

GUIDELINES FOR RESOLVING SCHEDULING CONFLICTS

IN ORDER TO PROVIDE A UNIFORM STANDARD FOR THE RESOLUTION OF SCHEDULING CONFLICTS BETWEEN AND AMONG THE STATE AND FEDERAL TRIAL AND APPELLATE COURTS OF NORTH CAROLINA THE FOLLOWING GUIDELINES ARE HEREBY ESTABLISHED:

1. It shall be the duty of counsel, other than solo practitioners, to have another member of the firm reasonably well acquainted with the case to the end that, where practicable, substitution of counsel may be made in order to avoid conflict.

2. In resolving scheduling conflicts the following priorities should ordinarily prevail:

- a. Appellate cases should prevail over trial cases;
- b. The case in which the trial date has been first set (by published calendar, order or notice) should take precedence;
- c. Criminal felony trials should prevail over civil trials;
- d. Trials should prevail over motion hearings.
- e. In resolving conflicts between the several divisions of the North Carolina General Court of Justice, the provisions of Rule 3, General Rules of Practice for the Superior and District Courts, shall control.

3. In addition to the above priorities, consideration should be given to the comparative age of the cases, their complexity, the estimated trial time, the number of attorneys

and parties involved, whether the trial involves a jury, and the difficulty or ease of rescheduling.


4. It shall be the duty of an attorney promptly upon learning of a scheduling conflict to give written notice to opposing counsel, the clerk of all courts and the presiding judges, if known, in all cases, stating therein the circumstances relevant to a resolution of the conflict under these guidelines.

5. The judges of the courts involved in a scheduling conflict shall promptly confer, resolve the conflict, and notify counsel of the resolution.

6. If the judges of the courts involved are unable to resolve the conflict they shall so notify the chairman of the State-Federal Judicial Council of North Carolina. The chairman and vice-chairman of the State-Federal Judicial Council of North Carolina shall then resolve the conflict.

7. Nothing in these guidelines 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.

ADOPTED by the State-Federal Judicial Council of North Carolina on this the 20th day of June 1985.


Secretary

Approved by the respective courts on the dates indicated.

THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

7/8/85
Date

Harrie L. Wilkin
Chief Judge

THE SUPREME COURT OF NORTH CAROLINA

7-26-85
Date

James B. Beam
Chief Justice

THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA

6-27-85
Date

W. Paul Bruff
Chief Judge

THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

7-16-85
Date

William H. Ward
Chief Judge

THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA

7/17/85
Date

Robert D. Little
Chief Judge