

LOCAL RULES OF PRACTICE
CASE MANAGEMENT PLAN
FOR SUPERIOR CIVIL CASES

20-B JUDICIAL DISTRICT - UNION COUNTY
EFFECTIVE JULY 1, 2008

The following case management plan for the calendaring of civil matters in the Superior Court of Judicial District 20B has been adopted by the Senior Resident Superior Court Judge as required by the General Rules of Practice for the Superior and District Courts adopted by the Supreme Court of North Carolina.

RULE 1 - CASE TRACKING SYSTEM

1.1 The Superior Court Trial Court Coordinator for Judicial District 20B shall maintain a ready calendar and a case tracking system for civil cases pending in the Superior Court.

1.2 The Superior Court tracking system must record the filing dates for pleadings, a list of pending motions, and a list of trial continuances.

1.3 The Senior Resident Superior Court Judge for Judicial District 20B shall enter a Scheduling Order within 30 days after the commencement of an action. Such Scheduling Order shall be substantially in the form attached hereto.

1.4 All cases on the ready calendar shall be subject to be placed on the trial calendar.

RULE 2 - TIME STANDARDS FOR CALENDARING

2.1 A case shall be calendared for trial:

- (a) as set forth in the Scheduling Order, which Order shall set a trial date as soon as practicable after the lapse of 365 days after the filing of the complaint. The 365-day period is intended to insure that the parties have sufficient time for discovery, as well as the scheduling and hearing of any dispositive motions. The trial of the case shall not be delayed for failure to complete discovery unless, for good cause shown, the Senior Resident Superior Court Judge orders a change of the trial date.
- (b) within a reasonable time with respect to the remand of a case on appeal for re-trial.
- (c) within a reasonable time with respect to the docketing of any case having statutory priority.

- (d) at an earlier date than the trial date set forth in the Scheduling Order upon the filing of a consent request for an earlier trial date earlier than the trial date, which consent request shall be signed by all attorneys of record in the case and all unrepresented parties.

RULE 3 - REQUESTS FOR CALENDARING

3.1 Procedure

Any attorney or unrepresented party may request that a case be calendared for trial at any scheduled session of Court. Requests for calendaring of Superior Court cases should be made to the office of the Senior Resident Superior Court Judge by mailing the request to the Trial Court Coordinator, Post Office Box 829, Monroe, North Carolina 28111-0829, and by delivering a copy to all attorneys of record and unrepresented parties. This request must be made prior to the publication of the tentative calendar for the session requested.

3.2 Forms/Notice

All calendar requests shall be made on the form attached hereto, which shall be made available by the Clerk of Superior Court. All calendar requests made by use of the said form shall constitute notice of hearing pursuant to Rule 7(b)(1) of the North Carolina Rules of Civil Procedure.

RULE 4 - SUPERIOR COURT TRIAL CALENDARS

4.1 Tentative Superior Court Trial Calendars

(a) Publication

Not less than five weeks prior to the first day of each session, the Trial Court Coordinator shall prepare a tentative calendar of cases for trial at that session. Distribution of the calendars shall be made by posting on the Internet at [www.nccourts.org \(http://www1.aoc.state.nc.us/www/calendars/Civil.html](http://www1.aoc.state.nc.us/www/calendars/Civil.html) is the direct link for calendars). The Trial Court Coordinator shall mail a postcard to each law firm with one or more cases listed thereon and to each party not represented by an attorney if such party's address appears of record, notifying them that the calendar has been posted to the Internet. Each attorney and each unrepresented party shall be responsible for seeing that his correct mailing address appears in the record. Posting the calendar to the web and delivery of the postcard to attorneys of record or unrepresented parties shall constitute notice of hearing as required by Rule 7(b)(1) of the North Carolina Rules of Civil Procedure for cases calendared by the Senior Resident Superior Court Judge and/or the Trial Court Coordinator on their own initiative.

