

STATE OF NORTH CAROLINA  
27<sup>TH</sup> JUDICIAL DISTRICT


IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
24 R 380 FILED


2024 SEP 27 P 1:57

**ADMINISTRATIVE ORDER ADOPTING LOCAL RULES**  
**FOR SECURE-LEAVE PERIODS FOR ATTORNEYS**

BY EL C.S.C.

1. This Order adopts the attached Local Rules for Secure-Leave Periods for Attorneys.
2. Rule 26 of the North Carolina General Rules of Practice for the Superior and District Courts governs Secure-Leave Periods for Attorneys.
3. This Order affects implementation of Rule 26.
4. This Order shall be published on [www.NCCourts.gov](http://www.NCCourts.gov) in the section designated as Rowan County's Local Rules and Forms.
5. This Order shall be effective as of September 30<sup>th</sup>, 2024.

  
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**HONORABLE MICHAEL S. ADKINS**  
SENIOR RESIDENT SUPERIOR COURT JUDGE  
27<sup>TH</sup> JUDICIAL DISTRICT

  
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**HONORABLE BETH S. DIXON**  
CHIEF DISTRICT COURT JUDGE  
27<sup>TH</sup> JUDICIAL DISTRICT

## LOCAL RULES FOR SECURE-LEAVE PERIODS FOR ATTORNEYS

### **Rule 1: Secure-Leave Periods for Attorneys**

- (a) **Definition; Entitlement.** A “secure-leave period” is a block of time designated by an attorney during which the Superior and District Courts (and their constituent operations: civil, criminal, juvenile, estates, special proceedings, domestic, etc.) may not hold a proceeding in any case in which that attorney is an attorney of record. An attorney is entitled to enjoy a secure-leave period that has been designated according to this Rule.
- (b) **Allowance.**
- (1) **Secure-Leave for any Purpose.** Within a calendar year, an attorney may enjoy twenty days of secure-leave for any purpose. Secure-leave designated under this subsection may be taken in minimum blocks of three consecutive days provided the total number of days designated and taken do not exceed twenty days in a single calendar year.
- For counting purposes:
- (i) Saturdays, Sundays, and holidays observed by the Courts of North Carolina shall be disregarded for counting purposes;
- (ii) A designated day followed by a court holiday followed by a designated day shall be counted as two consecutive days;
- (iii) A designated Friday followed by a Saturday, Sunday and a designated Monday shall be counted as two consecutive days; and
- (iv) A secure-leave period that crosses from one calendar year into another counts against the attorney’s allowance for the calendar year in which the day occurs.
- (2) **Secure-Leave for Birth or Adoption.** Within the twenty-four weeks after the birth or adoption of an attorney’s child, that attorney may enjoy twelve weeks of secure-leave for the purpose of caring for the child. Secure-leave periods designated under this subsection shall be taken in blocks of time consisting of complete calendar weeks. The secure-leave allowance in (b)(2) is in addition to the secure-leave allowance in (b)(1).
- (3) **Abuse of Designation.** Attorneys may not designate three-day blocks in consecutive weeks or in such fashion as to create a pattern of delay or avoidance of responsibility to handle matters before the court.
- (c) **Form of Designation.** Attorneys must designate secure-leave periods in writing.

- (d) **Content of Designation.** An attorney's designation of a secure-leave period must contain the following information:
- (1) The attorney's name, address, e-mail, telephone number, and state bar number;
  - (2) The date on which the secure-leave period is to begin and the date on which it is to end;
  - (3) The allowance that the secure-leave period will count against, with reference to either subsection (b)(1) or (b)(2) of this Rule;
  - (4) The dates of any previously designated secure-leave periods that count against that allowance;
  - (5) A statement that the secure-leave period is not being designated for the purpose of interfering with the timely disposition of any proceeding;
  - (6) A statement that the attorney has taken adequate measures to protect the interests of the attorney's clients during the secure-leave period [including compliance with Rule 1(i)]; and
  - (7) The attorney's signature and the date on which the attorney submits the designation.
- (e) **Where to Submit Designation.**
- (1) **In Criminal Actions.** Attorneys must submit designations of secure-leave periods to the office of the district attorney for each prosecutorial district in which criminal actions are pending and to the office of the Senior Resident Superior Court Judge and the Chief District Court Judge for that corresponding judicial district.
  - (2) **In Civil Actions.** Attorneys must submit designations of secure-leave periods to the office of the Senior Resident Superior Court Judge ~~for each superior court district~~ and to the office of the Chief District Court Judge for each ~~district court~~ judicial district in which civil actions are pending.
  - (3) **In Special Proceedings and Estate Proceedings.** Attorneys must submit designations of secure-leave periods to the office of the Clerk of the Superior Court of each county in which special proceedings or estate proceedings are pending.
  - (4) **In Juvenile Proceedings.** Attorneys must submit designations of secure-leave periods to the juvenile case calendaring clerk in the office of the clerk of the superior court of each county in which juvenile proceedings are pending.
- (f) **When to Submit, Modify, or Withdraw Designation.** Attorneys must submit designations of secure-leave periods:

- (1) At least sixty days before the secure-leave period begins; and
- (2) Before a peremptorily set trial date is scheduled in a proceeding in any of the attorney's cases for a time that conflicts with the secure-leave period..

In the event an attorney's plans for secure-leave change in whole or in part for any reason, the attorney may move the secure-leave to a different period by serving written notice of:

- (1) A modified secure-leave period at least forty-five days before the modified secure-leave period begins; and
- (2) Before a proceeding in any of the attorney's cases is scheduled for a time that conflicts with the modified secure-leave period.

If the attorney serves written notice of cancellation or withdrawal, the number of days originally designated but not taken will not be counted against the attorney's annual allowance. Any modification, cancellation or withdrawal of a previous secure leave designation shall state such action is not being taken for purposes of interfering with the timely disposition of any proceeding.

Child Birth/Adoption Exceptions. But because of the uncertainty of a child's birth or adoption date, the Court scheduling authority must make reasonable exception to these requirements so that an attorney may enjoy leave with the child.

- (g) **Depositions.** A party may not notice a deposition for a time that conflicts with a secure-leave period that another party's attorney has designated according to this Rule.
- (h) **Other Leave.** Nothing in this Rule limits the inherent power of the Courts to allow an attorney to enjoy leave that has not been designated according to this Rule. However, attorneys should not represent to the court that they have secured leave for any time not actually covered by a secured leave designation as doing so would violate the ethical duty of candor toward the tribunal.
- (i) **Attendance of Clients at Court Sessions While Attorney on Leave.** Attorneys should exercise all due caution to make sure they do not set cases during their period of secured leave. If cases do get set during the leave period and that is known to the attorney before beginning the secured leave period, the Attorney must provide a list to the courts involved and the DA for those courts of all clients having court dates during the leave period to include the court in which the matter is pending which shall constitute a request the client's presence be waived, which will be accommodated. However, if the client has a matter on for a date during the secured leave for which they are represented by the attorney having leave and that client also has other matters with respect to which they do not have an attorney or are represented by other counsel calendared on the same date or dates, their presence will not be waived as to those matters.