

STATE OF NORTH CAROLINA

COUNTIES OF CHEROKEE, CLAY,

GRAHAM, HAYWOOD, JACKSON,

MACON, AND SWAIN

IN THE GENERAL COURT OF

JUSTICE 43RD JUDICIAL DISTRICT

DISTRICT COURT DIVISION

Administrative order

RE: THE ADOPTION OF LOCAL RULES FOR COURT-ORDERED ARBITRATIONS IN THE
43RD JUDICIAL DISTRICT

The attached Local Rules for Court-Ordered Arbitration are hereby adopted effective APRIL 1, 2026, pursuant to the authority of N.C. Gen. Stat. §7A-37. I and shall apply to all cases filed on or after that date, and insofar as is practicable, to all cases pending on that date.

It is, therefore, so ORDERED, this the 25th day of February 2026.



The Honorable Donna F. Forga

STATE OF NORTH CAROLINA

COUNTIES OF CHEROKEE, CLAY,

GRAHAM, HAYWOOD, JACKSON,

MACON, AND SWAIN

IN THE GENERAL COURT OF

JUSTICE 43RD JUDICIAL DISTRICT

DISTRICT COURT DIVISION

Local Rules for District 43 for Court-

Ordered Non-Binding

Arbitration in Civil Court

- I. **ADOPTION OF RULES** - These local rules are adopted effective this the FIRST day of April 2026, pursuant to the provision of N.C. Gen. Stat. § 7A-37.1 and the Rules adopted and amended by the North Carolina Supreme Court effective January 1, 2012. These shall apply to all cases filed and appeals from the Magistrates docketed in the 43rd Judicial District on or

after said effective date, and insofar as practicable, to all pending District Court cases on that date.

II. CASES ELIGIBLE FOR ARBITRATION- Pursuant to these local rules, all civil actions filed in the District Court Division of the General Court of Justice for District 43 are subject to court ordered, non-binding arbitration, except the following:

- A. Summary ejectments and other cases assigned to a magistrate, and appeals from the judgment of a Magistrate in summary ejectment actions and actions in which the only claim is on a multiple transactions account, as evidenced by a verified itemized statement;
- B. Actions in which there is a request for a preliminary injunction, or a temporary restraining order, including claims under Chapter SOC;
- C. Actions involving family law matters, including claims under N.C. Gen. Stat. Chapters 50, 50A, SOB, 51, 52, 52B, and 52C;
- D. Actions involving the title to real property;
- E. Special Proceedings, including those related to wills and estates;

F. Actions where the only claim is collection of a verified multiple action account;

G. Class actions;

H. Actions involving foreclosure of real property due to unpaid real property taxes or seeking the release, refund, or compromise of real property taxes.

III. SELECTION PROCEDURE AND NOTIFICATION-

A. Upon determining that the case is eligible for court-ordered arbitration pursuant to Local Rule II above, the Arbitration Coordinator shall notify all counsel of record and all unrepresented parties that the case has been referred to court-ordered arbitration by the service of form AOC-CV-800. All self-represented parties shall have an ongoing obligation to supply a current mailing address in all actions filed and appeals docketed in the District Court.

B. After receipt of the notice of case selection for arbitration by service of form AOC-CV-800, the parties may agree in writing to waive the right to court-ordered non-binding arbitration by the submission of form AOC-CV-838. If all parties do not agree to such waiver, then either of the parties may file a written motion on form AOC-CV-839, directing a copy of the same to the Arbitration Coordinator and to all opposing counsel or parties, moving that the case be exempted from arbitration and setting out the reasons for the requested exemption. The motion requesting exemption from arbitration shall be filed at least twenty (20) days prior to the date the case is calendared for arbitration. Exemption of a case is not favored and will only be considered on the following grounds:

1. The action does not qualify for arbitration as set out in Rule II above; or
2. There is a compelling reason to exempt the matter; or

3. The Court may, on its own motion, exempt a case from arbitration.

IV. WHEN CASES SET FOR ARBITRATION - The Arbitration Coordinator

assigned for the County in which the matter is filed, shall determine that the following events have occurred, prior to setting eligible cases for arbitration:

- A. An appeal from the judgment of the Magistrate has been docketed in the District Court, or:
- B. In an eligible civil action filed in the District Court Division, the last responsive pleading has been filed, or the time for such filing has expired;
- C. Upon determining that the last required responsive pleading in the action has been filed, or that the time for doing so has expired, the Arbitration Coordinator shall, after thirty (30) days, inform the parties by means of AOC-CV-801 that the parties case has been scheduled for an arbitration hearing, as well as the name and

contact information of the arbitrator assigned to hear the case.

Either party may move for an expedited hearing for good cause shown.