(b) Requests for Removal from Tentative Superior Court Trial Calendars

At any time more than three weeks prior to the first day of a trial session, an attorney or unrepresented party in any case on the tentative Superior Court

calendar, after notice to all opposing parties, may request that the case be removed from the tentative calendar. The request shall be directed in writing to the office of the Senior Resident Superior Court Judge and should state the case number and name, the date when tentatively set, the reasons for the request, and whether the request is approved by all opposing counsel. If the motion is based on a need for additional discovery time, it must be accompanied by a written motion to extend discovery, which motion shall state the reasons why discovery could not be completed within the time previously reserved for discovery.

(c) **Requests for Additions to Tentative Superior Court Calendars**

At any time after the publication of the tentative calendar and before the publication of the final calendar, attorneys may request that additional cases be added to the calendar for trial. Any such request must have the approval of all opposing attorneys and should be directed to the office of the Senior Resident Superior Court Judge.

(d) **Requests for Peremptory Settings**

At any time more than three weeks prior to the first day of a session, an attorney may request a peremptory setting for any case listed on the tentative calendar. The request should state the reasons why the case should be peremptorily set and whether the request is approved by all the attorneys in the case. The request should be directed to the office of the Senior Resident Superior Court Judge. No more than two peremptory settings shall be made during any session of court. If a peremptorily set case is continued, attorneys in that case shall not be entitled to a second priority setting unless another request is approved. A medical malpractice suit shall not be set for trial on the last week of a multi-week session of court.

(e) **Monitoring of Cases**

The Trial Court Coordinator shall continually monitor the tentative trial calendar to determine settlements; conflicts that develop; cases not reached or continued from previous sessions; motions that are filed; additions, deletions or changes in parties or attorneys; or any other factors affecting the readiness of the case for trial.

4.2 **Final Superior Court Calendars**

(a) **Publication**

The Trial Court Coordinator shall prepare a final trial calendar of cases for trial at that session no later than two weeks prior to the first day of court. Distribution of the final calendar shall be made by posting on the Internet at www.nccourts.org (<http://www1.aoc.state.nc.us/www/calendars/Civil.html> is the direct link for calendars). The Trial Court Coordinator shall mail a postcard to each law firm with one or more cases listed thereon and to each party not represented by an attorney if such party's address appears of record, notifying

them that the calendar has been posted to the Internet. Each attorney and each unrepresented party shall be responsible for seeing that his correct mailing address appears in the record. The final trial calendar shall contain all cases on the tentative trial calendar unless they are removed by the Trial Court Coordinator in consultation with the Senior Resident Superior Court Judge or the cases have previously been terminated and, in addition, shall contain any motions that have matured or been requested by an attorney of record and cases for trial not reached or continued at a previous session, after consultation with attorneys of record as to their conflicts and convenience. The final trial calendar shall contain a sufficient number of cases to insure full use of available time but not an excess number of cases that will result in numerous cases being consistently not reached or witnesses being unnecessarily inconvenienced. The final trial calendar shall contain any cases having statutory priority as required by law.

(b) **Order of Listing for Trial**

Peremptorily set cases shall be calendared at the top of the final trial calendar and marked accordingly. Thereafter, cases shall be set by date of filing in chronological order unless otherwise ordered by the Senior Resident Superior Court Judge. Cases may be called when reached in the order they are set unless the final calendar notes a date before which or after which a case shall not be tried. The Presiding Judge shall have the authority to call any case out of order as in his discretion he may deem appropriate.

(c) **Pre-trial Conferences**

A final pre-trial conference shall be conducted in accordance with Rule 7 of the General Rules of Practice for the Superior and District Courts. The final pre-trial order shall be in substance as shown on the form attached to the General Rules of Practice for the Superior and District Courts and shall be presented by counsel to the presiding judge not later than the Monday morning of the trial session. Jurors shall be summoned for Monday afternoon, unless otherwise noted on the Calendar. Non-jury cases shall be calendared for Monday and are to be heard at the pleasure of the Presiding Judge at such time as to avoid imposing on jurors' time with non-jury matters.

(d) **Carry-Over Cases Not Tried**

If, for any reason, a case is not reached for trial during the session of court for which it is set, the Presiding Judge may, with the consent of all attorneys of record and unrepresented parties, place the case on the final calendar for the next session of court, even though the tentative calendar for session has been previously published without listing that case for trial. Otherwise, any case not reached shall be re-calendared as provided by these rules.

