

ADMINISTRATIVE ORDER

Effective August 1, 2004 (Revised 2/7/05)

DOMESTIC DOCKET MANAGEMENT PILOT PROGRAM FOR JOHNSTON COUNTY

A pilot docket management system for domestic cases shall be implemented in Johnston County, North Carolina, Eleventh Judicial District effective August 1, 2004. Tentatively, this system will be referred to as the "Red Calendar."

The Red Calendar is a pilot docket management system that seeks to alleviate the need for preemptory/priority settings as granted under the current rules for domestic cases. As such, requests for preemptory/priority settings, as set forth in the current operating rules for domestic court in the Eleventh Judicial District for Johnston County, shall be suspended and replaced with the following:

A. CASES IN THE FOLLOWING CATEGORIES MAY BE PLACED ON THE RED CALENDAR:

1. Court ordered matters, including but not limited to, reviews;
2. Cases anticipated to last two (2) hours or longer;
3. Cases involving out of state parties/witnesses;
4. Cases involving expert witnesses; and,
5. Any other just cause that the court and the parties deem appropriate.

B. CASES SHALL BE SCHEDULED ON THE RED CALENDAR AS FOLLOWS:

1. By consent of the parties. Consent to Red Calendar placement is shown as follows:
 - a. The parties may file a Calendar Request (RC1) which must contain the initials of both parties and/or their counsel of record;
 - b. A Checklist Order (RC2) signed in court by both parties and/or their counsel of record and the presiding judge; and
 - c. By written correspondence to the Johnston County Domestic Clerk, copies to all parties and/or their counsel of record, indicating consent of the parties to a particular placement on the Red Calendar. Written correspondence may be by letter or fax.
2. By Judicial placement on the Red Calendar:
 - a. **By Order:** The presiding domestic court judge may order any case placed on the Red Calendar, including reviews and continuations in hearings previously stated.
 - b. **By Motion:** Any party seeking to place a case on the Red Calendar and who does not have consent of the party, may Motion (RC3) the court for placement on the Red Calendar for any of the reasons enumerated in Section A herein above.
3. Tentative requests may be taken verbally and will be penciled in to a time frame. Requests must be followed by one of the ways outlined in Subsection A(1) or A(2) herein above. Deadline for follow-up correspondence is seven (7) regular days. Follow up requests should

include a good faith estimate of time. Items that are penciled in, but not followed up in writing, **WILL NOT** be placed on the court calendar and **WILL** be replaced by something else.

4. Cases competing for the same Red Calendar slot shall be given to the first case properly calendaring the same. Other cases may request back-up status for a particular day in the same manner as the calendared case. There shall be no more than one (1) back-up case for any particular day. However, parties and attorneys are notified that any case on a domestic calendar may be called in the discretion of the presiding judge in the event a Red Calendar case settled.

C. **Additional Rules Concerning Red Calendar Cases:**

1. *Notice of Settlement:* If a case on the Red Calendar settles before court, all parties involved shall notify the Domestic Court Clerk of settlement immediately upon settlement of the same. All settlements must occur before court and a Consent Order (*Memorandum of Order or Formal Order*) shall be submitted to the domestic judge the working day before court and signed by the judge. Otherwise, any matter on the Red Calendar shall be tried when called and all parties and their attorneys shall be present and ready to proceed. Should any party and/or their attorney not be present when the case is called, the case shall be subject to dismissal and/or tried in absentia.
2. Cases may be scheduled as Red Calendar back-up cases as long as they meet the criteria listed in section A herein above, except that back-up cases cannot involve out of town or state witnesses. All parties involved in a case in a back-up position shall be available to the court when called and ready to proceed.
3. Red Calendar cases take priority over all other cases on the calendar.
4. There shall be **NO** Red Calendar cases set on Tuesday. (*This change to #4 was effective 2/7/05*)
5. Parties and witnesses in cases on the Red Calendar schedule for the second or third day of a three-day session **SHALL NOT** be required to be in court prior to the schedule time of their case being called.
6. The presiding judge has the authority to set any case on the calendar for that session *anytime* during the two (2) or three (3) day session. Any attorney who has a case on the Tuesday calendar at calendar call **MUST** be prepared to hear his/her case at any time during the session as a back-up to Red Calendar cases that settle before trial or that finish early. The attorneys and the parties must appear at the date and time designated by the judge. (*This #6 was added effective 2/7/05*)

Date: June 24, 2004
Revised 2/7/05

Albert A. Corbett, Jr., Chief District Court Judge
11th Judicial District – District Court

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