

**CASE MANAGEMENT PLAN  
TWENTY-FIRST JUDICIAL DISTRICT  
CIVIL DISTRICT COURT**

(Revised effective January 1, 1997)

This civil case management plan for the District Court of the Twenty-First Judicial District is hereby ordered into effect January 1, 1997, pursuant to the authority of Rule 2 of the General Rules of Practice for the Superior and District Courts.

- 1.0 Purpose
- 2.0 Management and Tracking at Early Stages
- 3.0 Ready Calendar
- 4.0 Calendar Requests
- 5.0 Motions Practice
- 6.0 Trial Calendars
- 7.0 Continuances From Trial Calendars
- 8.0 Recording Equipment
- 9.0 Appearances Required: Conflicts
- 10.0 Orders and Judgments

## **1.0 DISTRICT COURT CASE MANAGEMENT PLAN: PURPOSE:**

### **ADMINISTRATION: ADVISORY COMMITTEE**

This case management plan shall be administered and civil calendars shall be prepared under the supervision of the Chief District Court Judge. The Chief District Court Judge may appoint one or more calendar advisory committees which shall include trial attorneys to give advice and suggestions on a continuing basis.

**1.1 Purpose** The purpose of these rules is to provide for the orderly, just and prompt disposition of civil matters to be heard in the District Court of Forsyth County. The rules shall at all times be construed in such a manner as to avoid technical delay, and to insure the prompt, orderly, and reasonable disposition of pending cases. All reasonable efforts will be encouraged to adhere to the performance standards and goals established by the American Bar Association, as emphasized by the Chief Justice of the North Carolina Supreme Court and the Administrative Office of the Courts.

**1.2 Case Tracking System** The responsibility for carrying out this case management plan is delegated to the Case Manager, under the direction of the Chief District Court Judge, who shall maintain a case tracking system as contemplated in Rule 2(c).

**1.3** It is recognized that these rules are not complete in every detail and will not cover all situations that may arise. If the rules do not cover specific points, the Case Manager is authorized to act in her discretion subject to consultation with the Chief District Judge or presiding judge.

**1.4** Attorneys and parties appearing of record are referred to collectively herein as "party" or "parties" unless the context indicates otherwise. Service upon an attorney is service upon any party represented by such attorney except in cases of attorney withdrawal motions.

## **2.0 MANAGEMENT AND TRACKING AT EARLY STAGES**

**2.1 Preliminary Motions and Defenses** Upon the filing of any defense specifically enumerated in N.C.G.S. Section 1A-1, Rule 12(b)(1) through (7), whether made in a pleading or by motion, and upon the filing of any motion for judgment on the pleadings, motion for a more definite statement, or motion to strike, the filing party shall simultaneously deliver to the Case Manager a completed calendar request with respect to such defenses or motions. If not so calendared, such motions are subject to being placed upon a motion calendar at the discretion of the Case Manager.

**2.2 Early Discovery** All parties shall proceed promptly and expeditiously with discovery they deem necessary as required by Rule 8 of the Superior and District Court Rules of Practice.

### **3.0 READY CALENDAR**

The Case Manager shall maintain lists of all cases pending five (5) months after commencement in the District Court which list shall be called the Ready Calendar.

**3.1** Any party having filed a claim for relief against a party who has not appeared of record and has not been served with summons shall notify the Case Manager of such circumstances. The claim against such unserved party may be declared discontinued pursuant to N.C.G.S., Section 1A-1, Rule 4(e).

**3.2** Any attorney making an appearance in a case after the filing date shall immediately notify the Clerk of Court and the Case Manager in writing of such appearance. Failure to submit this written notice of appearance will constitute a reason for no court scheduling notices being provided to such attorney. Other counsel are encouraged to notify the Case Manager of any changes in representation of any party that occurs.

**3.3** Nine (9) months after commencement, all cases will be considered ready for trial unless an order to the contrary (such as a referral for arbitration) has been signed by the Chief District Court Judge.

**3.4** In cases pending more than six (6) months any motions to add parties or amend pleadings should not be ruled upon by the Clerk.

**3.5 Administrative Terms** At the discretion of the Chief District Court Judge, an administrative review of the District Court civil docket by the Chief District Court Judge may be conducted to insure prompt disposition of cases.

**3.6 Judicial Settings** The Chief District Court Judge and the Case Manager shall have the authority to calendar motions or trials in order to insure full court utilization and to effectuate timely case management.

### **4.0 CALENDAR REQUESTS**

**4.1** Parties shall file a calendar request for motions or trial dates with the Case Manager when requesting placement on a District Court civil calendar (General Civil or Domestic Civil cases) and simultaneously serve copies upon all parties.

