

eCourts

EXPANDING ACCESS TO JUSTICE

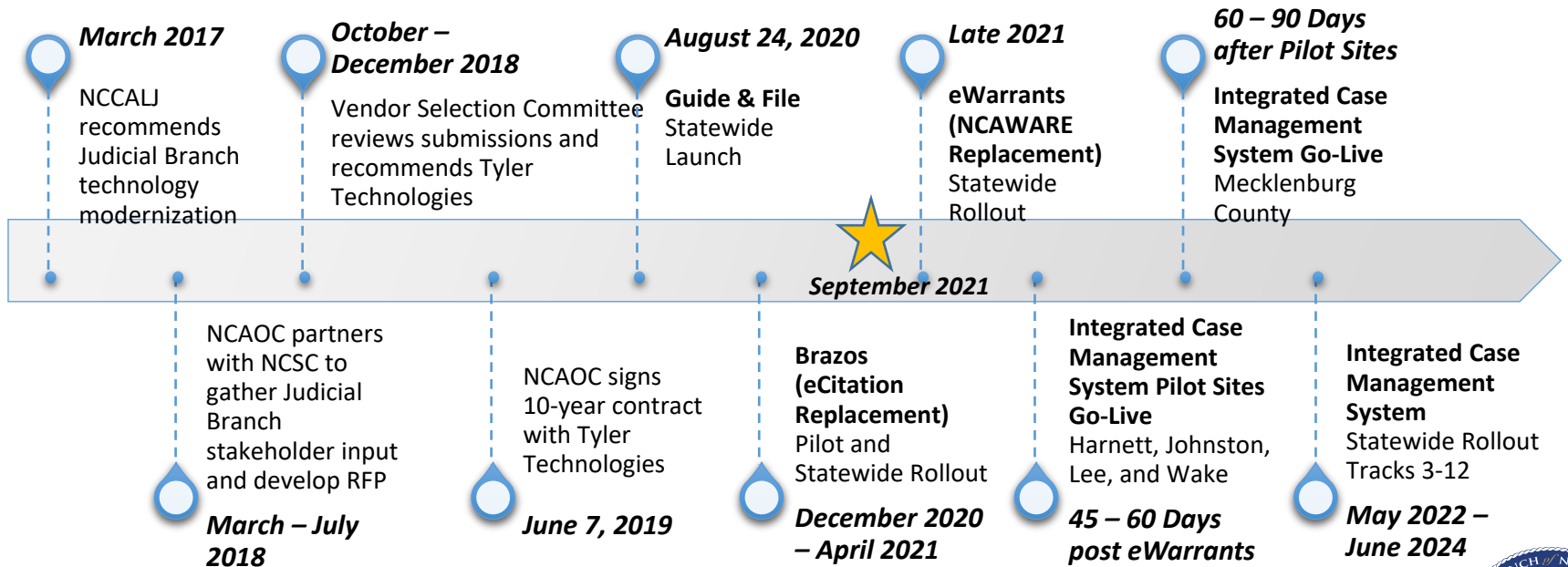


RULES REVISIONS FOR eCOURTS

OCTOBER 2021

ECOURTS PROGRAM TIMELINE

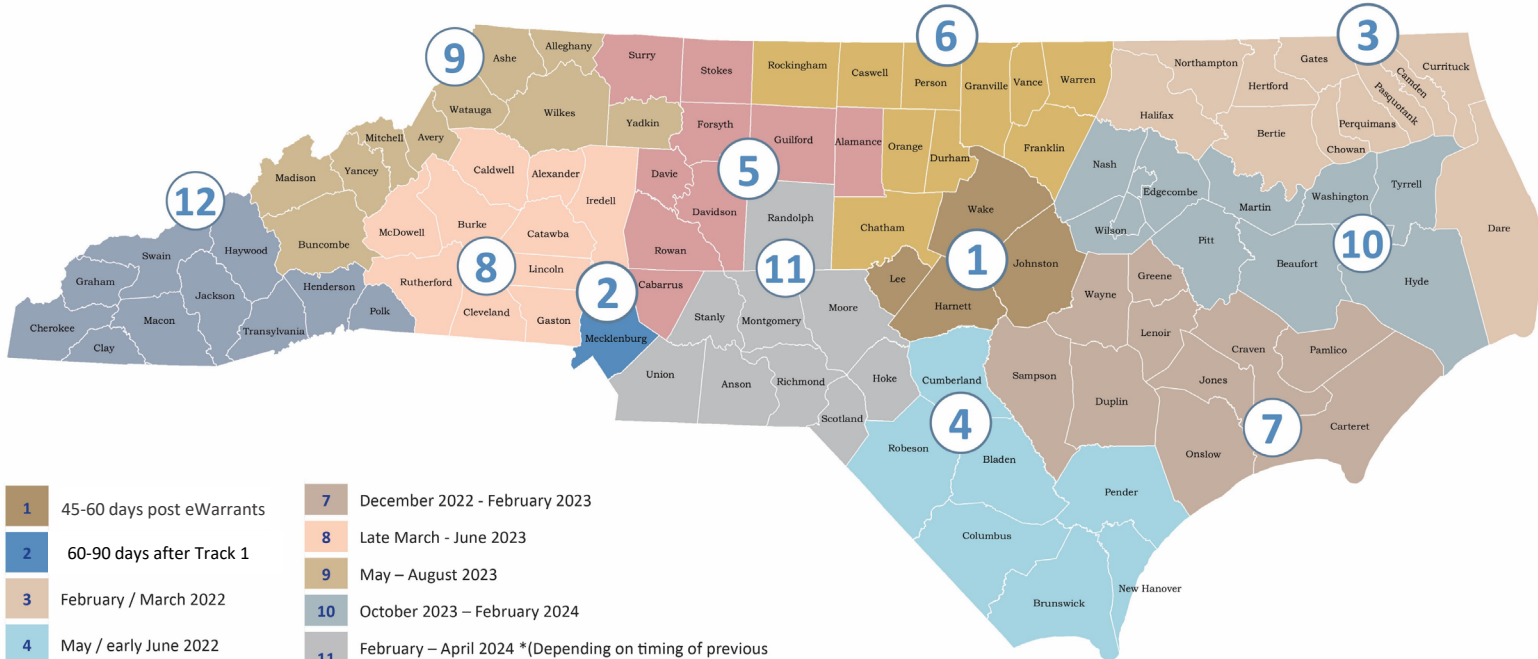
(SEPTEMBER 2021)



NCCALJ = North Carolina Commission on the Administration of Law and Justice
 NCSC = National Center for State Courts
 RFP = Request for Proposal



ODYSSEY ROLLOUT PLAN

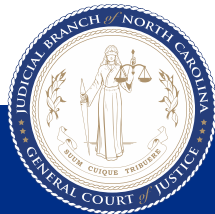


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|----------|---------------------------|-----------|---|
| 1 | 45-60 days post eWarrants | 7 | December 2022 - February 2023 |
| 2 | 60-90 days after Track 1 | 8 | Late March - June 2023 |
| 3 | February / March 2022 | 9 | May - August 2023 |
| 4 | May / early June 2022 | 10 | October 2023 - February 2024 |
| 5 | July / August 2022 | 11 | February - April 2024 *(Depending on timing of previous tracks, this track could move to February - April 2023) |
| 6 | September - December 2022 | 12 | April - June 2024 *(Depending on timing of previous tracks, this track could move to September - October 2023) |



EFILE

- Goes live when a district goes live with Odyssey Case Manager
- Mandatory for attorneys; optional for self-represented litigants
- File & Serve – for use when filers have prepared their filings
- Guide & File – helps filers prepare certain filings
- End user training/resources will be available two months before ICMS pilot counties are implemented





MAKING THE TRANSITION FROM PAPER-BASED RULES TO eCOURTS RULES



§ 7A-49.5. Statewide electronic filing in courts

(a) The General Assembly finds that the electronic filing of pleadings and other documents required to be filed with the courts may be a more economical, efficient, and satisfactory procedure to handle the volumes of paperwork routinely filed with, handled by, and disseminated by the courts of this State, and therefore authorizes the use of electronic filing in the courts of this State.

