

**LOCAL COURT RULES  
CIVIL CASE CALENDARING AND PROCEDURES  
TWENTY-SECOND JUDICIAL DISTRICT  
Alexander – Davidson – Davie – Iredell Counties**

**SUPERIOR COURT DIVISION**

**General Court of Justice  
State of North Carolina**

Subject to the provisions of Rule 40(a), Rules of Civil Procedure; G.S. 87A-146 and Rule 2(a) of the General Rules of Practice for the Superior and District Courts:

1. **The Case Management Assistant** shall prepare for each county a pre-trial calendar for a week at the beginning of each six month's term of court containing all pending civil cases in that county not previously pre-tried that she determines are ready for a review and the setting of a tentative trial date. This pre-trial calendar shall schedule each case ten to fifteen minutes apart to avoid unnecessary waiting and undue imposition on anyone's time. This pre-trial calendar shall be distributed by the clerk of each county to each attorney of record (party if no attorney of record) at least three (3) weeks prior to the pre-trial week. Attorneys of record may request any case pending in the county be placed on the pre-trial calendar if the case is at issue.

2. **The Senior Resident Judge and the Case Management Assistant** will conduct a pre-trial hearing at the scheduled time at which time a pre-trial order will be filed in each case as required by the General Rules of Practice. Each attorney of record will briefly state his contentions regarding the case, pending motions will be heard as time permits, and anticipated motions scheduled. A determination of the extent of any further discovery will be made, a serious settlement discussion will be held, and a tentative trial date will be met consistent with each attorney's schedule and the schedules of parties and key witnesses during the ensuing six (6) months. All attorneys should bring their personal calendar of commitments with them to the pre-trial conference and make prior inquiry of their clients and key witnesses so that the cases can be calendared at a time that will not conflict with appellate courts, vacations, etc. Attorney cooperation is essential to the proper functioning of our court system. The Court wants to work with the attorneys and to make their job 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 attorneys should have clients available or prior settlement authority or immediate access to clients regarding settlements.

3. **The Case Management Assistant** will prepare a tentative trial calendar for the six (6) month period as soon as possible after the pre-trial week that shall be distributed by the clerk

of court to each attorney of record (party where no attorney of record) and regularly scheduled presiding judge.

4. **The Case Management Assistant** 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.

5. **The Case Management Assistant** shall prepare a Final Trial Calendar that shall be distributed to each attorney of record (party where there is no attorney of record) and presiding judge no later than three (3) to four (4) weeks prior to the first day of court. The Final Trial Calendar shall contain all cases on the Tentative Trial Calendar unless they are removed by the Case Management Assistant 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 court 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 that have statutory priority as required by law.

The Final Trial Calendar shall schedule motions and final pre-trials for each Monday morning and the jurors shall be summoned for Monday afternoon (Tuesday, if Monday is a holiday). 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.

6. Prior to publishing the Final Trial Calendar continuances may be allowed by the Case Management Assistant for good cause; after the publishing of the Final Trial Calendar, **ONLY the Senior Resident Judge** may continue a case until opening of trial session when the trial judge may continue upon setting forth in record the reason for granting of the continuance.

7. Court convenes at 10:00 A.M. on Mondays and at 9:30 A.M. every other day. Attorneys with cases calendared for trial are to be present at the time of the convening of court on the day they have a case calendared and to remain in the courtroom or its immediate proximity unless excused by the trial judge.

8. The only legitimate excuses for not being in court when a case is calendared are death or serious illness or conflicts with Appellate Courts; The Case Management Assistant 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. If an attorney has a conflict with another Superior Court, he should report the conflict to the judges of the conflict courts in advance of the trial date so they may resolve the conflict.

9. A letter, message or phone call to the clerk, secretary, or other court official **IS NOT SUFFICIENT** unless the call is a last minute emergency and with reasonable diligence

contact with the trial judge could not be made before court convenes. Please do not make the judges have to embarrass an attorney by ignoring responsibility to the Court in this regard. Punctual appearance in court at the proper time is a lawyer's **FIRST PRIORITY** as a lawyer.

10. Attorneys residing outside the Twenty-second Judicial District accepting employment to represent clients in the Twenty-second 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 Case Management Assistant** before the case is calendared for trial and the calendar published.

