Tuckaseegee Park for the First Annual Family Reunification Day Celebration on Saturday, June 18th. A fun-filled event including food, games and festivities began at 10:00 A.M. and continued through 2:00 P.M.

“National Reunification Day honors the efforts of juvenile judges, court personnel and other members of the judicial branch that serve families and children,” said Chief District Court Judge Lisa Bell. “It honors the social workers and leadership of the Department of Social Services and the legislators who prioritize support for the child welfare system. It honors the attorneys who represent parents and give voice to children. But even more important on this day is to honor those families who through personal adversity, systemic obstacles, and logistical challenges maintained the will to be together again; a better, stronger and hopefully happier family unit.”

When child abuse or neglect has occurred, children may be removed from their home to ensure their safety and well-being. Parents then have an opportunity to address the challenges which led to their children's removal. This includes the creation and fulfillment of a detailed case plan. In order to complete this process, parents must work closely and comply with orders from a judge, and also meet regularly with and be monitored by caseworkers.

Mecklenburg County Department of Social Services Executive Director, Mary Wilson, is a proud sponsor of this event. “We are honored to celebrate the mothers and fathers who worked so hard to change their lives, make their homes safe and reunite their families. These parents are heroes to their children,” said Wilson. “Their perseverance is an inspiration to me and to other parents facing similar struggles. Celebrating Family Reunification Day recognizes the great progress that we are making to keep families together.”



The celebration was co-sponsored by the Neighborhood Advocacy Center, The Charlotte School of Law, the Guardian Ad Litem and the Mecklenburg County Family Courts. Casey Family Programs, a national foundation helping children and families and the American Bar Association are supporting Family Reunification celebrations across the nation.

For more information regarding National Reunification Day, contact Courtney Clark of the Neighborhood Advocacy Center at 704-408-4994.

## Teens Learn About North Carolina Courts in Court Camp

Court Camp is now in its third year of operation. The pilot Court Camp was held in the summer of 2009. What began as a one week event with eight students has now grown to three one-week sessions with twenty students each. This summer, the first session of Court Camp took place the week of June 13th-17th and the second session took place the week of June 27th-July 1st. The third and final session is due to take place the week of July 18-22. Once again, participants were given the opportunity to visit the large law firm of Parker Poe where they took a tour of their uptown offices, including their library, and were given a unique opportunity to hear from practicing attorneys about what it is like to work as an attorney for a large law firm. Participants were also given the opportunity to ask questions during a lunch and learn session while at Parker Poe. Students also visited The Charlotte School of Law where they took a tour of the school and participated in hands-on activities that exposed them to real-life cases often discussed in law school. The curriculum also included a visit to the Charlotte Mecklenburg Police Department's Crime Lab. While at the crime lab, participants learned about how documents are reviewed for authenticity, the importance of DNA in solving crimes, how guns and other items collected from crime scenes are tested, as well as how fingerprints are collected and used to solve crimes. This activity was paired with a mock crime scene exercise during which students were given a scenario and then taken to the location of the crime to record details, take photographs, and collect physical evidence. Afterward, students were challenged to solve the crime based on the evidence they collected. Another field trip involved a tour of the Mecklenburg County Jail Central facility. This two hour tour allowed students to see how arrestees are processed from the time they enter the jail to the time they become an inmate. Students visited the on-site infirmary, kitchen, and laundry facilities, as well as the housing pods where actual inmates are held. In addition the field trips, participants were also visited throughout the week by guest speakers such as Chief District Court Judge Lisa C. Bell who spoke about the role of the judge and quizzed the students on their knowledge of the North Carolina court system. Chief Public Defender Kevin Tully also took time to speak with the students about the role of the Public Defender. Deputy Henderson with the Mecklenburg County Sheriff's Office K-9 Unit and his K-9 partner Dax also spoke with the students about the bomb unit and the role of the Sheriff's Office. Other speakers included a courtroom bailiff and a court reporter, both of whom educated the participants on their roles. Throughout the week, Court Camp participants were able to observe actual trials and court proceedings, including first appearance court, a small claims lawsuit, several criminal misdemeanor trials, and a portion of a jury trial in criminal court. The week concluded on Friday with a mock trial and a graduation ceremony presided over by District Court Judge Tyyawdi M. Hands.

Participants were asked to complete an anonymous survey at the end of the week. One student remarked that "the mock trial, meeting new people, and the ability to make new friends were the most rewarding parts of the program." Another student suggested that "you should keep this (Court Camp) up for many years to come, it is an amazing experience." Once student took the time to write "Thanks for a great week at Court Camp. It is really a great program that I would recommended to anyone who is interested in the legal system." Parents were also pleased with Court Camp. On the survey, one parent stated "the activities were something that could not have happened without this program" and that she "loved the time that Judge Hands spent with the participants at graduation." Another parent wrote, "My daughter attended the first session of Court Camp this summer. The other day while she was finishing up To Kill a Mockingbird, she said, "Ya know mom, that Court Camp, really helped me to understand this book better." Overall, Court Camp proved once again to be an educational an enjoyable experience for all involved.