- D. The fact that a case is eligible for court-ordered arbitration does not preclude a party from filing appropriate motions. Motions in cases eligible for court-ordered arbitration can be calendared by either party. However, once an arbitration date has been set, and the Notice of Arbitration Hearing has been served on the parties, any motion to be heard before the arbitration hearing (e.g., dispositive motion, discovery motion) must be filed and scheduled at least two (2) weeks prior to the scheduled arbitration hearing date. Pending motions may be heard by a District Court Judge or deferred to the arbitrator, if appropriate, but pending motions shall not delay arbitration hearings unless the Chief District Court Judge so orders.

- V. SELECTION OF ARBITRATOR-** The Arbitration Coordinator shall maintain a list of qualified arbitrators. Qualifications of an arbitrator and appointment procedure are set out in detail in Rule 3 of the Supreme Court Rules for Court-Ordered Arbitration in North Carolina. Pursuant to the requirements of the Rule, the Arbitration Coordinator will appoint an arbitrator and notify counsel and any unrepresented parties.
- VI. MOTIONS TO CONTINUE ARBITRATION HEARINGS-** Motions to continue scheduled arbitration hearings may be filed at least seventy-two (72) hours before the scheduled arbitration hearing date, with notice served on opposing counsel/parties; further, the movant shall mail or deliver a copy to the office of the Arbitration Coordinator. Parties shall be notified as soon as possible of the decision of the Arbitration Coordinator regarding the continuance motion. Motions to continue are not favored. Hearings will be rescheduled only if there is a compelling reason to do so. The arbitrator shall not delay a scheduled hearing because a party is not present at the appointed time. The arbitrator is not required to grant

additional hearing time because of the delay caused by tardiness. This does not impede the authority of the arbitrator, based upon the representations of both parties, to continue the matter for arbitration at a later date.

VII. CONTACT WITH THE ARBITRATORS OUTSIDE HEARINGS- Pursuant to Supreme Court Rules for Court-Ordered Arbitration 6(k), no prohibited ex parte communication between parties and/or counsel and the arbitrator is permitted. In the event that a scheduling issue occurs or there are questions regarding a hearing by electronic means, those inquiries are not prohibited by these rules.

VIII. ARBITRATION HEARINGS-

A. **AUTHORITY:** Arbitrators shall have the authority of a trial judge to govern the conduct of the hearing, except for the power to punish for contempt.

B. **HEARING DATE:** The arbitration hearing shall be held on the date, time, and place designated by the Arbitration Coordinator.

Hearing time shall be limited to one hour in length and will begin as soon as is practicable after the call of the arbitration calendar. If both parties are absent at the appointed time, it shall be within the discretion of the arbitrator whether or not to delay the hearing. Further, any party may move, or the arbitrator may determine that more time is necessary and the arbitrator, in his or her discretion, may provide for a substantial enlargement of hearing time.

C. APPEARANCE BY ELECTRONIC MEANS: Parties shall have the opportunity to attend the Arbitration Hearing by notifying the Arbitrator of that intent at least 48 hours before the hearing begins. Any party that wishes to appear by electronic means shall provide copies of any documents that will be utilized at the hearing at least 48 hours before the hearing begins. It shall be the sole responsibility of the party wishing to appear by electronic means to obtain appropriate devices, obtain email addresses

from the arbitrator and opposing counsel, and to initiate the meeting.

D. PRE-ARBITRATION SUBMISSIONS: At least ten (10) days prior to the hearing, the parties shall exchange any pre-hearing information as defined in Rule 6(d) of the N.C. Rules for Court-Ordered Arbitration.

1. Any document exchanged may be received in the hearing without further authentication. However, the party against whom it is offered may call/subpoena and examine as an adverse witness anyone who is the author, custodian, or witness through whom the document otherwise might have been introduced.
2. Documents not so exchanged may not be received, if to do so would, in the arbitrator's opinion, constitute unfair, prejudicial surprise. Copies of exchanged documents or exhibits are admissible in arbitration hearings.

3. The parties are required to state their contentions regarding pending motions deferred by the Court to arbitrator, in the pre-hearing information exchange.
4. A list of witnesses expected to testify shall be provided to all parties ten (10) days prior to the hearing.
5. Documents may be to the other party by email or other electronic means.

IX. AUTHORITY AND DUTIES OF THE ARBITRATOR- The Arbitrator shall:

- A. Have the same authority as a trial judge to govern the conduct of the hearings, except the power to punish for contempt.
- B. Be empowered and authorized to administer oaths and affirmations in arbitration hearings.
- C. Consider all evidence presented at the hearing and give it the weight and effect deemed appropriate. An arbitrator is not required, however, to receive repetitive or cumulative evidence.

- D. Not have any ex parte communications with the parties or their counsel.
- E. Declare the hearing concluded when all evidence is in and any arguments that have been permitted within the allotted time are concluded.
- F. Determine the amount of judgment to be entered in an action in default pursuant to N.C. Rules of Civil Procedure Rule 55(b).