11. Attorneys will deal directly with **THE CASE MANAGEMENT ASSISTANT'S** office (phone number \*704) 878-4203. P.O. Box 186, Statesville, NC 28677) on all calendars. The Case Management Assistant will do all in her power to accommodate a lawyer's conflicts and try to calendar the cases at the time most convenient to all concerned consistent with her responsibility to fully utilize court time and keep all cases moving efficiently through the system to a conclusion. The Case Management Assistant has prepared a master file of all pending cases in the District and is keeping it current by weekly reports from each clerk's office regarding the current status of every civil case.

12. A copy of these rules will be attached to each Pre-Trial calendar, Tentative Calendar, and Final Calendar by the Clerk of Court before distribution of the calendars.

Effective July 1, 1980.

Preston Cornelius  
Senior Resident Judge  
Twenty-Second Judicial District

**RULE 13. Mediated Settlement Conference Rules**

Pursuant to N.C.G.S. Sect. 7A-18.1(c) The Twenty-second Judicial District has adopted the North Carolina Supreme Court Rules as our **Local Rules for Mediated Settlement Conference Rules** in our district. The amended Local Rules shall be effective the 1<sup>st</sup> day of October 1995.

**RULE 14. COMMUNICATIONS WITH COURT**

ALL communications with the court concerning mediated settlement conferences in the Twenty-Second Judicial District should be addressed to the Trial Court Administrator, P.O. Box 186, Statesville, North Carolina 28687, Telephone Number (704) 878-4203.

**EFFECTIVE DATE**

**IT IS ORDERED** that the above **Local Mediation Rules** be, and hereby are, **ADOPTED, PUBLISHED, AND DECLARED EFFECTIVE** for all civil actions in Alexander, Iredell, Davie and Davidson Counties (Twenty-Second Judicial District) Superior Court beginning **October 1, 1995.**

**This 6<sup>th</sup> day of November, 1995.**

C. Preston Cornelius  
Senior Resident Superior Court Judge  
Twenty-Second Judicial District

**TO: ATTORNEYS WITH CIVIL AND CRIMINAL CASES IN THE TWENTY-SECOND JUDICIAL DISTRICT**

**FROM: ROBERT A. COLLIER, JR., SENIOR RESIDENT SUPERIOR COURT JUDGE OF THE TWENTY-SECOND JUDICIAL DISTRICT**

**DATE: JULY 10, 1979**

**SUBJECT: COURT ATTENDANCE OF ATTORNEYS AND OTHER MISCELLANEOUS MATTERS**

Civil and Criminal Superior Courts convene at 10:00 A.M. on Mondays and at 9:30 A.M. every other day. Attorneys with cases calendared for trial are to be present at the time of the convening of court on the day they have a case calendared and to remain in the courtroom or its immediate proximity unless excused by the trial judge.

The only legitimate excuses for not being in court when your case is calendared are death or serious illness or conflicts with Appellate Courts and the District Attorney (Criminal) or the Court Administrator (Civil) should be notified in advance to avoid calendaring such cases. Nothing else should take priority over your punctual appearance in court. If you have a conflict with another Superior Court, you should resolve the conflict with the judges of the conflict courts in advance of the trial date.

A letter, message or phone call to the Clerk or other court official is not sufficient unless the excuse is a last minute emergency and with reasonable diligence you could not contact the trial judge before court convenes. Please do not make the judges have to embarrass you by ignoring your responsibility to the Court in this regard. Your punctual appearance in court at the proper time is your first priority as a lawyer.

In all negotiated pleas the exact terms and conditions must be spelled out in the Transcript of Plea forms which should be filled out by the defendant's attorney prior to the case being called by the State (15A-1026). Sentence concessions must be agreed to by the trial judge before the case is called in open court unless it is limited to merely a recommendation by the District Attorney with no intent to bind the court (15A-1023).

Attorneys residing outside the Twenty-Second Judicial District accepting employment to represent clients in the Twenty-Second 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 District Attorney (Criminal) and Court Administrator (Civil) before the case is calendared for trial and the calendar published.

Lawyers, witnesses and other court personnel should not congregate in the judge's chambers or hallways immediately outside the courtrooms. No witnesses for the state or defendants should enter the judge's chambers or be interviewed there. Judge's chambers, just as the judge, must

function in an impartial manner as well as all other court personnel. Uneven accommodation to defense attorneys or state attorneys create an impression and attitude of partiality that we must all strive to avoid.

cc: Clerks of Superior Court, 22<sup>nd</sup> Judicial District  
Mr. H.W. Zimmerman, Jr., District Attorney  
Ms. Irene P. Blackburn, Civil Calendar Coordinator  
Honorable Lester Martin, Chief District Court Judge