

STATE OF NORTH CAROLINA  
COUNTIES OF CHEROKEE/CLAY/  
GRAHAM/MACON/SWAIN

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

IN RE: ASSIGNMENT OF MEDICAL  
MALPRACTICE CASES

**ADMINISTRATIVE ORDER**

WHEREAS on June 18, 2021, the Governor of North Carolina signed into law Session Law 2021-47 (SB 255) (hereinafter the “Act”).

WHEREAS, Section 1.(b) of the Act established a new procedure for the assignment of medical malpractice cases brought in the Superior Court Division and amended N.C.G.S. § 7A-47.3 to add a new subsection (e), as follows:

(e) The senior resident superior court judge, in consultation with the parties to the case, shall designate a specific resident judge or specific judge assigned to hold court in the district to preside over all proceedings in a case subject to G.S. 90-21.11(2).


WHEREAS, the requirements of N.C.G.S. § 7A-47.3(e) became effective October 1, 2021, for all medical malpractice cases filed on or after October 1, 2021, and for all medical malpractice actions pending on October 1, 2021.

NOW, THEREFORE, it is ordered that, pursuant to the provisions of N.C.G.S. § 7A-47.3(e), the Senior Resident Superior Court Judge will designate a specific judge to preside over all proceedings in a case subject to N.C.G.S. §90-21.11(2), according to the following procedure:

1. For all medical malpractice cases filed in District 30A on or after October 1, 2021, the parties shall complete and file a Medical Malpractice Case Notification and Consultation Form (“MedMal Form”) with the Clerk of Superior Court, in the county where the action is filed, upon the filing of any responsive pleading or any motion that requires any sort of decision or determination by a superior court judge, whichever comes first.
2. For all pending medical malpractice cases filed prior to October 1, 2021, the parties shall complete and file the MedMal Form with the Clerk of Superior Court, in the county where the action is filed, as soon as may be practicable.
3. A copy of the MedMal Form shall be submitted either by regular mail or email to the Court Coordinator at [Jane.J.Capman@nccourts.org](mailto:Jane.J.Capman@nccourts.org) on the date the form is filed, for review by the Senior Resident Superior Court Judge. If the parties are unable to agree on the content of the MedMal Form, each party may submit a separate MedMal Form.

4. In the interest of efficient case management, any parties who fail to file and submit the MedMal Form in accordance with these procedures, absent good cause, will be considered by the Court to have waived any objections to the proposed and requested dates and judges.
5. In requesting an out-of-county superior court judge to preside over all proceedings in the case, the parties must contact the out-of-county judge and obtain that judge's agreement to be assigned to hear all proceedings in the case.
6. In assigning a specific superior court judge to hear all proceedings in the case, the Senior resident Superior Court Judge will consider, but will not be bound by, the judge(s) requested by the parties.
7. The Court Coordinator shall notice the parties of the judicial assignment.

This 21<sup>st</sup> day of March, 2022.



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Honorable William H. Coward  
Senior Resident Superior Court Judge, District 30A