RULE 5- TEMPORARY RESTRAINING ORDERS; PRELIMINARY INJUNCTION HEARINGS

5.1 *Ex parte* Restraining Orders

Ex parte applications for temporary restraining orders will not be considered in the absence of the applicant's attorney written certification as required by Rule 65(b) of the Rules of Civil Procedure.

5.2 Preliminary Injunction Hearing on Affidavits

The purpose of a preliminary injunction is to preserve the status quo of the subject matter involved until a trial can be had on the merits. A preliminary injunction hearing is interlocutory in nature. Parties are therefore encouraged to present to the Court at such hearing affidavits in support of facts not appearing of record. Ordinarily, the Court will hear the matter only on affidavits presented by the respective parties. The Court may, however, in its discretion and consistent with Rule 43(e) of the North Carolina Rules of Civil Procedure direct that the matter be heard wholly or partly on oral testimony or depositions.

RULE 6 - MOTION CALENDARS

6.1 Regular Motion Calendar

The Trial Court Coordinator shall publish and distribute, by posting on the Internet, a regular motion calendar of motions and non-trial matters to be heard at each trial session. It may contain any motions or non-trial matters the court records show are pending at the time the calendar is prepared, as well as others calendared by request. This regular motion calendar shall not contain more non-trial matters than can reasonably be expected to be heard in the time designated by the Senior Resident Superior Court Judge for the hearing of such matters. Calendar requests for the regular Superior Court motion calendar must be made in writing to the Office of the Senior Resident Superior Court Judge prior to the publication of the final calendar by faxing said request to 704/291-9525 or by mailing said request to the Trial Court Coordinator, Post Office Drawer 829, Monroe, North Carolina 28111-0829, and by delivering a copy to all attorneys of record and unrepresented parties.

6.2 Forms/Notice

All calendar requests for motions and non-trial matters shall be made on the form attached hereto, which shall be made available by the Clerk of Superior Court. All calendar requests made by use of the said form shall constitute notice of hearing pursuant to Rule 7(b)(1) of the North Carolina Rules of Civil Procedure. Delivery of the final calendar to attorneys of record or unrepresented parties by way of posting the calendar to the Internet shall constitute notice of hearing for motions calendared by the Senior Resident Superior Court Judge and/or the Trial Court Coordinator on their own initiative.

6.3 Supplemental Motion Calendar

Any motion calendar request filed after the publication of the trial calendar for the Superior Court should be filed with the Trial Court Coordinator, who will place the motion on a supplemental motion calendar. Parties with motions on the supplemental motion calendar must give notice of hearing to all opposing parties as required by the Rules of Civil Procedure. The hearing of motions listed on the regular motion calendar shall take precedence over the hearing of motions listed on the supplemental motion calendar unless otherwise ordered by the Presiding Judge.

RULE 7 - CONTINUANCES

7.1 Appropriate Judicial Official

Prior to the opening of court for the session in which the case is calendared, all applications for continuance shall be made to the Resident Superior Court Judge of the judicial district in which the case is filed, or his designee. Following the opening of court for the session in which the case is calendared, any application for continuance shall be made to the presiding judge of the court in which the case is calendared.

7.2 Form of Motion

All applications for continuance shall be by written motion made on state form AOC-CV-221, a copy of which is attached hereto. A copy of such motion shall be delivered to the Trial Court Coordinator.

7.3 Notification of Opposing Counsel/Unrepresented Parties

A copy of the completed form AOC-CV-221 must be distributed to all counsel of record and/or unrepresented parties prior to presentation of the motion to the appropriate judicial official. Distribution of the motion may be by US mail, facsimile transmission, e-mail, hand delivery, or distribution by means of attorney distribution boxes maintained in the Judicial Center facility.

7.4 Objections to Motion for Continuance

Opposing counsel and/or unrepresented parties shall have a period of three (3) working days following actual receipt of the completed form within which to communicate, by US mail, facsimile transmission, e-mail or hand delivery of any writing, objections to the motion for continuance to the moving party and the office of the Senior Resident Superior Court Judge or the office of his designee. Objections not raised within this time period are deemed waived.

