

## DISTRICT 30A

### POLICY FOR THE ASSIGNMENT OF JUDGES FOR MEDICAL MALPRACTICE ACTIONS (“POLICY”)

1. Authority. Section 1.(b) of S.L. 2021-47 amends G.S. § 7A-47.3 to add a new subsection (e), effective October 1, 2021:
  - (e) The senior resident superior court judge [“SRSCJ”], in consultation with the parties to the case, shall designate a specific resident judge or a 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).
2. This policy applies to medical malpractice actions as defined by G.S. 90-21.11(2) and filed in the Superior Court of District 30A. Unless expressly stated, this Policy does not amend the local rules of District 30A, and counsel are strongly encouraged to consult the local rules of the district wherein the case is filed. These local rules are generally posted and available at [www.nccourts.gov](http://www.nccourts.gov).
3. For all medical malpractice cases filed on or after October 1, 2021, the parties shall complete and file the attached Medical Malpractice Case Notification and Consultation Form (“MedMal Form”) with the Clerk of Superior Court in the county where the action is filed. This shall be done at the same time of the filing of any responsive pleading or any motion that requires any sort of decision or determination by a superior court judge, whichever occurs first.
4. For all medical malpractice cases filed prior to and pending on 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 practicable.
5. The attached MedMal Form is also posted at [www.nccourts.gov](http://www.nccourts.gov).
6. A copy of the MedMal Form shall be submitted by email to the Court Coordinator for the SRSCJ on the date the form is filed, for review by the SRSCJ. If the parties are unable to agree on the content of the MedMal Form, each party may submit a separate MedMal Form.
7. Parties are encouraged to select from the judges who are assigned to the subject Judicial District per the Superior Court Master Calendar during the spring or fall rotation in which they expect the case to be tried.
8. A party’s failure to file and submit the MedMal Form in accordance with these procedures, absent good cause, will operate as a waiver of any objections to the proposed and selected trial dates and judges.
9. In assigning a judge under this Policy, the SRSCJ may consider, but is not bound by, the judges proposed by the parties.
10. The Court Coordinator will notify the parties of the judicial assignment and date of any medical malpractice discovery conference pursuant to the district’s local rules.

**STATE OF NORTH CAROLINA**

File No. \_\_\_\_\_

\_\_\_\_\_ COUNTY

In the General Court of Justice  
Superior Court Division

Name of Plaintiff(s)

**VERSUS**

Name of Defendant(s)

**MEDICAL MALPRACTICE CASE  
NOTIFICATION AND CONSULTATION**

**NOTE:** Parties in all Superior Court medical malpractice actions subject to N.C.G.S. § 90-21.11(2) in the 30th Judicial District are required to complete and file this form upon the filing of a responsive pleading or motion requiring a determination by a superior court judge, whichever occurs first. After filing with the Clerk of Superior Court, the parties shall deliver a copy of this form by regular mail or email to the Court Coordinator at [Jane.J.Capman@nccourts.org](mailto:Jane.J.Capman@nccourts.org). Failure to comply with 30A Judicial District Administrative Order Regarding Medical Malpractice Actions, absent good cause, will be considered a waiver of any objections to the proposed and requested trial dates and judges. Submission of this form to the Court constitutes consultation with the Senior Resident Superior Court Judge.

In accordance with the requirements of N.C.G.S. § 7A-47.3(e) and 30A Judicial District Administrative Order Regarding Medical Malpractice Actions, the parties submit this completed form for review by the Senior Resident Superior Court Judge.

(1) Select one:

- The agreed-upon information herein is jointly submitted by the parties to this action.  
 The information herein is submitted by the Plaintiff(s) only; a copy has been delivered to Defendant(s).  
 The information herein is submitted by the Defendant(s) only; a copy has been delivered to Plaintiff(s).

(2) Date Case Filed: \_\_\_\_\_.

(3) Anticipated length of trial: \_\_\_\_\_.

(4) Proposed trial dates: \_\_\_\_\_.

(5) Available dates in the next 60 days for the medical practice discovery conference:  
\_\_\_\_\_.

(6) Select one:

- All parties voluntarily agree to waive venue for hearing pretrial motions.  
 The Plaintiff(s) voluntarily agree to waive venue for hearing pretrial motions.  
 The Defendant(s) voluntarily agree to waive venue for hearing pretrial motions.

(7) Requested superior court judge for assignment to preside over all proceedings in this case and their judicial district:

Judge \_\_\_\_\_ (District # \_\_\_\_\_)

Confirmation required:  has been consulted /  is agreeable to assignment.

Judge \_\_\_\_\_ (District # \_\_\_\_\_)

Confirmation required:  has been consulted /  is agreeable to assignment.**NOTE:** In assigning a Superior Court Judge, the Senior Resident Superior Court Judge may consider, but is not bound by, the judges requested by the parties.

Submitted by:

 Self-Represented Plaintiff Plaintiff's Attorney Self-Represented Defendant Defendant's Attorney

Signature:

Signature:

Name:

Name:

Mailing Address:

Mailing Address:

Phone Number:

Phone Number:

Email Address:

Email Address:

Attach additional sheets as necessary to include names and contact information of all attorneys and self-represented litigants.