

STATE OF NORTH CAROLINA
LENOIR COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
22 R 122

FILED

2022 AUG -3 P 1: 54

IN RE:
SUPERIOR COURT
MEDICAL MALPRACTICE ACTIONS

)
LENOIR COUNTY, N.C.
) CR

ADMINISTRATIVE ORDER
REGARDING MEDICAL MALPRACTICE ACTIONS
FILED ON OR AFTER AUGUST 1, 2022

IT APPEARING to the Court that on July 7, 2022 the Governor of North Carolina signed into law Session Law 2022-47 (HB 607) (hereinafter, the "Act") which establishes a new procedure for the assignment of medical malpractice cases brought in the Superior Court Division.

Section 8.(a) of the Act amends N.C.G.S. § 7A-47.3(e) as follows:

(e) The senior resident superior court judge [SRSCJ], in consultation with the parties to the case, shall designate a specific resident 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).

The requirements of N.C.G.S. § 7A-47.3(e) become effective August 1, 2022 for all medical malpractice cases filed on or after August 1, 2022.

Therefore, it is hereby ORDERED that, effective August 1, 2022, 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 8A 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 August 1, 2022, the parties must file a Medical Malpractice Case Notification and Consultation Form (local "MedMal Form") with the Lenoir County Clerk of Superior Court after 150 days of the date of filing of the action. Any proceedings that occur prior to the 150th day may be heard by any judge presiding in the district, including the assigned judge, but the assigned judge is not required to preside over any proceedings until the case reaches the 150th day after it is filed.
- II. A copy of the MedMal Form shall be submitted either by email to the Superior Court Manager on the date the form is filed, for review by the Senior Resident Superior Court Judge. If the 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 remaining proceedings in the case.
- V. In assigning a specific superior court judge to hear all remaining proceedings in the case, the Senior Resident Superior Court Judge will consider, but is not bound by, the judge(s) requested by the parties.
- VI. The Superior Court Manager shall notify the parties of the judicial assignment.

This the 3rd day of August, 2022.



IMELDA J. PATE
Senior Resident Superior Court Judge
Judicial District 8A