

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN RE:
PRIORITIES BETWEEN
SUPERIOR AND DISTRICT
COURT MATTERS

IN THE GENERAL COURT OF JUSTICE
SUPERIOR AND DISTRICT COURT DIVISIONS
FILE NO. 23 B 540

2023 MAR 23 P 2:57

MECKLENBURG CO. ADMINISTRATIVE ORDER

BY _____

WHEREAS, the Judicial District 26 seeks to ensure the fair and efficient administration of justice;

WHEREAS, the undersigned Senior Resident Superior Court Judge and Chief District Judge have inherent authority over the administrative supervision and operation of the superior and district courts in Judicial District 26 pursuant to N.C. Gen. Stat. § 7A-39 and 7A-146;

WHEREAS, attorneys are expected to be punctual in their scheduled appearance before the courts;

WHEREAS, the superior and district court divisions in Judicial District 26 are experiencing an increase in scheduling conflicts with attorneys who have multiple cases set in multiple courtrooms, divisions, and/ or judicial districts;

WHEREAS, the General Rules of Practice for the Superior and District Courts (GRP) were promulgated by the North Carolina Supreme Court pursuant to N.C. Gen. Stat. § 7A-34;

WHEREAS, GRP Rule 3.1 provides guidelines for resolving scheduling conflicts among the trial courts;

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that, effective immediately, the following priorities and procedure for resolution of scheduling conflicts shall apply to all trial court matters in Judicial District 26:

A. Court Scheduling Priorities as Between Trial Court Matters

1. If an attorney has conflicting engagements in different trial court matters, the following order of priority shall be followed:
 - a. any trial or hearing in a capital case;
 - b. the trial of a criminal case in superior court, when the defendant is in jail or when the defendant is charged with a Class A through E felony and the trial is reasonably expected to last for more than one week;

- c. the trial in an action or proceeding in district court in which any of the following is contested:
 - i. termination of parental rights,
 - ii. child custody,
 - iii. adjudication of abuse, neglect or dependency or disposition following adjudication,
 - iv. interim or final equitable distribution,
 - v. alimony or post-separation support.
 - d. the trial in any case designated pursuant to GRP Rule 2.1;
 - e. the trial in a civil action that has been peremptorily set as the first case for trial at a session of superior court.
2. Any of the trial court matters listed above shall prevail over any trial court matters not listed above.
 3. When none of the above priorities applies, priority shall be as follows: superior court, district court, magistrate's court.

B. Resolution of Court Scheduling Conflicts

1. When consulted about the availability of dates for trial, argument or hearing, an attorney has the responsibility of assuring the absence of conflicting engagements on any date the attorney indicates is available.
2. It shall be the duty of an attorney, upon learning of an imminent scheduling conflict between matters in the same priority category, to promptly give written notice to opposing counsel, the clerk of court of all courts, and the appropriate judges in all cases, stating the circumstances relevant to a resolution of the conflict under the guidelines in GRP Rule 3.1(c). [Attorneys may use the local form, CCF-91 *Notice and Motion to Resolve Court Scheduling Conflict*, to provide written notice.]
3. If an attorney learns of a conflict before the scheduled hearing date, the appropriate judges for notice are the Senior Resident Superior Court Judge for matters pending in superior court and the Chief District Court Judge for matters pending in district court.
4. If an attorney learns of a conflict on the scheduled hearing date, the appropriate judges for notice are the presiding judges.
5. The judges of the courts involved in a scheduling conflict shall promptly confer, resolve the conflict, and notify counsel of the resolution.

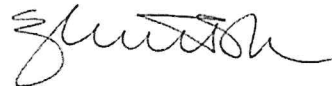
6. Conflict resolution shall not require the continuance of the other matter or matters not having priority. In the event the matter determined to have priority is disposed of prior to the scheduled time set, the attorney shall immediately notify all affected parties, including the court affected, of the disposal and shall, absent good cause shown to the court, proceed with the remaining case or cases which did not have priority if the setting was not vacated.
7. Nothing in this order is intended to prevent courts from voluntarily yielding a favorable scheduling position, and judges of all courts are urged to communicate with each other in an effort to lessen the impact of conflicts and continuances on all courts.

IT IS FURTHER ORDERED that this Order shall remain in effect until such time as it is rescinded by a subsequent order.

This, the 23rd day of March, 2023.



Honorable Carla N. Archie
Senior Resident Superior Court Judge



Honorable Elizabeth T. Trosch
Chief District Court Judge