

LOCAL CIVIL RULES FOR SUPERIOR COURT

TENTH JUDICIAL DISTRICT

GENERAL RULES

1.1 The purpose of these rules is to provide for the just, orderly, and prompt consideration, determination and disposition of civil matters to be heard in Wake County Superior Court. They shall at all times be construed and enforced to avoid technical delay. These rules are promulgated pursuant to Rule 2 of the General Rules of Practice and G.S. §1A-1, Rule 40.

1.2 These rules are not complete in every detail and will not cover all situations. If the rules do not cover a specific situation, the Trial Court Administrator is authorized to act, subject to consultation with the Senior Resident Judge or the Judge Presiding.

1.3 The Trial Court Administrator will maintain a supply of printed rules, calendar request forms, and motion for continuance forms to be furnished to attorneys upon request.

1.4 These rules may be cited as “Tenth District Local Rule _____.”

CALENDAR RULES

2.1 The Trial Court Administrator shall prepare a Six Months Calendar, a Final Trial Calendar, and a Non-Jury Calendar for the disposition of civil cases in the Superior Court of Wake County in accordance with these rules.

2.2 The Trial Court Administrator shall set all civil matters for motion, for trial or for other judicial action and shall designate which civil sessions of the Superior Court shall be

trial sessions and non-jury sessions. The Senior Resident Judge may designate a specific resident judge or a specific judge assigned to hold court in the District to preside over all proceedings in a particular case.

2.3 Motions will normally be set during weeks set aside for non-jury matters; however, a motion filed after the Final Trial Calendar is published may be heard at the call of the case for trial. Motions filed after the Final Trial Calendar is set will not be grounds for a continuance.

2.4 There shall be a calendar call of the cases on the Final Trial Calendar by the presiding judge on the first day of the trial week. Cases will normally be called for trial or hearing in the order they appear on the final calendar; however, any case can be called for trial by the presiding judge at any time during the trial week.

2.5 All calendars will be prepared by the Trial Court Administrator and posted on the NCCOURTS website no later than four weeks prior to the first day of court. Pro Se litigants will be notified in writing by the Trial Court Administrator. Attorneys are required to subscribe at NCCOURTS.ORG to receive civil calendars. Printed calendars will not be mailed to attorneys or their clients.

2.6 All matters requiring judicial action or judicial approval, whether contested or not, shall be submitted to the Trial Court Administrator for scheduling and for assignment to a resident or presiding judge. Attorneys and litigants are not authorized under these rules to submit matters to a judge for ruling or approval without first filing such with the Trial Court Administrator for assignment. No judge has authority over any civil case which is not on that judge's calendar or has not otherwise been assigned to that judge for hearing or trial by the Trial Court Administrator, by the Senior Resident Judge, or by the Chief Justice under Rule 2.1 of the General Rules of Practice.

2.7 All requests for judicial review of settlements requiring judicial approval, including minor settlements, will be submitted to the Trial Court Administrator. Such matters will

be given priority and will be set for hearing at the next available non-jury session of court. The Trial Court Administrator or the Senior Resident Judge shall have the authority and discretion to set such matters for hearing at other times in cases of hardship or exigent circumstances.

2.8 All motions for Temporary Restraining Orders, for expedited hearings on motions for injunctive relief, for stays of agency decisions and for other similar *ex parte* requests shall be presented to the Trial Court Administrator for scheduling and assignment to a resident or presiding judge. The Trial Court Administrator will ordinarily set such matters for hearing at 2:00 P.M. on Wednesday and 2:00 P.M. on Thursday before judges presiding over civil sessions or before available resident judges. The Trial Court Administrator shall have the authority and discretion to set such matters at other times in emergency or exigent circumstances. However, no hearing will be scheduled later in the court week than 2:00 P.M. on Friday without the approval of the Senior Resident Judge.