7.5 Evaluation of Motions for Continuance

Continuance requests are presumptively disfavored. However, when compelling reasons for continuance are presented which would affect the fundamental fairness of the trial process or

when a continuance clearly is in the interest of justice, a continuance may be granted in the exercise of judicial discretion to further the best interest of the fair administration of justice.

In addition to other factors, the appropriate judicial official shall consider the following when deciding whether to grant or deny a motion for continuance.

- the age of the case;
- the status of the trial calendar for the week;
- the order in which the case appears on the trial calendar, including whether the case is preemptorily scheduled;
- the number of previous continuances;
- the extent to which counsel had input into the scheduling of the trial date;
- the due diligence of counsel in promptly filing a motion for continuance as soon as practicable;
- whether the reason for continuance is a short lived event which could be resolved prior to the scheduled trial date;
- the length of the continuance requested, if applicable;
- the position of opposing counsel;
- whether the parties themselves consent to the continuance;
- present or future inconvenience or unavailability of witnesses/parties; and
- any other matter that promotes the ends of justice.

Reasons that shall not be considered valid bases for allowing a continuance motion include first time scheduling of the case for trial, potential conflicting scheduling of other trials in other courts, or whether counsel of record has received payment.

7.6 Case Rescheduling

Prior to granting a motion for continuance, the appropriate judicial official, in consultation with the office of the Senior Resident Superior Court Judge or his designee, should reschedule the trial of the case after receiving scheduling input from all counsel.

RULE 8 - SCHEDULING CONFLICTS

8.1 Guidelines

The Guidelines for Resolving Scheduling Conflicts in state court are as set forth in Rule 3.1 of the General Rules of Practice for the Superior and District Courts.

8.2 Procedure

A message, phone call, last minute letter, or fax to the Clerk or the Trial Court Coordinator is not sufficient to resolve a conflict unless the excuse is a last minute emergency and, with reasonable diligence, contact with the trial judge cannot be made before court convenes. Normally, when an attorney learns of a conflict, that attorney should promptly give written notice to the presiding judges, opposing counsel and the clerks of the courts affected. The circumstances relevant to the resolution of the conflict shall be stated in the writing. Included shall be the case names, docket numbers, the courts, the date on which the other court calendar was published, the comparative age of the cases, their complexity, the estimated trial time, the number of attorneys and parties involved, whether the trial involves a jury, and the difficulty or ease of rescheduling. The judges of the different courts involved will themselves then promptly confer, resolve the conflict, and notify counsel.

RULE 9 - SETTLEMENT OF CASES

9.1 Notification Required

When any case on a calendar is settled, it shall be the responsibility of the attorney of record in the case to either notify the Trial Court Coordinator or to appear at the calendar call on the first day of the session to announce the case settled. When such notice of settlement is given, the Trial Court Coordinator must be advised as to who will prepare the judgment or dismissal and when it is to be filed.

9.2 Dismissal of Cases When Settlement Documents Not Filed

If the attorney responsible for filing a settlement judgment or dismissal fails to do so within the time indicated when he notified the Court of settlement, the case may thereafter be placed on the regular or supplemental motion calendar for a later session of court for possible dismissal of the case for failure to timely file the settlement documents. Any attorney or party in the case may appear and show cause why the case should not be dismissed. If no good cause is shown, the case may, in the discretion of the Presiding Judge, be dismissed for failure to timely file the settlement judgment or dismissal. Such dismissal may be with or without prejudice, as the Presiding Judge deems appropriate. Where no indication is made in the dismissal, same shall be deemed to be without prejudice.

RULE 10 - DELINQUENT ORDERS OR JUDGMENTS

10.1 Cases or motions scheduled on trial calendars and removed due to consent or settlement shall be considered delinquent if an appropriate order or judgment, or other written disposition is not filed within fifteen (15) working days after the case was last calendared.

10.2 If at the beginning of a session for which delinquent cases identified pursuant Rule 9.1 are calendared, counsel have not filed the required order, judgment or disposition, the delinquent case may be dismissed at the discretion of the Senior Resident Superior Court Judge or Presiding Judge; or, the Presiding Judge shall order such sanctions or impose such penalties as he deems appropriate and are allowed by law.