(b) The Supreme Court may adopt rules governing this process and associated costs and may supervise its implementation and operation through the Administrative Office of the Courts. The rules adopted under this section shall address the waiver of electronic fees for indigents.

(b1) The Supreme Court shall promulgate rules authorizing electronic filing and electronic signatures in the General Court of Justice. The rules shall require registration to participate in electronic filing and provide security procedures that include a mandatory submission of a form of identification to electronically file pro se.

(c) The Administrative Office of the Courts may contract with a vendor to provide electronic filing in the courts.

(d) Any funds received by the Administrative Office of the Courts from the vendor selected pursuant to subsection (c) of this section, other than applicable statutory court costs, as a result of electronic filing, shall be deposited in the Court Information Technology Fund in accordance with G.S. 7A-343.2. (2006-187, s. 2(c); 2007-323, s. 14.17(c); 2012-142, s. 16.5(f); 2019-243, s. 3(a).)



Chief Justice's Rules Advisory Commission

To promote the administration of justice by recommending amendments to the Rules of Civil Procedure and the General Rules of Practice.



Role of the Chief Justice's Rules Advisory Commission:

By virtue of this order, the Court issues to the Commission the following general charge:

- to monitor, comprehensively and particularly, the North Carolina Rules of Civil Procedure and the General Rules of Practice for the Superior and District Courts on behalf of the judicial branch of government; and
- to recommend amendments, additions, and deletions to those rules as are considered necessary for the proper administration of justice.

By virtue of this order, the Court issues to the Commission the following special charge:

- to recommend amendments, additions, and deletions to the North Carolina Rules of Civil Procedure and the General Rules of Practice for the Superior and District Courts as are considered necessary for the implementation of a statewide electronic-filing and case-management system.



ORDER AMENDING THE GENERAL RULES OF PRACTICE FOR THE SUPERIOR AND DISTRICT COURTS

- Entered April 21, 2021; Effective May 10, 2021
- Pursuant to section 7A-34 and section 7A-49.5 of the General Statutes of North Carolina, the Court hereby amends the General Rules of Practice for the Superior and District Courts. This order affects Rules 5, 5.1 (new rule), 22, and 27 (new rule).
- These amendments shall be published in the North Carolina Reports and posted on the rules web page of the Supreme Court of North Carolina.



Rules of Civil
Procedure

Rule 3
Rule 5



RULE 3: COMMENCEMENT OF ACTION

(a) A civil action is commenced by filing a complaint with the court. The clerk shall enter the date of filing on the original complaint, and such entry shall be prima facie evidence of the date of filing.

...

The summons and the court's order shall be served in accordance with the provisions of Rule 4. When the complaint is filed it shall be served in accordance with the provisions of Rule 4 or by registered mail if the plaintiff so elects. If the complaint is not filed within the period specified in the clerk's order, the action shall abate. **If electronic filing is available in the county of filing, attorneys shall file in accordance with Rule 5 of the General Rules of Practice for the Superior and District Courts. If electronic filing is available in the county of filing, self-represented litigants who are appropriately registered in the electronic filing system may file electronically in accordance with Rule 5 of the General Rules of Practice for the Superior and District Courts.**



RULE 5: SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

(a1) **Service of briefs or memoranda in support or opposition of certain dispositive motions.**--In actions in superior court, every brief or memorandum in support of or in opposition to a motion to dismiss, a motion for judgment on the pleadings, a motion for summary judgment, or any other motion seeking a final determination of the rights of the parties as to one or more of the claims or parties in the action shall be served upon each of the parties at least two days before the hearing on the motion. If the brief or memorandum is not served on the other parties at least two days before the hearing on the motion, the court may continue the matter for a reasonable period to allow the responding party to prepare a response, proceed with the matter without considering the untimely served brief or memorandum, or take such other action as the ends of justice require. The parties may, by consent, alter the period of time for service. For the purpose of this two-day requirement only, service shall mean personal delivery, facsimile transmission, **electronic (e-mail) delivery**, or other means such that the party **actually receives the brief within the required time.**

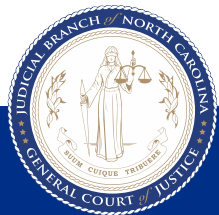


RULE 5: SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS.