2.9 All litigants seeking a temporary restraining order or other relief permitted *ex parte* shall notify opposing counsel, if any, representing the party sought to be enjoined that such judicial action is being requested and shall so certify to the Trial Court Administrator that notice has been given at the time their request for scheduling and assignment is made. Upon the scheduling and assignment of the motion by the Trial Court Administrator, counsel shall notify opposing counsel in writing of the time and place of hearing. Notice by fax with certificate of service will satisfy this requirement.

SETTING MOTIONS AND OTHER MATTERS (PRETRIAL)

3.1 Contested motions, judicial approval of minor settlements, administrative appeals and other non-jury matters will ordinarily be set at non-jury sessions. The Trial Court Administrator may write in non-jury matters to be considered at jury and non-jury sessions. Other uncontested motions or matters consented to by the parties will be presented to the Trial Court Administrator for assignment to a judge for judicial action, without any requirement that such be calendared.

3.2 Upon the filing of any motion or request for judicial approval of a minor settlement, the Trial Court Administrator will calendar that matter for hearing on the next available non-jury calendar, except all motions in Administrative Appeals will be heard at the time of the appeal hearing unless the motion is for a stay of the agency decision pending such appeal. To the extent possible, minor settlements shall have priority in scheduling.

3.3 All motions must first be filed with the Clerk of Superior Court, before the Trial Court Administrator will consider any request to calendar the motion for hearing. Any party desiring to have a motion or other matter set for hearing shall file with the Trial Court Administrator a completed calendar request on a form supplied by the Trial Court Administrator. A calendar request should not be filed with the clerk. A non-moving party may request that an opposing party's motion be set for hearing by filing such calendar request with the Trial Court Administrator. No calendar request can be made until after a motion has actually been filed.

3.4 The calendar request for motions and judicial approval of minor settlements shall be filed with the Trial Court Administrator and mailed to all opposing counsel at least six weeks before the beginning of the requested session. In the calendar request, an attorney may ask that a motion be set only on a specified day. The calendar as provided in Local Rule 2.5, designating a motion to be heard on a specified day and time, constitutes notice of hearing on the motion and further notice is not required unless the date and time of the hearing is changed. In exigent circumstances, the Trial Court Administrator may set a motion for hearing at any time, so long as notice requirements of G.S. §1A-1, Rule 6(d) are satisfied or all parties consent.

3.5 A record of cases that have been calendared for motion hearings but which were not heard shall be maintained by the Trial Court Administrator for setting future calendars. Such record will contain a statement of the reason the matter was not heard or resolved.

3.6 All uncontested motions shall be submitted to the Trial Court Administrator for referral to a presiding or resident judge for review and decision, without the necessity

of formal calendaring. A party filing any one or more of the following motions must make a good faith effort to determine whether or not the motion will be opposed: (a) motion for extension of time to file answer or otherwise plead; (b) motion to amend a pleading or to add a party; (c) motion to transfer to Superior Court division; (d) motion to withdraw as counsel; (e) motion to stay agency decision pending judicial review; and, (f) motion for extension of time for discovery responses and motions to extend the period in which to complete discovery under Local Rule 8.4. If the motion is uncontested the procedures set forth in this section shall apply. Counsel filing the motion shall include with the filing a proposed order which shall recite that the motion is consented to or otherwise unopposed. Signatures on the proposed order of opposing counsel to verify consent are not required.

3.7 Motions to withdraw as counsel must include a certificate of service upon the client from whom representation is being withdrawn. The motion must set forth the name and address of substitute counsel, if known, and the current address of the party from whom representation is being withdrawn. No judicial action will be taken on a motion to withdraw as counsel which does not contain this information.

3.8 Attorneys and unrepresented parties shall serve briefs or memoranda at least two days prior to the hearing on any motion seeking a final determination of the rights of any party as to any claim or defense, and shall serve affidavits in opposition to motions for summary judgment at least two days before the motion hearing in accordance with G.S. §1A-1, Rule 5, Rule 6 and Rule 56. However, this rule does not preclude an attorney or party from providing to the court copies of cases or statutes relied upon at a hearing.