10.3 Cases or motions scheduled on trial calendars and heard by the Judge or by Jury shall be considered delinquent if the order, judgment or other written disposition is not filed within fifteen (15) working days after the hearing, unless otherwise directed by the Presiding Judge.

10.4 Cases delinquent within the meaning of the above Rule 10.3 may be dismissed by the a Resident Superior Court Judge, either upon motion by the party against whom the order, judgment or other disposition was to be taken, or by the Trial Court Coordinator bringing the cases to the Judge's attention.

RULE 11 - REMOVING INACTIVE CASES FROM TRIAL DOCKETS

11.1 By Request of the Parties

If all parties and attorneys in a case agree that the dispute between the parties is no longer active, the trial of the case will not be necessary, and that the ends of justice will best be served by declaring the case inactive and removing it from the trial docket, they may prepare a joint motion to that effect and submit it with the proposed order for the approval and signature of a Resident Superior Court Judge.

11.2 Contents of Proposed Order

The proposed order removing a case from the trial docket shall state the reasons why the parties contend justice will be promoted by the order and it shall contain an order that the case be declared inactive and the case file closed without prejudice to any party's right to have the matter re-opened upon a motion in the cause. If the Judge allows the motion, he will sign the order and file it with the Clerk. If he does not allow it, he will return it with a notation that the motion is denied.

11.3 Removing Inactive Cases Without Request

A Resident Superior Court Judge or any Presiding Judge may, on his own motion, declare a case inactive and remove it from the trial docket if it appears to him the controversy between the parties no longer exists or that a trial of the matter will not be required. When a case is declared inactive by the Court's own motion, such ruling shall be without prejudice to any party's right to have the case re-opened for further necessary proceedings.

RULE 12 - BANKRUPTCY

12.1 Civil actions in which one of the parties declare bankruptcy will be dealt with in accordance with the following authority and procedure:

- (a) Rule 401 of the Federal Bankruptcy Act;
- (b) 11 U.S.C. 362;
- (c) 11 U.S.C. 1301;
- (d) Whitehurst v. Virginia Dare Transport Company, 19 N.C. App. 352(1973);
- (e) N.C.G.S. 1-23.

12.2 Any requests to continue, hold, or in any other way delay disposition of a case due bankruptcy of one of the parties, must be accompanied by certification of the bankruptcy filing or stay of proceeding from the United States Bankruptcy Court having jurisdiction. The attorney for the bankrupt party shall forward notice of the bankruptcy filing to the Trial Court Coordinator. The Senior Resident Superior Court Judge may then place the case on inactive status.

RULE 13 - JUDICIAL ARBITRATION OF SUPERIOR COURT CASES

13.1 With the consent of all parties to a civil action pending in Superior Court, that case may be set for resolution by Judicial Arbitration before the Senior Resident Superior Court Judge or before any Presiding Judge with his consent. Requests for Judicial Arbitration should be made to the Senior Resident Superior Court Judge or Presiding Judge before whom it is to be heard. Judicial Arbitration cases shall be heard at periodic intervals by the Senior Resident Superior Court Judge on designated administrative days and may be heard before the Presiding Judge at regular sessions of court.

RULE 14 - MEDIATED SETTLEMENT CONFERENCE RULES

14.1 Mediated Settlement Conference

Pursuant to N.C.G.S. Section 7A-38.1(c), Judicial District 20B has adopted the North Carolina Supreme Court Rules as the Local Rules for Mediated Settlement Conference Rules in our district.

14.2 Time Standards

A case shall be calendared for mediation as soon as practicable after the following events:

- (a) The filing of the answer or the last required pleading.
- (b) The filing of a consent request for mediation signed by all attorneys of record and all parties not represented by attorneys.
- (c) The filing of a request by one or more of the attorneys or unrepresented parties, with notice to all other attorneys or unrepresented parties, setting forth good cause for an expedited mediation and a finding by the Senior Resident Superior Court Judge of good cause for the expedited mediation.

14.3 Court Appointment of Mediators

If the parties do not timely select a mediator, the general procedure for judicial appointment shall be to appoint a certified mediator who has demonstrated to the satisfaction of the Senior Resident Superior Court Judge the ability to conduct mediations in a satisfactory and expeditious manner, regardless of the amount of experience, or lack of experience, on the part of the mediator. The appointment of a mediator shall remain within the sole discretion of the Senior Resident Superior Court Judge. As required by Rule 2.C. of the Rules Implementing Statewide Mediated Settlement Conferences in Superior Court Civil Actions, only mediators who agree to mediate indigent cases without pay shall be appointed.

