

STATE OF NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

23 R 22

COUNTY OF ANSON

2023 MAR -2 P 12: 28

IN RE:  
SUPERIOR COURT  
MEDICAL MALPRACTICE ACTIONS

AMENDED ADMINISTRATIVE ORDER  
REGARDING MEDICAL  
MALPRACTICE ACTIONS

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MALPRACTICE ACTIONS

THIS AMENDED ADMINISTRATIVE ORDER revises the Administrative Order dated July 29, 2021 and supplements Civil Case Management Plan dated July 29, 2022.

It appearing to the Court that on June 18, 2021 the Governor of North Carolina signed into law Session Law 2021-47 (SB 255) (hereinafter, the "Act"). Section 1.(b) of the Act established a new procedure for the assignment of medical malpractice cases brought in the Superior Court Division.

That procedure was amended on July 7, 2022 when the Governor signed into Law Session Law 2022-47 (HB 607) (hereinafter, the "Act").

The amended N.C.G.S § 7A-47.3 now reads as follows:

(e) The senior resident superior court judge [SRSCJ], in consultation with the parties to the case, shall designate a specific judge or a specific judge assigned to hold court in the district to preside over all proceedings that occur 150 days after the case was filed in cases subject to G.S. 90- 21.11(2).


Accordingly, a judge shall be assigned to preside over all proceedings that occur 150 days after the action is filed until the action is finished.

Therefore, it is hereby ORDERED that, effective upon the filing of this Amended Administrative Order, pursuant to the provisions of N.C.G.S § 7A-47.3(e), the Senior Resident Superior Court Judge will designate a specific judge to hold court in Judicial District 16A to preside over all proceedings in a case subject to N.C.G.S § 90-21.11(2), according to the following procedure:

- I. For all medical malpractice cases filed on or after October 1, 2021, the parties must file a Medical Malpractice Case Notification and Consultation Form (local "MedMal Form") with the Anson County Clerk of Superior Court upon the filing of a responsive pleading or motion requiring a determination by a superior court judge, whichever occurs first.

- II. A copy of the MedMal form shall be submitted either by email or regular mail to the Trial Court Manager on the date the form is filed, for review by the Senior Resident Superior Court Judge. If parties are unable to agree on the content of the MedMal Form, each party may submit a separate MedMal Form.
- III. In the interest of efficient case management, any attorney or unrepresented party who fails to file and submit the MedMal Form in accordance with these procedures, absent good cause, will be considered by the Court to have waived any objections to the proposed and requested dates and judges.
- IV. In requesting a superior court judge to preside over all proceedings in the case, the parties must contact the judge and obtain his or her agreement to be assigned to hear all proceedings in the case.
- V. In assigning a specific superior court judge to hear all proceedings in the case, the Senior Resident Superior Court Judge will consider, but is not bound by, the judges(s) requested by the parties.
- VI. The Trial Court Manager shall notify the parties of the judicial assignment.

This the 2<sup>d</sup> day of March, 2023.

  
The Honorable Stephan R. Futrell  
Senior Resident Superior Court Judge  
Judicial District 16A