**4.2** The calendar request shall contain the following information: file number, case name, trial or type of motion, estimated hearing time, request for recording equipment, request for jury, any special circumstances, the requesting party's signature, address, and N.C. Bar number, opposing party's name and address if pro se and the addresses of attorneys with no office in Forsyth County. The request must contain a completed certificate of service upon all other parties. (Approved forms are available through the offices of the Case Manager and Clerk.) The Bar's cooperation in including the above information on the request is essential in order to timely publish the calendar. If any of the above information is not provided or if the requesting

party fails to comply with any of the above, it may result in the matter not being calendared for hearing.

## **5.0 MOTIONS PRACTICE**

Parties requesting the calendaring of a motion must give ten (10) days notice to all parties and the Case Manager, by providing each with a copy of the calendar request, except in the case of default judgments where the calendar request need not provide names or addresses of defaulting parties. Requests to calendar a motion received by the Case Manager pursuant to the ten (10) day period will be placed on the motion calendar provided that the court will be in session. A copy of the motion calendar may be obtained in the office of the Case Manager in room 431. A copy shall also be posted on the bulletin board on the 4th floor of the Forsyth County Hall of Justice next to the office of the Civil District Courtroom Clerk.

**5.1 Emergency Motions** Emergency motions are those motions which a party believes require the immediate attention of a judge. Such motions should be presented to the presiding judge.

**5.2 Off Calendar Motions** If during any session of court, all parties consent to the hearing of a motion which is not calendared for that session, they may check with a civil courtroom clerk to determine if the presiding judge can schedule the motion for a hearing during that session.

**5.3 Withdrawal Motions** Any attorney moving to withdraw from a case pursuant to Rule 16 of the General Rules of Practice for the Superior and District Courts, shall serve upon the client by certified mail a copy of the motion and a calendar request indicating the court session requested. Attorneys are required to include the mailing address of the client on all calendar requests before filing with the Case Manager. This notice shall not be required if there is a consent order signed by the client indicating the client's address, and acknowledging an understanding that allowance of the motion will not necessarily result in any delay or continuance of trial settings. The Clerk shall notify the Case Manager immediately of any orders allowing withdrawal. The parties are encouraged to notify the Case Manager of any change in representation to promote accurate calendaring and appropriate notices.

**5.4 Discovery Motions** Parties shall confer in a good faith attempt to resolve discovery matters prior to filing motions relating to discovery. The moving party shall certify in writing that he has conferred with opposing parties attempting in good faith to resolve such matter. Motions for extensions of time to respond to discovery as considered by the Clerk shall state any trial date(s) then set for the case which falls within the proposed extension. Any such extension by the Clerk beyond the first day of the trial session is subject to review and modification by the presiding trial judge.

**5.5 Motion Hearing Continuance** A request to continue a motion hearing by either party should be preceded by notification to all parties, unless not practical. Objections to

continue should be referred to an appropriate judge. If the motion is continued, the party requesting the motion to be heard shall recalendar the motion.

## **6.0 TRIAL CALENDARS**

6.1 Peremptory Settings Orders for peremptory settings shall be submitted with a supporting consent motion stating good and compelling reasons as required by Rule 2(f), with assurances that all parties and witnesses are available. The parties shall have first checked with the Case Manager to determine that no other cases have received peremptory settings for the requested session. The calendar request must be served pursuant to the rules of this Case Management Plan, and filed with the Case Manager at least five (5) weeks before any requested session. The Chief District Court Judge may set a case peremptorily on his own motion.

**6.1.1** Once a case has received a peremptory setting ordered by the Court with the consent of all parties or after notice and opportunity to be heard with respect to such setting, it should rarely, if ever, be continued from the session at which it is set for trial.

**6.2 Remanded Cases** When a case is remanded for trial by the Appellate Division, the appellant's counsel shall promptly notify the Case Manager who shall place the case on the next available trial calendar.

**6.3 Calendar Requests; Production of Calendars** A trial calendar shall be produced under the supervision of the Case Manager. Cases shall be calendared with priority given to older cases, except for those cases having received peremptory settings. Parties requesting the calendaring of a trial must give eight (8) weeks notice to all parties and the Case Manager by providing each with a copy of the calendar request. Subject to the discretion of the Case Manager and the availability of court time, a case will not be recalendarred any more frequently than four (4) weeks apart unless it is with the consent of all parties. If all parties consent, upon request, a case may be added to the final calendar if such request is received in writing by the Case Manager no later than four and one-half (4 1/2) weeks prior to the first day of the term requested. The Clerk of Court shall publish and distribute the calendar to all parties with cases thereon seven (7) weeks prior to the first day of the court session.