RULE 15 - PRE-TRIAL ORDERS

15.1 Order Required.

There shall be a written pre-trial order filed in every case on the trial calendar before the trial begins. Pre-trial orders are to be reduced to writing and signed by a Superior Court Judge, all of the attorneys, and any unrepresented parties before the trial begins. The pre-trial conference and the pre-trial order shall be done in accordance with the provisions of Rule 7 of the General Rules of Practice for Superior and District Courts as they appear in the North Carolina General Statutes.

RULE 16. - FOREIGN (OUT OF STATE) ACTION WHERE LOCAL SUBPOENA IS REQUESTED

16.1 Procedure.

The procedure for the issuance in this Judicial District of a subpoena with respect to a deposition for use in an action pending in another State shall be as contemplated in Rule 28(d)(1) and Rule 45 of the North Carolina Rules of Civil Procedure.

16.2 Required Documentation.

The party requesting the issuance of the subpoena shall deliver to the Office of the Senior Resident Superior Court Judge the following:

- (a) Petition, letter or memorandum requesting the issuance of the subpoena and indicating the requested manner of returning or forwarding the signed subpoena.
- (b) A copy of the signed commission, order, notice, consent or other authority under which the deposition is to be taken. Rule 45(b)(2) requires that a copy of the subpoena shall be served upon each party in the manner prescribed by Rule 5(b). Rule 5(b) requires a certificate of service on all parties. Such service and certificate of service is the sole responsibility of the party requesting the subpoena, and the Office of the Senior Resident Superior Court Judge will not honor requests for assistance with respect to service on parties and/or the certificate of service relating thereto.
- (c) If the petition, letter or memorandum indicates that the signed subpoena will be picked up by the requesting party or its designee, or fails to indicate the manner of returning or forwarding the signed subpoena, the signed subpoena will remain in the Office of the Senior Resident Superior Court Judge and will not be forwarded to the requesting party or its designee. If the requesting party desires that the signed subpoena and/or copies be returned to the requesting party or its designee, the requesting party must include an addressed postage-paid envelope with a specific address and instructions regarding mailing. The Office of the Senior Resident Superior Court Judge will not honor incomplete or ambiguous requests regarding such mailing.
- (d) If the requesting party desires that the Union County Sheriff's Department serve the subpoena, the subpoena form, including both sides (AOC-G-100), together with two copies should be forwarded to the Office of the Senior Resident Superior Court Judge, together with a self-addressed, postage-paid envelope and check payable to the Union County Sheriff's Department in the appropriate amount (currently \$7.00, including \$5.00 service fee and \$2.00 notary fee) per person or entity to be served. If the requesting party desires the Judge's office to forward the documents to the Union County Sheriff's Department, that party shall provide a sufficiently large postage-paid envelope addressed to the Union County Sheriff's Department, Civil Division, 3344 Presson Road, Monroe, NC 28110. Allow a minimum of 10 days'

notice from date of service. If the requesting party wishes to check on service after a reasonable time is afforded for such service, the party may call the Sheriff's Department at 704/292-2610.

RULE 17 - PROCEDURES FOR SESSIONS OF COURT

17.1 Time

Superior Court will convene at 10:00 a.m. on Monday or the opening day of each session and thereafter on each day at 9:30 a.m. unless changed by the Presiding Judge for good cause. The Jury shall be summoned to report at 8:30 a.m. on Tuesday unless otherwise ordered by the Presiding Judge or the Senior Resident Superior Court Judge.

17.2 Calendar Call

There will be a calendar call at 10:00 a.m. on the first day of each civil session. The purpose of this call will be:

- (a) To notify attorneys with cases scheduled of dispositions made since the publication of the final calendar.
- (b) To consider any requests for continuance.
- (c) To give attorneys an indication of when their case is expected to be reached.

