

IN THE SUPREME COURT OF NORTH CAROLINA

ORDER AMENDING THE
GENERAL RULES OF PRACTICE
FOR THE SUPERIOR AND DISTRICT COURTS

Pursuant to section 7A-34 of the General Statutes of North Carolina, the Court hereby amends Rule 5 of the General Rules of Practice for the Superior and District Courts.

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Rule 5. ~~Form~~Filing of Pleadings and Other Documents

(a) **Electronic Filing.** Electronic filing is available only in (i) cases that are either designated “complex business” or assigned to a Business Court judge under Rule 2.1 of these rules and (ii) cases subject to the North Carolina eFiling Pilot Project. The procedure for filing documents electronically in those cases is governed by the North Carolina Business Court Rules and by the Supplemental Rules of Practice and Procedure for the North Carolina eFiling Pilot Project, respectively. In all other cases, only paper filing is available.

~~(a)(b) Paper Filing. If feasible, each paper presented to the court for filing shall~~Documents filed with the court in paper should be ~~flat and~~ unfolded, ~~without manuscript cover,~~ and firmly bound ~~with no manuscript cover.~~

~~—All papers presented to the court for filing shall~~ They must be letter size (8 ½" x 11"), ~~with the exception of~~except for wills and exhibits. The ~~Clerk of Superior Court~~clerk of superior court shall~~may~~ require a party to refile ~~any paper which~~a document that does not conform to ~~this size~~these requirements. ~~This subsection of this rule shall become effective on July 1, 1982. Prior to that date either letter or legal size papers will be accepted.~~

~~(b) — All papers filed in~~In civil actions, special proceedings, and estates, documents filed with the court in paper shall~~must~~ include a cover sheet that summarizes~~as the first page of the filing a cover sheet summarizing~~ the critical elements of the ~~filing~~document in a format ~~that the Administrative Office of the Courts prescribes~~prescribed by the Administrative Office of the Courts. The ~~Clerk of Superior Court shall~~clerk of superior court may not reject the filing of ~~any paper~~a document that does not include ~~the required~~a cover sheet. Instead, the clerk shall~~must~~ file the ~~paper~~document, notify the ~~filing~~party of the omission, and grant the ~~filing~~party ~~a reasonable time not to exceed five (5) days within which~~no more than ~~five days~~ to file the ~~required~~cover sheet. ~~Until such time as the party files the~~

~~required cover sheet, the court shall take no further action other than dismissal in the case.~~ Other than dismissing the case, the court should not act on the document before the cover sheet is filed.

Comment

The North Carolina Judicial Branch will implement a statewide electronic-filing and case-management system beginning in 2021. The system will be made available across the state in phases over a five-year period.

Subsection (a) of Rule 5 of the General Rules of Practice lists those contexts in which electronic filing already exists and serves as a

placeholder until the new electronic-filing and case-management system is available. As the new system is implemented, litigants should expect the General Rules of Practice, the North Carolina Business Court Rules, and the Supplemental Rules of Practice and Procedure for the North Carolina eFiling Pilot Project to undergo change.

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This amendment to the General Rules of Practice for the Superior and District Courts becomes effective on 1 October 2020.

This amendment shall be published in the North Carolina Reports and posted on the rules web page of the Supreme Court of North Carolina.

Ordered by the Court in Conference, this the 23rd day of September, 2020.


For the Court

WITNESS my hand and the seal of the Supreme Court of North Carolina, this the 23rd day of September, 2020.


AMY L. FUNDERBURK
Clerk of the Supreme Court