3.9 In cases wherein a motion has been heard and taken under advisement without a ruling by a presiding judge; and, wherein a period in excess of 90 days has elapsed from the date of that hearing without a judicial decision; and, wherein the Trial Court Administrator has notified that presiding judge in writing that the delay is prejudicing the rights of the parties to a prompt and fair resolution, and has requested a judicial decision but has been unable to obtain one; then, the Senior Resident Judge may thereafter enter an appropriate order finding that the presiding judge has by his conduct relinquished

jurisdiction over the motion and he may instruct the Trial Court Administrator to recalendar that same motion before another judge to be heard *de novo*.

3.10 In cases wherein a motion has been heard and taken under advisement without a ruling by a presiding judge, who has failed to comply with a written request from the Trial Court Administrator for a judicial decision under Local Rule 3.9, and where more than 90 days has elapsed from the date of that hearing and the case has been placed on a Final Trial Calendar and has been called for trial during the trial week, then the judge who has failed to act is deemed under these rules to have relinquished jurisdiction over the unresolved motions and the trial judge is authorized to hear those motions *de novo* at the time the case is called for trial.

3.11 All civil actions pending in the 10th Judicial District shall be submitted to mediation, except judicial review of appeals from final agency decisions and declaratory actions, unless the Senior Resident Judge enters a written order waiving such mediation requirement.

SETTING MATTERS FOR TRIAL

4.1 The Trial Court Administrator shall prepare and publish a Six Months Calendar which shall schedule cases for trial for the six month periods from January 1st through June 30th and July 1st through December 31st of each year. These shall be preliminary planning calendars used by the Trial Court Administrator and the Senior Resident Judge for the scheduling of cases on a Final Trial Calendar.

4.2 In preparation of each Six Months Calendar the Trial Court Administrator shall meet at least semi-annually with the Senior Resident Judge for the purpose of setting cases for the following six months, at which time any requests for priority settings shall be considered.

4.3 An attorney or party seeking to have a case placed on a Six Months Calendar must make such request on a form supplied by the Trial Court Administrator and such request must be made no later than the specified deadline set by the Trial Court Administrator for each Six Months Calendar.

4.4 Requests for a peremptory setting for cases involving persons who must travel long distances, or numerous expert witnesses, or other extraordinary reasons must be made to the Senior Resident Judge or to the Trial Court Administrator. A peremptory setting shall only be granted for good and compelling reasons. The Senior Resident Judge may set a case peremptorily on his own motion. No more than two peremptory cases will be set for trial on any week. Peremptorily set cases will not be continued, except for extraordinary cause and only by the Senior Resident Judge.

4.5 The Trial Court Administrator, in preparing the Six Months Calendar, shall set cases in the following priority: (1) cases in which all parties have agreed on a trial date; (2) cases requested for setting by only one party; (3) cases requested for setting by neither party, but due to age and status should be ready for trial. Cases of equal priority under this rule will be set in numerical sequence.

4.6 A case on the printed Six Months Calendar will be placed on the Final Trial Calendar as scheduled. If a case is on the Six Months Calendar, no further request for final calendaring is required. However, any party may request that a case be placed on a Final Trial Calendar, even though such case is not on the Six Months Calendar. Such request must be made on a form provided by the Trial Court Administrator and must be filed with the Trial Court Administrator and mailed to all opposing counsel at least six weeks before the beginning of the requested session.

4.7 Utilizing the Six Months Calendar and any additional timely requests to include cases not on the Six Months calendar, the Trial Court Administrator will prepare and publish a Final Trial Calendar. Cases may be added to the Final Trial Calendar after it is published only by the Senior Resident Judge or the Trial Court Administrator.

4.8 When a case on a published calendar (six months or final) is settled, all attorneys of record must notify the Trial Court Administrator within twenty-four hours of the settlement and advise who will prepare and present judgment, and when. Attorneys are to take all steps necessary to close settled case files and have an affirmative duty to file all necessary documents and to do so within the term of court for which the case is calendared for trial, or hearing, or by a date set by a resident judge or the judge before whom the case is scheduled for trial or hearing.