17.3 Motions

Motions shall be set for hearing as the first order of business on Monday morning. Motions not heard on Monday may be heard at any time during the term in the discretion of the Presiding Judge.

17.4 Trials

Unless otherwise directed by the Presiding Judge or noted on the final calendar, cases will be called for trial in the order in which they appear on the calendar. Cases not reached on the day on which they are set will be carried over from day to day during the term and will be called when reached any day thereafter unless the final calendar notes a date before which or after which a case shall not be tried, or the Presiding Judge, in his/her discretion at calendar call, notes a date before which or after which a case shall not be tried.

17.5 Cases Not Reached

Cases not reached during the session shall be re-calendared according to Rule 4.2(d).

RULE 18 - OBLIGATIONS OF ATTORNEYS AND UNREPRESENTED PARTIES

18.1 It is expected that all attorneys of record or unrepresented parties with cases calendared for motion or trial will be present at the convening of court for the calendar call and will remain in the courtroom or its immediate proximity unless excused by the Presiding Judge.

18.2 The only legitimate excuses for not being in court when a case is calendared are death or serious illness, or conflicts as contemplated in Rule 3.1 of the General Rules of Practice for the Superior and District Courts. The Trial Court Coordinator, when the excuse can be determined in advance, should be notified to avoid calendaring such cases. Nothing else should take priority over an attorney's punctual appearance in Court.

18.3 Attorneys residing outside the 20B Judicial District accepting employment to represent clients in the 20B Judicial District must arrange their schedules to be present when their cases are calendared. Conflicts such as seminars, other courts, and vacations must be worked out with the Trial Court Coordinator and the Senior Resident Superior Court Judge before the case is calendared for trial and the calendar published. Attorney cooperation is essential to the proper functioning of our court system. The Court wants to work with the attorneys and make their jobs as easy and convenient as possible and the Court expects the attorneys to respond by being punctual and prepared at the scheduled time. Attorneys representing insurance companies should either have a representative of the company with settlement authority available or have prior authority or immediate access to someone possessing settlement authority without undue delay. Plaintiff's attorney should have clients available or prior settlement authority or immediate access to clients regarding settlements.

18.4 Attorneys residing outside the 20B Judicial District and who are part of a firm or partnership in which more than one attorney is a part of that firm or partnership **SHALL make available to the Court someone in their office to try any cases that may be scheduled on any particular week of Court.** This district has had many problems with attorneys who reside outside of the 20B Judicial District having conflicts in their home counties and causing the continuance or delay of cases in the 20B Judicial District. **Lawyers from outside the 20B Judicial District shall be present for the trial of their cases when called by the Presiding Judge or have a representative from their firm present for the trial of that case. Otherwise the Presiding Judge SHALL proceed with the trial of that case in the absence of the attorney who has failed to appear or have some member of his firm to appear.** The 20B Judicial District does not have many weeks of Civil Superior Court and for that reason cases cannot be continued except for the most compelling of reasons.

RULE 19 - JUDICIAL DISTRICT 20-B SECURE LEAVE POLICY

19.1 The policy and procedures described in Rule 26 of the General Rule of Practice for the Superior and District Courts are applicable with respect to these Rules, subject to the inherent power of the court to re-schedule a case as set forth in subsection (I) of the Rule. This policy is adopted in recognition of the need for time away from the demands of professional responsibilities to improve the overall professional performance of the Bar as well as the quality of life of members of the profession and their families.

RULE 20 – COURTROOM FIREARMS POLICY

20.1 In order to eliminate fear and apprehension by jurors, court personnel and the public; and further, to protect against the accidental discharge of a firearm, notice shall be given to the presiding judge of any firearm intended to be brought to the court facility and offered as evidence or otherwise utilized in courtroom proceedings. Such firearm may be brought into the Judicial Center only upon the prior approval of the presiding judge, and then, only after screening by the appropriate law enforcement official(s). Such firearm shall remain in plain view at all times while in the courtroom and shall never be loaded, even by an expert. Such firearm shall always be equipped with a trigger lock or similar device, and shall never be pointed at anyone at any time. A firearm and ammunition for same shall not be given to a witness or jury at the same time and, once received into evidence, shall be in the care, custody and control of the courtroom clerk, subject to such further orders or directions as the presiding judge may deem appropriate.

