

LOCAL RULES OF PRACTICE
CASE MANAGEMENT PLAN
FOR SUPERIOR CIVIL CASES
AND RULES FOR CONTINUANCE OF CIVIL AND CRIMINAL CASES

JUDICIAL DISTRICT 19A – CABARRUS COUNTY

EFFECTIVE JULY 1, 1998
REVISED EFFECTIVE DECEMBER 1, 2008

The following case management plan for the calendaring of civil matters and continuance of criminal cases in the Superior Court of Judicial District 19A 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 and pursuant to the inherent authority of the Court to establish and enforce local rules for the efficient management of cases.

RULE 1 - CASE TRACKING SYSTEM

- 1.1 The Superior Court Trial Court Coordinator for Judicial District 19A 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 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 as soon as practicable after the following events:
 - (a) Thirty days after the filing of the answer or the last required pleading, the Trial Court Coordinator shall prepare an Order for Mediated Settlement Conference and the order will assign a trial date for the case. Any requests for continuances must comply with Rule 6. Cases that are exempt from Mediated Settlement Conference shall be calendared for trial upon the lapse of 120 days after the filing of the answer or last required pleading. The trial of a case shall not be delayed for failure to complete discovery unless, for good cause shown, the Senior Resident Superior Court Judge extends the discovery period. Motions for limitation or extension of the discovery period should be mailed to the Office of the Senior Resident Superior Court Judge.
 - (b) The remand of a case on appeal for re-trial.
 - (c) The docketing of any case having statutory priority.

- (d) The filing of a consent request for calendaring signed by all attorneys of record in the case and all parties not represented by attorneys.

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 1736, Concord, North Carolina 28026-1736, 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 Calendar Request form 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> 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. Distribution to local attorneys may be by means of attorney distribution boxes maintained in the Courthouse facility. 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 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.

(c) **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.

(d) **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 effecting 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. Distribution for local attorneys may be by means of attorney distribution boxes maintained in the Courthouse facility. 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**

The final trial calendar shall schedule motions for final pre-trials for each Monday morning and the jurors shall be summoned for Monday afternoon. 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 the 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 - MOTION CALENDARS

5.1 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 mailing said request to the Trial Court Coordinator, Post Office Box 1736, Concord, North Carolina 28026-1736, and by delivering a copy to all attorneys of record and unrepresented parties. **No motions will be added after the publication of the final calendar without the approval of the Trial Court Coordinator.**

5.2 Forms/Notice

All calendar requests for motions and non-trial matters shall be made on the Calendar Notice form 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.

5.3 **Briefs, Responses & Memorandums**

All briefs, responses, memorandums and supporting cases, or any other materials intended to be used in oral argument or submitted to the Court are to be delivered to the presiding judge no later than three business days prior to the hearing of the Motion. Supplemental materials may not be submitted once the deadline has passed. Acceptable forms of delivery include hand-delivery, express delivery, or mail.

Facsimile or email may not be used without the permission of the presiding judge. Pursuant to N.C.G.S. 1A-1, Rule 5(d), briefs and memoranda provided to the Court may not be filed with the Clerk unless ordered by the Court.

All hearing materials delivered to the Court in accordance with this Rule shall be delivered to counsel for the opposing party or parties by hand-delivery, email, facsimile, express delivery or mail, such that the opposing counsel receives the materials no later than three business days before the hearing date. If any hearing materials to which this Rule applies are not served on opposing counsel within the time and the manner specified herein, the Court may continue the hearing for a reasonable period of time, proceed with the hearing without considering the untimely served materials, or take such other action as justice requires.

RULE 6 - CONTINUANCES

6.1 **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 Senior 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.

6.2 **Form of Motion**

All applications for continuance shall be by written motion made on state form AOC-CV-221. The motion for continuance shall be delivered to the Trial Court Coordinator prior to filing with the Clerk of Superior Court.

6.3 **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 courthouse facility.

6.4 **Objections to Motion for Continuance**

Opposing counsel and/or unrepresented parties shall have a period of three (3) working days following completion of distribution to communicate, by any means, 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.

6.5 **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 peremptorily 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 and whether counsel of record has received payment.

6.6 **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 7 - SCHEDULING CONFLICTS

7.1 Guidelines

Guidelines and procedure for resolving scheduling conflicts shall be determined in accordance with the provisions of Rule 3.1 of the General Rules of Practice for the Superior and District Courts.

RULE 8 - SETTLEMENT OF CASES

8.1 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.

8.2 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.

RULE 9 - DELINQUENT ORDERS OR JUDGMENTS

- 9.1 Cases or motions scheduled on trial calendars and removed due to consent or settlement shall be considered delinquent if the Order or Judgment of Disposition is not filed within fifteen (15) working days after the case was last calendared.
- 9.2 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 or Judgment, 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.

- 9.3 Cases or motions scheduled on trial calendars and heard by the Judge or by Jury shall be considered delinquent if the Order or Judgment of disposition is not filed within fifteen (15) working days after the hearing, unless otherwise directed by the Presiding Judge.
- 9.4 Cases so delinquent in Rule 9.3 may be dismissed by the Senior Resident Superior Court Judge, either upon motion by the party against whom the Judgment or Order was to be taken, or by the Trial Court Coordinator bringing the cases to the Judge's attention.