4.9 When an attorney is notified to appear for a pre-trial conference, motion hearing, or trial, he must, consistent with ethical requirements, appear or have a partner, associate, or another attorney familiar with the case appear. Unless an attorney has been excused in advance by the Judge before whom the case is scheduled and has given prior notice to his opponent, an attorney's absence should not be grounds for a continuance.

CONTINUANCES

5.1 Any request for a continuance of a case set for trial must be in writing and contain the following information:

- (a) Caption and file number of the case;
- (b) Session at which the case is set;
- (c) The reason for the request for continuance (position of the case on the calendar will ordinarily not be considered a valid reason for continuance). When an engagement in another court is the reason for continuance, the request must state the case number, the court in which the other case is pending, and the date when the calendar in the other court was published. No continuance shall be granted solely because all parties agree thereto;
- (d) The number of times the case has previously been continued; and
- (e) A certification that all opposing counsel have been sent a copy of the request.

5.2 Opposing counsel must be notified of the request for continuance prior to the delivery of the request to the Trial Court Administrator pursuant to Rule 5.3 or to the Judge pursuant to Rule 5.5.

5.3 Continuance of cases on the Six Months Calendar shall be by informal application to the Trial Court Administrator.

5.4 Continuance of motions on the non-jury calendars shall be by application to the Trial Court Administrator or to the Judge Presiding. No continuances shall be granted solely because all parties agree thereto, unless the motion has been resolved by settlement or has been withdrawn in writing.

5.5 A motion for a continuance of a matter on the final trial calendar should be filed no later than 10 days prior to the trial date. Motions for continuance filed thereafter will not be considered by the court until the calling of the trial calendar, except where the motion reflects extreme hardship or extraordinary circumstances. Such motions claiming extreme hardship or extraordinary circumstances shall be heard by the Senior Resident Judge or his designee. Parties whose motions for continuance are to be heard at the calling of the calendar should be prepared for trial in the event their motion is denied.

5.6 Only the Trial Court Administrator, the Senior Resident Judge or the Judge before whom a matter is scheduled on any final calendar may continue cases. Only the Senior Resident Judge may continue a peremptorily set case. Should counsel or a *pro se* litigant fail to comply with any of the provisions of Local Rule 5, the request for a continuance is deemed denied without a hearing.

5.7 Any case continued by these rules shall be continued to a date designated by the Trial Court Administrator or the Senior Resident Judge. The Trial Court Administrator is authorized to designate the next available appropriate trial date for a case continued from the trial calendar. All orders of continuance from a trial calendar submitted to the Court for signature shall include a provision that declares that the case is continued until the new date to be set by the Trial Court Administrator or the Senior Resident Judge. The Trial Court Administrator shall designate on the order of continuance the new trial date. Cases on a trial calendar which are not reached will also be continued to a new trial date by the

Trial Court Administrator. In setting new court dates, the Trial Court Administrator may confer with counsel for all parties as appropriate to avoid scheduling conflicts.

PRE-TRIAL/SETTLEMENT CONFERENCES

6.1 There shall be a pre-trial/settlement conference in every civil case set for trial, except administrative appeals, where a party or counsel for a party makes a written request for such conference. The conference shall be conducted in accordance with the General Rules of Practice for the Superior and District Courts, especially Rule 7. Such written request shall be filed with the Trial Court Administrator at least fifteen days prior to the trial date and the conference will be scheduled to occur the week before the trial date. If no request is made by any party or counsel, no pre-trial/settlement conference will occur.

6.2 At the time of any pre-trial/settlement conference, counsel for all parties shall enter into a frank discussion to narrow contested issues and to address settlement possibilities. Clients should either be consulted in advance of the conference concerning settlement negotiations, or be available for consultation at the time of the conference.

