

**NORTH CAROLINA
JUDICIAL DISTRICT 25A
BURKE AND CALDWELL COUNTIES**

**IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION**

**IN RE:
ADOPTION OF NORTH CAROLINA
SUPREME COURT RULES AND
LOCAL RULES FOR
MEDIATED SETTLEMENT CONFERENCES
IN SUPERIOR COURT CIVIL ACTIONS**

O R D E R

WHEREAS, the North Carolina Supreme Court, pursuant to section 7A-38.1 of the North Carolina General Statutes adopted and published rules and amendments to rules establishing a statewide system of court ordered mediated settlement conferences to facilitate the settlement of Superior Court civil actions as ordered October 1, 1995, and as amended January 26, 2006.

NOW, THEREFORE, IT IS ORDERED that the Local Rules shall remain in effect in Judicial District 25A as amended.

1.0. The rules for court ordered mediated settlement conferences as adopted and published by the North Carolina Supreme Court shall be observed in this district as amended herein.

2.0. Pursuant to Rule 2.C, when the parties do not timely select a mediator, the procedure for judicial appointment shall be to appoint the next certified mediator on the list of certified mediators, provided by the Dispute Resolution Commission through its website, who have expressed a willingness to mediate actions within Judicial District 25A, and who certify in writing annually to the Senior Resident Judge that he or she wishes to mediate in this judicial district, is familiar with the Local Mediation Rules, and will comply with them and the Supreme Court Rules. The list shall be arranged alphabetically and appointments shall be made in consecutive order, without regard to race, gender, religious affiliation, or whether the mediator is a licensed attorney. The Senior Resident Judge shall retain discretion to depart from a strict rotation when there is good cause to do so, such as the appointment of one mediator to multiple related cases, appointment of a newly certified mediator, or to withhold a mediator who has not followed Local or Supreme Court Rules from appointment.

3.0. Cases involving caveats to wills shall be ordered into the mediation process within sixty (60) days of filing, and will not be placed on a trial calendar until a mediated settlement conference is conducted or the matter has been removed from mediation by order of the court. It shall be the responsibility of the attorney for the caveator(s) to notify the Judicial Assistant of the filing of the case and the names and addresses of all parties or attorneys to whom notices should be sent.

4.0. Pursuant to Rule 5 and 7.G of the State rules, the following policy is adopted. Upon failure of the parties in a case to meet mediation deadlines, the Senior Resident Superior Court Judge will notify counsel to immediately come into compliance. Upon failure to come into compliance, a contempt citation to show cause why sanctions should not be imposed will be issued.

This the 31st day of March, 2006.

BEVERLY T. BEAL
Senior Resident Superior Court Judge
25A Judicial District