

DISTRICT 22

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 22. Unless expressly stated, this Policy does not amend the local rules of District 22, 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.
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. The attached MedMal Form is also posted at www.nccourts.gov.
5. 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.
6. 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.
7. 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.
8. In assigning a judge under this Policy, the SRSCJ may consider, but is not bound by, the judges proposed by the parties.
9. 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.