6.3 At the time of, or immediately following, such conference it shall be the duty of counsel for the plaintiff to prepare the final pre-trial order to be signed by all counsel. The pre-trial order shall be in substance as shown on the sample form set out in the General Rules of Practice for the Superior and District Courts. The exhibits that the parties plan to offer at trial shall be numbered in sequence.

6.4 No later than 10:00 A.M. on Monday, the trial date, all counsel shall be prepared to present the signed pre-trial order to the judge before whom the case is scheduled for trial, for approval, signature and filing. If no pre-trial/settlement conference has occurred, the presiding judge will conduct such conference immediately prior to the call of the case for trial.

CLEAN-UP CALENDARS

7.1 The Trial Court Administrator shall confer with the Senior Resident Judge to consider the need for a clean-up calendar.

7.2 On a clean-up calendar, there will be placed cases which, in the opinion of the Trial Court Administrator or the Senior Resident Judge, are a proper subject for inquiry concerning their status.

DISCOVERY

8.1 Attorneys serving interrogatories, requests for production of documents, or requests for admissions must leave sufficient space after each interrogatory or request for the answer or response to be written, together with any reasonable explanatory material. The interrogatories, requests for production of documents, or requests for admissions must be served in duplicate upon opposing counsel.

8.2 Answering counsel, in lieu of recopying all interrogatories or requests, must answer or object in the space provided and return the original with the answers to opposing counsel, retaining the duplicate for his files. If insufficient space is provided for the answer or objection, it may be stated upon a separate sheet of paper and inserted immediately following the pages upon which the interrogatory or request appears.

8.3 Failure to comply with Local Rule 8.1 and 8.2 may result in the Court's sustaining objection to the interrogatories, requests for production of documents, or requests for admissions.

8.4 Discovery must be completed within one hundred and twenty days after the last required pleading is filed and not inconsistent with Rule 26(d) of the Rules of Civil Procedure. If additional time is needed, it may be granted by the Senior Resident Judge. The motion for additional time to complete discovery must be served upon opposing

counsel at least five days before being presented to the Senior Resident Judge and the moving party must comply with Local Rule 3.6 to determine if the motion is opposed.

JUDICIAL REVIEW OF ADMINISTRATIVE ACTION

9.1 Rules 9.1 through 9.9 shall govern judicial review of final administrative agency decision pursuant to G.S. §150B-43, et seq, or of any other matter coming before this Court seeking review of an administrative agency ruling.

9.2 **Briefs, Petitioner(s)/Appellant(s)**: The brief of the Petitioner(s)/Appellant(s) shall be filed with this Court and served upon all other parties to the proceeding in accordance with G.S. §1A-1, Rule 5, within twenty days after the original or a certified copy of the record of the proceedings under review has been filed with this Court, as provided in G.S. §150B-47, or as provided by a Writ of Certiorari, and notice of such filing has been served on Petitioner.

9.3 **Briefs, Respondent(s)/Appellee(s)**: The brief of the Respondent(s) (for the purposes of this rule, being those persons who are parties to the agency proceeding and who have become parties to the review proceeding as set forth in G.S. §150B-46) shall be filed with this Court and served upon all other parties to the proceeding in accordance with G.S. §1A-1, Rule 5, within twenty days after service of the brief of the Petitioner(s)/Appellant(s).

9.4 **Briefs, Intervenors**: The brief of an Intervenor who may become a party to the review proceeding pursuant to the last sentence of G.S. §150B-46 shall be filed with this Court and served upon all other parties to the proceeding in accordance with G.S. §1A-1, Rule 5, within twenty days of the date of the filing of the Intervenor's motion to intervene; provided that where, because of the time of such motion for intervention, the Intervenor's brief would be due twenty days or less from the date the review is set for hearing, the Intervenor's brief shall be filed concurrently with its motion to intervene.

9.5 Reply Briefs: Unless the Court in its discretion shall order to the contrary, there shall be no reply briefs filed by any party to the review proceedings.