**6.4** Following the distribution of the calendar at seven (7) weeks, the trial calendar will be posted on the fourth floor of the Hall of Justice to keep parties apprised of the current status of the case. There will be no further distribution of calendars thereafter, and parties must check the posted calendar for the status of their case(s).

**6.5 Final Calendar** Updating Final calendars will be updated the Thursday before the first day of the court session and will be posted on the lobby bulletin board on the 4th (District Court) floor of the Forsyth County Hall of Justice for the use of attorneys and parties. Cases which have been continued, reported settled, or disposed of since the publication of the final calendar will be indicated on the updated version with descriptions and any estimated trial times of cases remaining on the calendar.

**6.6** Settlements - Judgments - Orders - Closing Papers Rule 2(g) requires all attorneys of record to notify the Case Manager within twenty-four (24) hours of any settlement of a case on a trial calendar and to advise who will prepare and present judgment, and when.

Additionally, when any case which appears on a trial calendar is reported settled to the Court or the Court has announced a dispositive decision, the parties shall forthwith, and without unnecessary delay, take all steps necessary to close the file and are under an affirmative duty to file all necessary documents before the term expires, unless otherwise directed by the Court. Failure to comply with this requirement may result in the court closing the case, the case appearing on a future calendar, or the imposition of sanctions. Under appropriate circumstances, parties may enter an agreement and an order may be entered to render a case inactive, with the parties retaining the right to re-open the case at any time.

## **7.0 CONTINUANCES FROM TRIAL CALENDARS**

**7.1** Requests to continue a case must be in writing, served on all parties appearing in the case, and shall indicate the consent or objection of the opposing party. The request must be addressed to the Chief District Court Judge, and shall state when the case may be rescheduled for trial. Requests to continue a case from the trial calendar shall be received no later than five (5) weeks prior to the first day of the court session. If circumstances arise which could not have been known by this time period, then the request shall be made as promptly as possible after the circumstances used to justify the request become known to the movant.

**7.2** Objections to any requests to continue a case from the trial calendar must be in writing, served on all parties, and received by the Chief District Court Judge as soon as possible for the earliest consideration of the matter.

**7.3 Bankruptcy** Any request to continue, hold, or in any other way delay disposition of a case due to bankruptcy of one of the parties, must be accompanied by certification of the bankruptcy filing from the United States Bankruptcy Court having jurisdiction.

## **8.0 RECORDING EQUIPMENT**

**8.1** Recording equipment is only available to cover jury sessions of Civil District Court. Therefore, if you need a recording of the proceedings, calendar your case on a jury session whether it is a jury or non-jury case.

**8.2** Should a court reporter be required by the parties, private arrangements should be made.

## 9.0 APPEARANCE REQUIRED CONFLICTS

Attorneys and unrepresented parties of record shall appear at the times properly noticed for a calendar call, a trial, a conference, a hearing, an administrative term, or a discovery event, and at the times stipulated and consented to by such party or attorney for such proceedings. Rule 2(e) requires a noticed attorney "to appear for the setting of a calendar, pretrial conference, hearing of a motion or for trial, ...consistent with ethical requirements,...or have a partner, associate, or another attorney familiar with the case present. Unless an attorney has been excused in advance by the judge before whom the matter is scheduled and has given prior notice to his opponent, a case will not be continued."

**9.1 Conflicts** As soon as any potential conflict becomes known, the party involved must notify all other parties and the Court. The court will make every effort to assist attorneys in resolving court calendaring conflicts. The Chief District Court Judge requests the presiding judges to assist attorneys in resolving calendar conflicts which could not be presented to the Court and resolved before the calendar update (12:00 noon the Thursday before the session). Anything that would prevent a party from being present at any time throughout the scheduled court session should be considered a conflict. A copy of "Guidelines for Resolving Scheduling Conflicts" adopted June 20, 1985, by the State-Federal Judicial Council of North Carolina is available for review in the Case Manager's office.

## 10.0 ORDERS AND JUDGMENTS

All orders and judgments rendered by the court, whether from motions or trials, shall be presented by the prevailing party unless otherwise directed by the judge or stipulated by the parties for signing during the session of court in which the order or judgment is rendered unless all parties stipulate on the record that the signing may occur out of term.

**11.0** None of the rules of this Case Management Plan shall be construed to deprive the Chief District Court Judge of the authority to insure full court utilization.

This \_\_\_\_\_ day of October, 1996.

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James A. Harrill, Jr.  
Chief District Court Judge

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(CASE MANAGER'S OFFICE LOCATED IN ROOM #431 OF THE FORSYTH COUNTY HALL OF JUSTICE)