RULE 10 - REMOVING INACTIVE CASES FROM TRIAL DOCKETS

10.1 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 the Senior Resident Superior Court Judge.

10.2 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.

10.3 Removing Inactive Cases Without Request

The Senior 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 11 - BANKRUPTCY

- 11.1 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.
- 11.2 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. 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 12 - JUDICIAL ARBITRATION OF SUPERIOR COURT CASES

- 12.1 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 13 - MEDIATED SETTLEMENT CONFERENCE RULES

13.1 Mediated Settlement Conference

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

13.2 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.

13.3 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 14 - PRE-TRIAL ORDERS

- 14.1 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 15 - PROCEDURES FOR SESSIONS OF COURT

15.1 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 1:30 p.m. on Monday unless otherwise ordered by the Presiding Judge or the Senior Resident Superior Court Judge.

15.2 Calendar Call

There will be a calendar call at 10:00 a.m. on the first day of each civil session. Attorneys of record are required to attend calendar call at the designated time. 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.

15.3 **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.

15.4 **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.

15.5 **Cases Not Reached**

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

RULE 16 - OBLIGATIONS OF ATTORNEYS AND UNREPRESENTED PARTIES

- 16.1 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.
- 16.2 The only legitimate excuses for not being in court when a case is calendared are death or serious illness, or conflicts with the appellate 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.
- 16.3 Attorneys residing outside the 19A Judicial District accepting employment to represent clients in the 19A Judicial District must arrange their schedules to be present when their cases are calendared. Conflicts such as seminars, appellate 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

Rule 17 - MOTIONS FOR CONTINUANCE – CIVIL AND CRIMINAL CASES IN SUPERIOR COURT IN JUDICIAL DISTRICT 19A

17.1 Civil Cases.

Prior to the opening of court for the session in which the case is calendared, all applications for continuance shall be made to the Senior Resident Superior Court Judge of Judicial District 19-A, 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 superior court in which the case is calendared.

The authority to decide all continuances prior to the opening of court rests with the Senior Resident or his designee. **This does abridge the trial judge's right to hear and rule upon motions made the day of court or during a session.**

17.2 Form of Motion – Criminal Cases.

All applications for continuance shall be by written motion made on state form AOC-CR-410, or any revised version of the form as provided by Administrative Office of the Courts.

17.3 Notification of Opposing Counsel/Unrepresented Parties – Criminal Cases.

A copy of the completed form AOC-CR-410 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, hand delivery, or distribution by means of attorney distribution boxes maintained in the courthouse facility.

If the motion is filed by the District Attorney, or a member of the staff of the District Attorney, or by defense counsel, the motion must be presented to opposing counsel prior to presentation to the appropriate judicial official.

17.4 Objections to Motion for Continuance – Criminal Cases.

The Senior Resident Superior Court Judge or his designee shall establish an appropriate method of obtaining information from all counsel concerning positions on the motion to continue. Generally, a written statement of the reasons for the motion is to be attached to the form or may be included within the form.

If the District Attorney consents to the continuance and such consent is indicated by signature of the District Attorney on the continuance form, the continuance is allowed and the continuance form shall be filed in the court file. If no District Attorney's signature appears on the continuance form, the District Attorney's

opposition to the motion is presumed. If defense counsel consents to a motion for continuance by the District Attorney and such consent is indicated by the signature of the defense attorney on the continuance form, the continuance is allowed and the continuance form shall be filed in the court file. If no defense counsel's signature appears on the continuance form, defense counsel's opposition to the motion is presumed.

This rule recognizes the District Attorney's current statutory right to calendar cases. Motions which have the consent of the District Attorney and defense counsel do not require presentation to a judicial official, but are deemed "allowed".

If there is opposition to the motion, the same is to be heard in open court on the first day of the session in which it is calendared unless otherwise stipulated in writing by the parties.

RULE 18 - JUDICIAL DISTRICT 19-A VACATION POLICY

The following vacation policy shall apply in the Judicial District 19-A.

18.1 Attorneys may designate three weeks each calendar year as vacations periods during which they shall not be required to appear before the Superior Court in Judicial District 19-A.

18.2 That each attorney practicing in the Judicial District 19-A may designate such times either consecutively or at intervals 90 days or more in advance of such vacation periods unless a trial or other matter has already been set by a Presiding Judge. Thus, the designation of vacation time shall precede such setting and the attorney may be assured that the designated time shall be available for vacation periods.

18.3 Attorneys may designate periods of secured leave by providing to the Trial Court Coordinator and the District Attorney a letter designating such weeks. The Trial Court Coordinator shall maintain a record of when such letters are received and the periods of leave secured.

18.4 The policy and procedures described herein are not exclusive. In extraordinary circumstances, the time limitations for notification of designated weeks may be waived by the court as have been done in the past when attorneys have been faced with particular or unusual situations and further, attorneys shall be able to make other requests to be excused from appearing before a tribunal for personal and other reasons as has been the custom in the past.

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 and this policy is adopted for that purpose.

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 19A Judicial District.

Adopted this the 1st day of December, 2008.

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