9.6 Calendaring: Judicial review proceedings shall be set for hearing at the first available regular non-jury session of Wake County Superior Court commencing on or after the thirtieth day following the filing in this Court of the brief of the Respondent(s)/Appellee(s). Hearings requiring in excess of one hour will ordinarily be set on a trial calendar.

9.7 Hearings: All parties to the judicial review proceedings may offer evidence and oral argument as provided in G.S. §150B-49 and §150B-50. The Court will strictly enforce the prohibition in G.S. §150B-49 against presentation of repetitive evidence or of evidence previously contained in the record.

9.8 Nothing contained in Tenth District Local Rules 9.1 through 9.9 shall be deemed to prohibit the Court, in its discretion for good cause shown, from enlarging the times herein provided for filing briefs for any party to the review proceeding, from permitting the filing of briefs after the expiration of the time previously allotted for such filing, or from continuing and rescheduling judicial review hearings.

9.9 All time periods prescribed or allowed by Tenth District Local Rules 9.1 through 9.9 or by any order of this Court pursuant to such rules shall be computed in accordance with G.S. §1A-1, Rule 6(a).

9.10 Special Provision for the Denial of a Special Use Permit for a Sexually Oriented Business. An applicant who has been denied a special use permit for a sexually oriented business by a municipality or county may request, in writing, expedited judicial review after filing a timely petition for certiorari. The applicant's brief required under Local Rule 9.2 shall accompany the request.

The matter shall be placed on the first available calendar after the applicant files the request and brief. The hearing will occur within 45 days after the applicant's filing. A judge reviewing the denial should issue a decision on the merits from the bench or should otherwise assure that the applicant receives a prompt judicial decision.

BANKRUPTCY CASES

10.1 Any request to continue, hold, or in any other way delay disposition of a case due to bankruptcy of one of the parties, must be accompanied by a copy of the stay of proceeding order from the United States Bankruptcy Court having jurisdiction.

10.2 The Trial Court Administrator shall maintain a suspense file for such cases and periodically provide the Senior Resident Judge with a listing of such cases for the purpose of judicial inquiry.

PRODUCTION OF MEDICAL RECORD IN LIEU OF APPEARANCE

11.1 The Trial Court Administrator shall be the designee to accept by registered mail or personal delivery certified copies of medical records pursuant to G.S. §1A-1, Rule 45(c).

EXHIBITS

12.1 Exhibits shall be pre-marked with appropriate stickers obtained from the Clerk's office or elsewhere with the sequential numbers as listed in the pre-trial order.

12.2 When an exhibit is presented to a witness or offered into evidence it need not be handed to opposing counsel. However, if opposing counsel contends that a copy has not been provided or the copy has been lost or misplaced or counsel has not been given an opportunity to inspect the exhibit, that may be brought to the Court's attention.

12.3 A list of all exhibits with the sequential numbers as listed in the pre-trial order shall be provided to the courtroom clerk at the beginning of the trial.

12.4 Counsel are encouraged to provide a sufficient number of copies of exhibits for use by the jury.

OUT-OF-STATE-SUBPOENAS

13.1 Out-of-state attorneys seeking to take depositions of Wake County residents to be used in actions pending in other jurisdictions must be admitted *pro hac vice* unless local counsel has been associated. The moving attorney shall provide to the Court in triplicate (a) a completed subpoena form, (b) an order (commission, letters rogatory, etc.) signed by a judge or clerk from the jurisdiction where the case is pending, and (c) a check made payable to the Wake County Clerk of Superior Court in the amount of the filing fee.

13.2 Should the moving attorney require a subpoena *duces tecum* only, the attorney shall provide, in addition to the aforementioned requirements, an affidavit stating that opposing counsel is aware that the documents in question are being subpoenaed and that opposing counsel consents to same.

13.3 All paperwork should be forwarded to the Superior Court Judges' office.

SANCTIONS

14.1 Should counsel or a *pro se* litigant fail to comply in good faith with any provision of these local Rules, or the General Rules of Practice for the Superior and District Courts, the Court may, in its discretion, impose appropriate sanctions. An order entered in substantial violation of these rules is subject to modification or vacation by the Senior Resident Judge.