**A:** Mr. Kevin Tully addresses the Court Camp session about his duties as Chief Public Defender. **B:** Corp. Mitchell points out various contraband items. **C:** Corp. Mitchell explains the T-3's and their function. **D:** Mrs. Jill Turner explains the various roles of Court Reporters in the court system. **E:** Chief District Court Judge Lisa Bell quizzes the group on the week's activities. **F:** "Defense Attorney" Asha Jessup delivers her opening statement during the Mock Trial.

## Larry King's Clubhouse Sees Record Numbers *by David Sherman*

At one point, numerous children were seen everyday in the hallways and courtrooms of our county's courthouse, a less than child-friendly environment. These children were often exposed to frightening and potentially psychologically damaging court testimony. Their presence was also distracting to family members and court officials who were transacting judicial business. Many children who come to the courthouse with their families are among the county's most vulnerable. They need and are entitled to community services, but do not receive them.



To meet the needs of children, families, and court officials, the 26th Judicial District designed and constructed *Larry King's Clubhouse: Children's Play and Care Center, Inc.* This drop-in child care center serves two purposes. *Larry King's Clubhouse* is a safe, secure, and enriching place for children whose family members are conducting business at the courthouse or serving as jurors. It also serves as a point of access to link children and families to needed community services.

Larry King's Clubhouse offers high quality drop-in childcare from 8:00 am-5:00pm on all days that the court is in operation. The Clubhouse serves up to twenty nine children at one time ages six weeks through twelve years. While in care, children participate in enriching activities under the guidance of trained and experienced early care and education professionals. Finally, the Clubhouse provides community support service referrals to families who need and are eligible for, but are not already connected to, these resources.

During the last fiscal year 8,921 children were cared for by the facility. In addition, the record for the number of children in a week was recently broken when 269 children visited the Clubhouse. Ultimately, this shows that the need for and knowledge of the facility is increasing and those individuals needs are being met.

# SAVE THE DATE!

TCA Family Day

Friday, August 12, 2011

More information will be coming soon!



# Youths Graduate from Drug Treatment Court *by David Sherman*

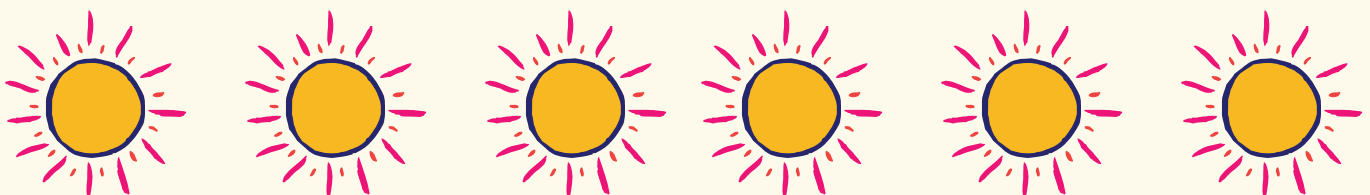
Youth Drug Treatment Court held a special graduation on May 31. The day consisted of, among other activities, a brief speech by a motivational speaker, and acknowledgment of the A-Team members, other participants and a special acknowledgment of the graduates. After the graduation, parents and family of all the participants joined for a reception held outside of the TCA office. According to Mrs. Erica Oxendine-Hall, one of the graduates, named Blake, was an outstanding participant and a great role model to other participants in the program. Blake came into the program and put his nose to the grindstone doing exactly what was required of him. Blake’s family was also very supportive in this effort. Consequently, Blake was a member of the “A-Team” for several months. The “A-Team” is made up of a select group of participants who consistently attend treatment, and school as required, attend court and have maintained their sobriety clean days. Furthermore, Blake was never sanctioned by the Youth Treatment Court and left with 132 sobriety days. During the ceremony Judge Trosch presented Blake with a certificate and a gift card for his hard work and successful completion of the program.



Judge Elizabeth Trosch presents Blake his certificate

# Legal Clinics Expanded to Serve Spanish Speaking Litigants

The Latin American Coalition of Mecklenburg County along with The SelfServe Center has recently developed Spanish Speaking legal clinics. As of now, divorce and custody clinics are being offered on Monday evenings at the Coalition’s offices on Central Avenue. Modeled after the currently established English speaking clinics held at the Courthouse and The Charlotte School of Law, the Spanish speaking clinics attempt to bridge the language gap and provide better services to the citizens of Mecklenburg County. Since both attorneys are fluent in Spanish, it has reduced the number of cases which are dead-ends due to lack of understanding and procedure. Sign ups can be faxed to the Self Serve Center or taken directly to the Latin American Coalition.