(b) Service – How made. – A pleading setting forth a counterclaim or cross claim shall be filed with the court and a copy thereof shall be served on the party against whom it is asserted or on the party's attorney of record as provided by this subsection.

With respect to all pleadings subsequent to the original complaint and other papers required or permitted to be served, service shall be made upon the party's attorney of record and, if ordered by the court, also upon the party. If the party has no attorney of record, service shall be made upon the party.

Service is made under this subsection if performed through the court's electronic filing system. When service through the court's electronic filing system is not available, or the party is not registered to receive service through the court's electronic filing system, service may be made as follows:



RULE 5 SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS.

- (1) Upon a party's attorney of record:
 - a. By delivering a copy to the attorney. Delivery of a copy within this sub-subdivision means handing it to the attorney, leaving it at the attorney's office with a partner or employee, or sending it to the attorney's office by a confirmed telefacsimile transmittal for receipt by 5:00 P.M. Eastern Time on a regular business day, as evidenced by a telefacsimile receipt confirmation. If receipt of delivery by telefacsimile is after 5:00 P.M., service will be deemed to have been completed on the next business day. **Service may also be made on the attorney by electronic mail (e-mail) to an e-mail address of record with the court in the case. Such e-mail must be sent by 5:00 P.M. Eastern Time on a regular business day. If the e-mail is sent after 5:00 P.M., it will be deemed to have been sent on the next business day.**
 - b. By mailing a copy to the attorney's office.
 - c. In the manner provided in Rule 4 for service and return of process.



RULE 5 SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS.

(2) Upon a party:

- a. By delivering a copy to the party. Delivery of a copy within this sub-subdivision means handing it to the party.
- b. By mailing a copy to the party at the party's last known address or, if no address is known, by filing it with the clerk of court.
- c. Service may also be made on the party by electronic mail (e-mail) if the party has consented to receive e-mail service in the case at a particular e-mail address, and a copy of the consent is filed with the court by any party. Such e-mail must be sent by 5:00 P.M. Eastern Time on a regular business day. If the e-mail is sent after 5:00 P.M. Eastern Time, it will be deemed to have been sent on the next business day.**
- d. In the manner provided in Rule 4 for service and return of process.

Service by mail shall be complete upon deposit of the pleading or paper enclosed in a post-paid, properly addressed wrapper in a post office or official depository under the exclusive care and of the United States Postal Service.



RULE 5 SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS.

(b1) Service – Certificate of Service. – A certificate of service shall accompany every pleading and every paper required to be served on any party or nonparty to the litigation, except with respect to pleadings and papers whose service is governed by Rule 4. The certificate shall show the date and method of service or the date of acceptance of service and shall show the name and service address of each person upon whom the paper has been served. **If one or more persons are served by facsimile transmission or electronic mail (e-mail), the certificate shall also show the telefacsimile number or e-mail address of each person so served in that manner. Each certificate of service shall be signed in accordance with and subject to Rule 11 of these rules. With respect to persons served through the court's electronic filing systems, an automated certificate of service generated by that system satisfies the requirements of this rule.**



RULE 5 SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS.

- (d) Filing. – The following papers shall be filed with the court, either before service or within five days after service:
- (1) All pleadings, as defined by Rule 7(a) of these rules, subsequent to the complaint, whether such pleadings are original or amended.
 - (2) Written motions and all notices of hearing.
 - (3) Any other application to the court for an order that may affect the rights of or in any way commands any individual, business entity, governmental agency, association, or partnership to act or to forego action of any kind.
 - (4) Notices of appearance.
 - (5) Any other paper required by rule or statute to be filed.
 - (6) Any other paper so ordered by the court.
 - (7) All orders issued by the court.