RULE 21 – MEDIA COVERAGE

21.1 Electronic media and still photography coverage of public judicial proceedings shall be subject to the mandatory provisions of Rule 15 of the General Rules of Practice for the Superior and District Courts. To the extent that Rule 15 grants authority or discretion to the presiding judge, the presiding Superior Court Judge shall have such authority or discretion with respect to the proceedings over which he/she presides, including, without limitation, the authority to prohibit or terminate electronic media and still photography coverage of public judicial proceedings at any time. **No electronic or still photography coverage of public judicial proceedings shall be permitted without the prior express approval of the presiding Superior Court Judge.** Representatives shall seek such approval well in advance of the proceedings to avoid impromptu “negotiations” between judges and other court officials and media representatives, and in no event shall such representatives seek prior approval less than 24 hours in advance of a scheduled hearing. As provided in Rule 15, and to insure that a **clear warning** has been issued by the Court, all representatives of the media are hereby notified that coverage of the following types of Superior Court judicial proceedings is expressly prohibited: proceedings held before clerks of court, proceedings held before magistrates, proceedings for the hearing of motions to suppress evidence, proceedings involving trade secrets, and *in camera* proceedings. As further provided in said Rule, and to insure that a **clear warning** has been issued by the Court, all representatives of the media are hereby notified that coverage of the

following categories of witnesses in Superior Court judicial proceedings is expressly prohibited: police informants, minors, undercover agents, relocated witnesses and victims and families of victims of sex crimes. As further provided in said Rule, and to insure that a **clear warning** has been issued by the Court, all representatives of the media are hereby notified that coverage of jurors is prohibited expressly at any stage of a judicial proceeding, including that portion of a proceeding during which a jury is selected. The use of cell phone cameras is also strictly prohibited. **Any person(s) found to be in willful violation of the provisions of this Rule 21.1 may be held in contempt of court and may, in addition to all other civil and/or criminal penalties that may be applicable, be jailed for up to 30 days, fined up to \$500.00, or both.**

RULE 22. PRO HAC VICE ADMISSION

22.1 Only a licensed North Carolina attorney may sponsor an out-of-state attorney, not otherwise authorized to appear in the courts of this State, to represent a client in a pending case. Prior to any appearance of the out-of-state attorney in a pending case, the licensed North Carolina attorney who sponsors such out-of-state attorney shall file the registration statement required to be filed with the North Carolina State Bar, shall pay the registration fee (currently \$25.00) and the General Court of Justice fee (currently \$200.00). Such fees are currently payable to the Union County Clerk of Superior Court. Upon application for admission, such out-of-state attorney shall at all times be bound by the provisions of G.S. 84-4.1 as well as these local rules of practice; provided, however, that compliance with these provisions shall not deprive the presiding judge of the discretionary power to allow or reject the application.

This plan may be modified or amended by the Senior Resident Superior Court Judge by subsequent modification orders. Suggested changes or amendments may be addressed to the Senior Resident Superior Court Judge of the 20B Judicial District.

Adopted this the 30th day of April, 2008, to be effective on and after July 1, 2008.

W. David Lee
Senior Resident Superior Court Judge
Superior Court District 20B
Post Office Drawer 829
Monroe, NC 28111-0829
Telephone: Office - (704) 296-3290
Facsimile: Office – (704) 291-9525

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

COUNTY OF UNION

SUPERIOR COURT DIVISION

Date: _____

File No. _____

Plaintiff

vs.

CALENDAR NOTICE

Defendant

Please place the above captioned matter on the Union County Civil Superior Court calendar for the _____ session for:

_____ Motion Type of Motion _____

_____ Trial Jury _____ Non-Jury _____

Estimated Length of Hearing: _____

Nature of Case _____

Attorney for Plaintiff/Defendant

Address: _____

Telephone: _____

Mail Calendar Request to: Nevele M. Love, Trial Court Coordinator
 Post Office Box 829
 Monroe, NC 28111-0829

And a Copy to: (Give name and address of opposing counsel and/or unrepresented parties)

This calendar request form shall constitute notice of hearing pursuant to Rule 7(b)(1) of the North Carolina Rules of Civil Procedure.