



CHIEF JUSTICE'S RULES ADVISORY COMMISSION MINUTES OF MEETING

March 25, 2022

North Carolina Judicial Center, Hickory Boardroom
901 Corporate Center Drive
Raleigh, NC 27607

Call to Order

A meeting of the Chief Justice's Rules Advisory Commission was called to order at 2:08 p.m. on Friday, March 25, 2022, by North Carolina Court of Appeals Chief Judge Donna Stroud, Commission Chair.

Commission Members in Attendance in Person:

Kellie Myers, *Trial Court Administrator*, Wake County

Paul Ridgeway, *Senior Resident Superior Court Judge*, Wake County

Michael Robinson, *Special Superior Court Judge for Complex Business Cases*, North Carolina Business Court

Christine Walczyk, *District Court Judge*, Wake County

Commission Members in Attendance via Webex:

Mark Anderson, *Partner*, McGuireWoods LLP

Mike Mitchell, *Attorney*, Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, LLP

John Rabiej, former *Deputy Director*, Bolch Judicial Institute, Duke University School of Law

Other Attendees in Attendance in Person:

Seth Ascher, *Assistant Administrative Counsel*, Supreme Court of North Carolina

Grant Buckner, *Clerk of the Supreme Court*, Supreme Court of North Carolina

Brad Fowler, *Chief Business Officer*, North Carolina Administrative Office of the Courts

Betse Hamilton, *Office Administrator*, Supreme Court of North Carolina

Jon Harris, *General Counsel*, North Carolina Court of Appeals

Jen Wyatt, *Assistant Administrative Counsel*, Supreme Court of North Carolina

Approval of Minutes

The minutes from the November 19, 2021 meeting were approved as written.

eCourts Update

Brad Fowler reported to the commission that the release of the *eCourts* system is delayed pending the finalization of the *eWarrants* system. The development team anticipates resolving defects in the *eWarrants* system by mid-April 2022.

When the *eCourts* and *eWarrants* systems are ready to go live in the pilot counties, there will be a refresher course offered to court staff. As the rollout of the *eCourts* system happens, a team will be onsite in the pilot counties to troubleshoot any issues that arise. After the system goes live in Wake County, the timing and scheduling of the tracks for the county groupings will be reestablished. The goal is for all counties to be online by 2024.

Subcommittee Reports

Privacy Subcommittee

- Judge Michael Robinson, subcommittee chair, reported that since the last commission meeting, members of the subcommittee have been in communication with AOC's Office of General Counsel. The subcommittee learned that a form is being created by AOC to assist individuals who have been aggrieved by the disclosure of private information on a court filing. The commission discussed whether the subcommittee should propose a statute that sets out the process of filing the form and who is eligible to submit the form.
- Brad Fowler shared that, in an effort to limit the disclosure of personally identifiable information (PII), AOC is looking at criminal judgment forms to determine whether certain PII is necessary or may be removed from the forms.
- The subcommittee has been working through feedback received from stakeholders on the subcommittee's draft of proposed Rule 5(f) of the North Carolina Rules of Civil Procedure, which was distributed at the last commission meeting.
- Next steps for the subcommittee: (1) continue working through stakeholders' feedback on the subcommittee's draft of Rule 5(f); and (2) work to finalize a draft of proposed Rule 5(f).

General Rule of Practice 15 Subcommittee

- Judge Paul Ridgeway, subcommittee chair, reported that since the last commission meeting, the subcommittee has been working to simplify its draft of a proposed amendment to General Rule of Practice 15 and to decide how the rule should be set out.

- The subcommittee plans to meet again before the next commission meeting to finalize its draft of an amendment to Rule 15.
- Upon suggestion from the commission, the subcommittee will also consider whether video proceedings/live streams of court proceedings should be addressed in Rule 15.
- The commission expressed an interest in inviting Amanda Martin, general counsel to the N.C. Press Association, to be present at the next commission meeting.
- Next steps for the subcommittee: (1) meet to finalize a draft of a proposed amendment to Rule 15; and (2) further consider the implications of Rule 15 on video proceedings/live streams of court proceedings.

Criminal Service Subcommittee

- Judge Christine Walczyk, subcommittee chair, reported that the work of the subcommittee is still suspended after learning prior to the last commission meeting that the Office of General Counsel at the Administrative Office of the Courts has been looking into the implications of e-filing on North Carolina statutes concerning service in criminal cases.
- Next step for the subcommittee: contact the Office of General Counsel for an update as to its work on this project.

New Business and Future Planning

New Subcommittee (Rule 3.1)

- A new subcommittee was formed to address a request received by the Office of Administrative Counsel regarding an amendment to Rule 3.1 of the General Rules of Practice, which addresses guidelines for resolving scheduling conflicts. The requested amendment would add proceedings in juvenile delinquency cases to the list of priority categories under Rule 3.1(a).
- The subcommittee chair is Judge Walczyk, and other members will be appointed to serve on the subcommittee.
- Next steps for the subcommittee: (1) appoint additional members to serve on the subcommittee; (2) meet to further discuss subcommittee's task; and (3) explore how other states handle the prioritization of certain proceedings in the event of a scheduling conflict.

New Subcommittee (Motion Consultation Rule)

- A new subcommittee was formed to consider whether a motion consultation rule should be added to the General Rules of Practice. Rule 37(c) of the Rules of Appellate Procedure and Rule 7.3 of the Business Court Rules include a similar provision.
- The subcommittee chair is Judge Michael Robinson, and Kellie Myers and Mike Mitchell have agreed to serve on the subcommittee.
- Next step for the subcommittee: meet to further discuss subcommittee's task.

Ongoing Business

- Jon Harris reported that he has been looking through the Rules of Civil Procedure to determine whether updates to the rules may be necessary for remote hearings. He is focusing his work on the rules that are implicated when depositions are conducted via video conference and examining whether remote depositions and notarizations are currently permitted by the Rules of Civil Procedure.
- Commission members suggested that Mr. Harris consult with the North Carolina Bar Association's Litigation Section and the North Carolina Bar Association's Government Affairs Team for further assistance.
- Mr. Harris will provide an update on his findings at the next commission meeting.

Upcoming Commission Meetings

The next commission meeting is scheduled for Friday, June 17, 2022, at 2:00 p.m.

Adjournment

The meeting was adjourned at 4:10 p.m. by Chief Judge Stroud.

Minutes submitted by: /s/ Jennifer N. Wyatt
Assistant Administrative Counsel, Supreme Court of North Carolina

Date: 6/10/22