X. PARTICIPATION OF PARTIES, ATTORNEYS, AND OTHER PARTICIPANTS-

- A. ATTENDANCE: All parties shall be present at the hearing, either in person or by electronic means (preapproved by the arbitrator), or through a representative authorized to make binding decisions on their behalf in all matters. All parties may be represented by counsel.
- B. If a party fails to appear as set out in paragraph A of this section, the hearing shall proceed and an award may be made by the arbitrator against the absent party.

XI. AWARD-

- A. **TIME FRAME:** The arbitrator shall prepare, sign, and file the Arbitration Award (Form AOC-CV-802) with the Clerk of Superior Court no later than three (3) days after the arbitration hearing is concluded, unless time is allowed after the hearing for submission of briefs. Then the award must be filed with the Clerk within three (3) days after the briefs are submitted. The Award need not include formal Findings of Fact or Conclusions of Law. A copy of the Award shall be mailed to or served upon all parties to the action by the Clerk within three (3) days of its filing, unless the arbitrator delivered a copy of the Award to the parties or their counsel at the conclusion of the hearing.
- B. **ISSUES:** The award must resolve all pending issues raised by the pleadings and all parties in the action.

XII. TRIAL DE NOVO-

- A. **TIME LIMITATIONS:** An appeal of the award from the arbitrator must be made within thirty (30) days from the date the award is entered, or within ten (10) days of an adverse decision on a motion to rehear. A pending demand for jury trial does not preserve the right to a trial de novo. The appealing party shall utilize and file with the clerk form AOC-CV-803.
- B. **MOTIONS SCHEDULED AFTER MEDATION IS HELD:** No dispositive motions or trials shall be scheduled within 30 days after the Arbitration Hearing occurs.
- C. **FEE:** The filing fee for a request for trial de novo in District Court shall be determined pursuant to Rule 5 of the N.C. Rules for Court-Ordered Arbitration.

XIII. JUDGMENT- The parties may file a stipulation of dismissal or consent to judgment at any time before the entry of judgment on the award. Absent an appeal of the arbitration award, dismissal, or consent judgment filed by the parties during the thirty (30) day appeal period, the Clerk of

Superior Court shall submit judgment on the award to the District Court Judge for signature.

XIV. NOTICE OF SETTLEMENT OR DISMISSAL- Once a hearing is scheduled, written notice that the case has been settled and that necessary dismissals have been filed by either party shall be provided to the Arbitration Coordinator at least 24 hours prior to the hearing, and prior to the parties being excused by the arbitrator. Otherwise, the parties may be assessed with their respective shares of the total arbitration fee. Cases scheduled for hearing which are removed due to settlement or ruling of a dispositive motion, shall be considered delinquent if the Order, Judgment, or Disposition is not presented to the Court for signature or filing within ten (10) working days after the case was announced as settled.

XV. SANCTIONS AND CONTEMPT-

A. **FAILURE TO ATTEND:** Any party failing to attend or refusing to participate in good faith and in a meaningful manner at the

arbitration hearing shall be subject to such sanctions as are deemed appropriate and allowed by law. The arbitrator or opposing party may present to the Arbitration Coordinator a motion, setting out with specificity the grounds for sanctions. The Arbitration Coordinator shall thereafter schedule and notice the matter for hearing before the Chief District Court Judge.

B. CONTEMPT: Any party found in contempt shall be subject to punishment for criminal contempt by the Court. The arbitrator shall present to the Arbitration Coordinator a motion, setting out with specificity the grounds for contempt. The Arbitration Coordinator shall thereafter schedule and notice the matter for hearing before the Chief District Court Judge.

C. FAILURE TO NOTIFY: Any party who fails to notify the Arbitration Coordinator of a scheduling conflict before the hearing is scheduled shall not receive a continuance, absent extraordinary circumstances. Any party who fails to notify the Arbitration

Coordinator of a settlement or dismissal of the claim prior to the arbitration shall be responsible for the costs of the hearing.

XVI. COMPENSATION OF THE ARBITRATOR- Upon the filing of an award with the Court, the arbitrator shall complete the application for payment to be signed by the Chief District Court Judge. The arbitrator shall be paid a fee by the Court for each arbitration hearing as set by N.C. Gen. Stat. §7A-37.

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XVII. FORMS- Forms for use in court-ordered arbitration proceedings are produced and distributed by the Administrative Office of the Courts and the Arbitration Coordinator and are subject to change as legislation and/or policy dictates.

XVIII. AUTHORITY TO CONTINUE- Arbitration hearings shall be continued only by the designated Arbitration Coordinator or the Chief District Court Judge if the Arbitration Coordinator is not available. The Arbitration Coordinator, under the supervision of the Chief District Court Judge, has

sole authority to continue arbitration hearings and consider any motions relating to arbitration.

Adopted and signed this the 25th day of February, 2026.

A handwritten signature in blue ink, reading "Donna Forga", written over a horizontal line.

Honorable Donna F.

Forga Chief District

Court Judge 43rd

Judicial District

Forga modified 2/10/26