

STATE OF NORTH CAROLINA
NINTH JUDICIAL DISTRICT
FRANKLIN, GRANVILLE, PERSON
VANCE and WARREN COUNTIES

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO: _____

In re:

**ADMINISTRATIVE ORDER REGARDING
MEDICAL MALPRACTICE ACTIONS**

WHEREAS, 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 establishes a new procedure for the assignment of medical malpractice cases brought in the Superior Court Division; and

WHEREAS, Section 1(b) of the Act amends N.C.G.S. § 7A-47.3 to add a new subsection (e) as follows:

(e) The senior resident superior court judge, 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 in a case subject to G.S. 90-21.11(s).

WHEREAS, the requirements of N.C.G.S. § 7A-47.3(e) become effective October 1, 2021 for all medical malpractice cases filed on or after October 1, 2021 and for all medical malpractice actions pending on October 1, 2021.

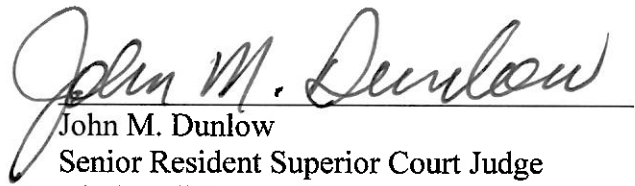
NOW, THEREFORE, it is hereby Ordered that, effective October 1, 2021, pursuant to the provisions of N.C.G.S. § 7A-47.3(e), the Senior Resident Superior Court Judge will designate a specific judge to preside over all proceedings in a case subject to N.C.G.S. § 90-21.11(2), according to the following procedure:

1. For all medical malpractice cases filed on or after October 1, 2021, or pending on October 1, 2021, the parties must file a Medical Malpractice Case Notification and Consultation Form with the Clerk of Superior Court upon the filing of a responsive pleading or motion requiring a determination by a superior court judge, whichever occurs first.
2. A copy of the Medical Malpractice Case Notification and Consultation Form shall be submitted either by e-mail or regular mail to the Trial Court Coordinator on the date the form is filed with the Clerk of Superior Court. If the parties are unable to agree on the content of the Medical Malpractice Case Notification and Consultation Form, each party may submit a separate form.
3. In the interest of efficient case management, any attorney or unrepresented party who fails to file and submit the Medical Malpractice Case Notification and Consultation 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.

4. In requesting a superior court judge to preside over all proceedings in the case, the parties must contact the judge and obtain that judge's agreement to be assigned to hear all proceedings in the case.
5. 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 judge requested by the parties.
6. The Trial Court Coordinator shall notify the parties of the judicial assignment.

This the 14 day of October, 2021.



John M. Dunlow
Senior Resident Superior Court Judge
Ninth Judicial District

STATE OF NORTH CAROLINA

File No.

COUNTY

In the General Court of Justice
Superior Court Division

Name of Plaintiff(s)

VERSUS

Name of Defendant(s)

**MEDICAL MALPRACTICE CASE
NOTIFICATION AND CONSULTATION**

NOTE: Parties in all Ninth Judicial District Superior Court medical malpractice actions subject to N.C.G.S. § 90-21.11(2) are required to complete and file this form upon the filing of a responsive pleading or motion requiring a determination by a superior court judge, whichever occurs first. After filing with the appropriate County Clerk of Superior Court, the parties shall deliver a copy of this form by email or regular mail to the Trial Court Coordinator. Failure to comply with the 9th Judicial District Administrative Order Regarding Medical Malpractice Actions, absent good cause, will be considered a waiver of any objections to the proposed and requested trial dates and judges. Submission of this form to the Court constitutes consultation with the Senior Resident Superior Court Judge.

In accordance with the requirements of N.C.G.S. § 7A-47.3(e) and the 9th Judicial District Administrative Order Regarding Medical Malpractice Actions, the parties submit this completed form for review by the Senior Resident Superior Court Judge.

(1) Select one:

- The agreed-upon information herein is jointly submitted by the parties to this action.
- The information herein is submitted by the Plaintiff(s) only; a copy has been delivered to Defendant(s).
- The information herein is submitted by the Defendant(s) only; a copy has been delivered to Plaintiff(s).

(2) Date Case Filed: _____.

(3) Anticipated length of trial: _____.

(4) Proposed trial dates: _____.

(5) Available dates in the next 60 days for the medical practice discovery conference: _____.

(6) Select one:

- All parties voluntarily agree to waive venue for hearing pretrial motions.
- The Plaintiff(s) voluntarily agree to waive venue for hearing pretrial motions
- The Defendant(s) voluntarily agree to waive venue for hearing pretrial motions.

(7) Requested superior court judge for assignment to preside over all proceedings in this case and his/her judicial district:

Judge _____ (District # _____)

Confirmation required: has been consulted / is agreeable to assignment.

Judge _____ (District # _____)

Confirmation required: has been consulted / is agreeable to assignment.

NOTE: In assigning a superior court judge, the senior resident superior court judge may consider, but is not bound by, the judges requested by the parties.

Submitted by:

Self-Represented Plaintiff

Plaintiff's Attorney

Self-Represented Defendant

Defendant's Attorney

Signature:

Signature:

Name:

Name:

Mailing Address:

Mailing Address:

Phone Number:

Phone Number:

Email Address:

Email Address:

Attach additional sheets as necessary to include names and contact information of all attorneys and self-represented litigants.