



CHIEF JUSTICE'S RULES ADVISORY COMMISSION MINUTES OF MEETING

February 17, 2023

Remote via Webex

Call to Order

A meeting of the Chief Justice's Rules Advisory Commission was called to order at 2:04 p.m. on Friday, February 17, 2023, by Chief Judge Donna Stroud.

Commission Members in Attendance:

Mark Anderson, *Partner*, McGuireWoods LLP

Mark Holt, *Solo Practitioner*

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

Kellie Myers, *Trial Court Administrator*, Wake County

John Rabiej, *Founder*, Rabiej Litigation Law Center

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

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

Donna Stroud, *Chief Judge*, North Carolina Court of Appeals

Other Attendees:

Lucy Austin, *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

eCourts Update

- Brad Fowler reported to the Commission that *Odyssey* was officially scheduled to go live in the pilot counties in the morning on Monday, February 13, and that the system was able to accept filings on that date. He reported that the system received its first official filing by Marcia Armstrong, President of the North Carolina State Bar.
- Brad also reported that AOC employees had been on site in the pilot counties during the first week of the *Odyssey* rollout to assist staff in the clerk's offices and district attorney's offices in those counties and that they will continue to be available to answer questions as the court staff gets acclimated to the system.

Approval of Minutes

The minutes from the September 23, 2022 meeting were approved as written.

Subcommittee Reports

General Rule of Practice 3.1 Subcommittee

- John Rabiej delivered the subcommittee's report. He informed the Commission that after the last Commission meeting in September 2022, the subcommittee invited feedback from Commission members via e-mail regarding which of the two drafts of an amendment to General Rule of Practice 3.1 was preferred (one version included subsections (e) and (f), and one version did not include those subsections). It was determined that the more extensive version of the rule was preferred, which included factors to be considered in resolving scheduling conflicts and general priority categories.
- Since the last commission meeting, a new Commission member was appointed to fill the seat of the subcommittee's former chair, Judge Christine Walczyk. Given the change in the subcommittee's leadership, John wanted the Commission to reconsider the shorter version of the rule.
- After discussion, the Commission was unable to reach an agreement about whether subsections (e) and (f) of the amended rule were necessary. The Commission voted to approve subsections (a) through (d) of the amended rule, and the subcommittee agreed to draft a memo for the Supreme Court that describes the project, summarizes the version of an amendment to General Rule of Practice 3.1 that was approved by the Commission, and explains that the Commission did not reach a conclusion regarding the two other subsections.

Motion Consultation Rule (General Rule of Practice 6) Subcommittee

- Judge Michael Robinson, subcommittee chair, reported that because the project hit an impasse at the last Commission meeting, the subcommittee has been in communication with the Chief Justice's office regarding whether the Chief Justice's Commission on Professionalism should take the lead on the motion consultation rule project. Judge Robinson reminded the Commission that when it was first discussed, both this Commission and the Commission on Professionalism had an interest in the project.
- The subcommittee is awaiting an update from the Chief Justice's office following the Commission on Professionalism's next meeting in April 2023.

General Rule of Practice 15 Subcommittee

- Judge Ridgeway, subcommittee chair, reported that the subcommittee submitted a rule-amendment proposal to the Supreme Court that included a memorandum and a draft of an amendment to Rule 15 of the General Rules of Practice. Grant Buckner confirmed that the Supreme Court received the subcommittee's proposal.
- The subcommittee has concluded its work on the General Rule of Practice 15 project.

Upcoming Commission Meetings

The next commission meeting is scheduled to occur in person at the North Carolina Judicial Center on Friday, May 19, 2023, at 2:00 p.m.

Adjournment

The meeting was adjourned at 3:12 p.m. by Chief Judge Stroud.

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

Date: 2/28/2023