

FILED

NORTH CAROLINA

WAKE COUNTY

In Re:

JUDICIAL ASSIGNMENT OF SUPERIOR COURT
MEDICAL MALPRACTICE CASES

2021 SEP 29 PM 3:26

WAKE CO., C.S.C.

BY _____

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
21 R 705

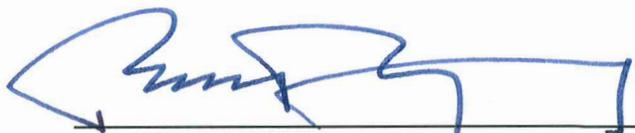
**ADMINISTRATIVE
ORDER**

Under authority of Session Law 2021-47 (SC 255) and Rule 2 of the General Rules of Practice for the Superior and District Courts, the undersigned enters this Administrative Order to ensure the fair and proper assignment and calendaring of all medical malpractice actions as defined by G.S. 90-21.11(2) and brought in the Superior Court Division, Wake County.

IT IS HEREBY ORDERED that:

1. The 10th Judicial District Policy for the Assignment of Judges for Medical Malpractice Actions, attached hereto, is adopted as an Order of the Superior Court of the 10th Judicial District.
2. The 10th Judicial District Policy for the Assignment of Judges for Medical Malpractice Actions shall be effective October 1, 2021.
3. This Administrative Order shall remain in effect until such time as it is modified or withdrawn by subsequent Administrative Order.

Entered this the 29th day of September, 2021.



The Honorable Paul C. Ridgeway
Senior Resident Superior Court Judge

10th Judicial District Policy for the Assignment of Judges for Medical Malpractice Actions (“Policy”)

Authority

Section 1.(b) of [S.L. 2021-47](#) amends G.S. § 7A-47.3 to add a new subsection (e), effective October 1, 2021:

(e) The senior resident superior court judge, in consultation with the parties to the case, shall designate a specific resident judge or a specific judge assigned to hold court in the district to preside over all proceedings in a case subject to [G.S. 90-21.11\(2\)](#).

Applicable Actions

This procedure applies to

1. Medical malpractice actions as defined by [G.S. 90-21.11\(2\)](#); and
2. Brought in the Superior Court Division, Wake County.

Notification to the Senior Resident & Consultation

For all medical malpractice cases filed on or after October 1, 2021, the parties shall file a Medical Malpractice Case Notification and Consultation Form (“MedMal Form”) with the Wake County Clerk of Superior Court upon the filing of a responsive pleading or motion requiring a determination by a superior court judge, whichever occurs first.

For all medical malpractice cases filed prior to and pending on October 1, 2021, the parties shall file a MedMal Form with the Wake County Clerk of Superior Court by 5:00 p.m. on October 29, 2021.

The MedMal Form is located on the Court’s website [here](#).

A copy of the MedMal Form shall be submitted by email to the Trial Court Administrator (Kellie.Z.Myers@nccourts.org) on the date the form is filed, for review by the Senior Resident Superior Court Judge. If the parties are unable to agree on the content of the MedMal Form, each party may submit a separate MedMal Form.

The MedMal Form shall include:

1. Contact information, including email addresses, of all attorneys and self-represented litigants;
2. Proposed trial dates;
3. For cases in which there has been no discovery conference under NCRCP 26(f1), such dates on which the parties are available within 30 days for the discovery conference, which shall be held remotely;
4. Statement indicating whether the parties voluntarily agree to waive venue for hearing pretrial motions;

5. Up to two proposed superior court judges per party for the assignment;
6. Confirmation that the parties have conferred with their proposed superior court judge(s) in order to determine a judge's availability; and
7. The signature of all attorneys and self-represented litigants.

Parties are encouraged to select from the judges who are assigned to the 10th Judicial District per the Superior Court [Master Calendar](#) during the spring or fall rotation in which they expect the case to be tried.

A party's failure to file and submit the MedMal Form in accordance with these procedures, absent good cause, will operate as a waiver of any objections to the proposed and selected trial dates and judges.

Judicial Assignment & Local Rules

In assigning a judge under this Policy, the senior resident superior court judge may consider, but is not bound by, the judges proposed by the parties.

The Trial Court Administrator shall notify the parties of the judicial assignment and date of any medical malpractice discovery conference.

Pursuant to [Rule 22](#) of the General Rules of Practice for the Superior and District Courts, the [Tenth Judicial District Local Rules for Civil Superior Court](#), and supplemental procedures,¹ shall apply to medical malpractice actions filed in Superior Court, Wake County.

Medical Malpractice Discovery Conference

Following a discovery conference, the Court shall enter a Discovery Plan and Case Management Order, which shall include provisions for mediation, discovery deadlines, dispositive motion deadlines, the manner in which the parties/counsel may communicate with the Court, whether the parties agree to waive venue for hearing pretrial motions, and a tentative trial date (Note: peremptory settings may only be authorized by the 10th Judicial District Senior Resident Superior Court Judge).

A party's failure to participate in the medical malpractice discovery conference, absent good cause, will operate as a waiver of any objections to the deadlines and trial date set by the Court.

¹ Current information regarding court operations and procedures are available from www.nccourts.gov/WakeTCA.