FILING BY TELEFACSIMILE TRANSMISSION (FAX)

15.1 Any motion, calendar request, notice, continuance request, peremptory setting request, or discovery extension request may be made by FAX to FAX No. (919) 792-4951.

15.2 Memorandums of Law and correspondence may be sent by FAX to the Trial Court Administrator to be delivered to the Judge hearing or considering a matter provided the Brief or correspondence does not exceed 10 pages.

15.3 Filing of pleadings and other court papers with the Clerk of Superior Court by FAX are not permitted on FAX No. (919) 792-4951 but must be made pursuant to G.S. §1A-1, Rule 5, Rules of Civil Procedure.

15.4 Attorneys may use the FAX machine in the Trial Court Administrator's office upon request and approval by that office but must pay the appropriate costs for any long distance transmission by billing it to their own office number or credit card.

15.5 All users of the FAX machine must complete a cover sheet setting forth the name of the sender, name of receiver with FAX number, and the date and time sent.

EXPEDITED TRIAL PROCEDURE

16.1 Under an expedited trial procedure, parties may place their case on a fast track for disposition by executing an agreement and filing it with the Trial Court Administrator's Office within thirty days from the filing of a responsive pleading (after issue is joined). The Trial Court Administrator shall prepare a form agreement, approved by the Senior Resident Judge, setting forth all requirements for an expedited trial procedure and expedited trial setting.

16.2 Counsel for each party and the presiding judge shall remain in the courtroom throughout the course of a trial, including jury selection, opening statements and closing arguments. The absence of the presiding judge or of counsel during any trial phase conveys to jurors the impression that those procedures are unimportant. Courtroom absences by the presiding judge increase the risk that jurors will be exposed to prejudicial information which cannot be corrected by a jury instruction. If emergencies arise,

presiding judges should deal with such by taking a brief recess to avoid any attorney or judge's absences from the courtroom proceedings.

VACATION POLICY FOR ATTORNEYS

17.1 The following vacation policy for attorneys shall apply in the Superior Court of the 10th Judicial District. This policy is adopted in recognition of the need for time away from the demands of professional responsibilities to improve the overall professional performance of the bar as well as the quality of life of members of the profession and their families and this policy is adopted for that purpose.

17.2 Attorneys may designate three weeks each calendar year as vacation periods during which they shall not be required to appear before the Superior Court of the 10th Judicial District when the procedure below is followed.

17.3 Each attorney practicing in the 10th Judicial District may designate such times, either consecutively or at intervals, 90 days or more in advance of such vacation periods. However, such designation of vacation times does not apply if a trial or other matter has already been set by a Judge, District Attorney, or Trial Court Administrator on a regular, special or six months calendar.

17.4 Attorneys may designate vacation time by filing in the office of the Clerk of Superior Court of Wake County a letter designating such weeks. A copy of the letter shall be filed with District Attorney's office and with the Trial Court Administrator's office with a copy retained by the attorney marked filed which may be provided to judges and opposing counsel to reserve the weeks designated as vacation. Vacation designations are not filed in the court files and should not contain a case number.

17.5 The policy and procedures described herein are not exclusive. In extraordinary circumstances the time limitations for notification of designated weeks may be waived by the court when attorneys have been faced with particular or unusual situations.

Furthermore, attorneys shall be able to make other requests to be excused from appearing before the court for personal and professional reasons.

These rules shall become effective August 1, 2009. They have been promulgated and approved by the undersigned.

This, the 27th day of July, 2009.

Sallie B. Kearns
Trial Court Administrator

Donald W. Stephens
Senior Resident Superior Court Judge

Abraham Penn Jones
Resident Superior Court Judge

Paul G. Gessner
Resident Superior Court Judge

Howard E. Manning, Jr.
Resident Superior Court Judge

Paul C. Ridgeway
Resident Superior Court Judge

Michael R. Morgan
Resident Superior Court Judge