# WELCOME

## New Team Members

### *Samantha Stone*

The Trial Court Administrator's Office Caseflow Management Division recently welcomed its newest member: Samantha Stone. Stone works in Caseflow Management as a Criminal Caseflow Coordinator. She is a recent graduate of North Carolina State University. At NCSU she received her Bachelor of Arts degree in Criminology. Stone grew up in Cary, NC and recently made the move to Charlotte. She likes dogs, cooking, and other indoor activities. On the other hand she indicated that bugs, snakes and outdoor activities are not among her favorite things. When asked, she said something most people would not know about her is that she is one quarter Japanese. Please join us in welcoming Samantha to our team.



### *Diana Carter*



The Trial Court Administrator's Office Family Court Division welcomes Mrs. Diana Carter to its team. Mrs. Carter is a graduate of the Post Baccalaureate Paralegal Program at Central Piedmont Community College in Charlotte, NC. Mrs. Carter joins us having previously worked for a bankruptcy firm. Mrs. Carter is also a former intern with the TCA's office having worked in The SelfServe Center, Family Court office, and Post Judgment Services Center. Mrs. Carter loves to read and is currently reading *The Immortal Life of Henrietta Lacks*. She strongly recommends the book and offers to discuss it with anyone who reads it. Please join us in welcoming Diana to our team.

### *Colleen Cranford*

Please join us in welcoming Ms. Colleen Cranford to the Mecklenburg County S.T.E.P. Program. Colleen comes to us from Mecklenburg Sentencing Services, where she had worked as a case manager since October 2007. She has a Bachelor's degree in Social Work from the University of North Carolina at Charlotte. Some of you may remember Colleen from her time as the case manager with our Family Drug Treatment Court. Ms. Cranford has over eleven years of case management experience and has extensive experience working with the criminal justice system. Ms. Cranford officially began her duties with the District Drug Treatment Court Program on Wednesday, July 13<sup>th</sup>. Please stop by at your convenience and welcome her to the team.

### *Wendy Kauffman*

Please join us in welcoming Ms. Wendy Kauffman to the Mecklenburg County S.T.E.P. Program. Wendy comes to us from Mecklenburg Sentencing Services, where she had worked as a case manager since May 2007. Ms. Kauffman has a Master of Science in Social Work from the University of Tennessee. She brings with her over eight years of experience working with criminal offenders and ex-offenders in Tennessee and North Carolina. Ms. Kauffman officially began her duties with the Mental Health Court Program on Wednesday, July 13<sup>th</sup>. Please stop by at your convenience and welcome her to the team.

# Judicial Assistants Celebrate Ten Years!

Linda Brooks, judicial assistant for Chief Resident Superior Court Judge Boner, as well as Judges Bell, Evans, Foust, Constangy, Levinson, and Lewis, celebrated 10 years of service with the Trial Court Administrator’s Office in July. Carol Swann, judicial assistant for Chief District Court Judge Lisa Bell, as well as Judges Best-Staton, Trosch, Miller, and Cureton, will also celebrate 10 years in August. Judicial Assistants perform a variety of essential tasks including screening visitors and fielding phone calls, preparing orders and other correspondence for judges, preparing and distributing judges’ assignments, setting up committee meetings and planning conferences, receiving orders and other documents that are completed and ready to be signed by the judges, as well as respond to inquiries from attorneys, court personnel, citizens and prisoners. We wish to congratulate Linda and Carol on their years of service and dedication to the administration of justice.

## TCA BIRTHDAYS



### July

- 1 Allen Elliot
- Sherrill Foust
- 8 Janeanne Tourtellott
- 14 Jennifer Acheson
- 15 John White
- 18 Carol Swann

### August

- 2 Rosalind James
- 16 Erica Oxendine-Hall
- 18 Samantha Stone
- 23 Todd Nuccio
- 25 Janet Norwood

### September

- 13 Charles Keller
- 20 Meredith Davis

## *Thank You Summer Interns!*

- Sandra Ayers (SSC)
- Charles Eisenhower (OP)
- Ashley Johnson (DTC)
- Kristen Levy (SSC)
- Jacy Martinez (FC)
- Abbey Mrkus (TCA)
- Katie Shield (OP)
- David Sherman (CAO)



## Have an Idea?

A suggestion box is located in the TCA breakroom on Level 4. Please feel free to submit suggestions or ideas that would enhance the operation of the TCA’s Office, anonymous or otherwise, in this box.



The photographs in this publication were made possible through a grant from Justice Initiatives, Inc.