All other papers, regardless of whether these rules require them to be served upon a party, should not be filed with the court unless (i) the filing is agreed to by all parties, or (ii) the papers are submitted to the court in relation to a motion or other request for relief, or (iii) the filing is permitted by another rule or statute. Briefs or memoranda provided to the court may not be filed with the clerk of court unless ordered by the court. The party taking a deposition or obtaining material through discovery is responsible for its preservation and delivery to the court if needed or so ordered.



RULE 5 SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS.

(e) (1) Filing with the court defined. – The filing of pleadings and other papers with the court as required by these rules shall be made by filing them with the clerk of the court, except that the judge may permit the papers to be filed with the judge, in which event the judge shall note thereon the filing date and forthwith transmit them to the office of the clerk.

(2) Filing by electronic means. – If electronic filing is available in the county of filing, filing shall be made in accordance with Rule 5 of the General Rules of Practice for the Superior and District Courts.

(3) The failure to affix a date stamp or file stamp on any order or judgment filed in a civil action, estate proceeding, or special proceeding shall not affect the sufficiency, validity, or enforceability of the order or judgment if the clerk or the court, after giving the parties adequate notice and opportunity to be heard, enters the order or judgment nunc pro tunc to the date of filing.



GENERAL RULES OF PRACTICE

Rule 5

Rule 5.1 (new)

Rule 22

Rule 27 (new)



COORDINATION WITH EXISTING EFILEING SYSTEMS

- Business Court eFiling
- Pilot project eFiling- Domestic violence programs



North Carolina Business Court eFiling

Terms of use Support

Welcome to North Carolina Business Court e-Filing website.

This service will allow you to file to an existing case electronically. You must first request an account which is then approved by the Business Court.

Please review the Terms of Use policy.

Thank you for your participation in the use of our e-Filing system.

IMPORTANT NOTICE OF REDACTION RESPONSIBILITY:

It is prohibited for any person preparing or filing a document in the official records of the North Carolina courts to include any of the following personal identifying information (PII) in such a document unless expressly required by law or court order or redacted:

- Social security numbers
- Employer taxpayer identification numbers
- Drivers' license numbers
- State identification numbers
- Passport numbers
- Checking account numbers
- Savings account numbers
- Credit card numbers
- Debit card numbers
- Personal identification (PIN) codes
- Passwords

See N.C.G.S. § 132-1.10(d).

Log In

Enter your User Name and Password

User Name:

Password:

Redaction: I have read the notice.

[Log In](#)

[Forgot Your Password?](#)

[Forgot Your User Name?](#)

[Request Account](#)

A user account is not required to browse public filings. Please do not submit a user account request for such purposes. Instead please access the Court's docket of public filings at <https://ncbc.nccourts.org/public/>.



RULES REGARDING FILING FOR ECOURTS DISTRICTS AND PAPER FILING DISTRICTS

Rule 5- eCourts

- Governs filing of pleadings and other documents in counties with Odyssey. Rule 5(a)
- List of efilings districts at <https://www.nccourts.gov/ecourts>.
- Attorneys are **required** to use efilings; it is **optional** for pro se litigants. Rule 5(b)(2)

Rule 5.1- Paper filing

- Governs filing of pleadings and other documents in counties without Odyssey. Rule 5.1(a)



Rule 5(b)(1) – REGISTRATION FOR EFILEING

- **Registration.** A person must register for a user account to file documents electronically. The Administrative Office of the Courts must ensure that the registration process includes security procedures consistent with N.C.G.S. § 7A-49.5(b1).
- **Attorneys** must register using bar number.
- **Pro Se litigants** may use eFiling and must register using information and security procedures set up by AOC.



Rule 5(b)(3)- ELECTRONIC SIGNATURES

- Signing a Document Electronically. A person may sign a document electronically by typing his or her name in the document preceded by “/s/.”



Rule 5(b)(4) – TIME

WHEN IS A DOCUMENT “FILED”?

a. When Filed. A document is filed when it is received by the court’s electronic-filing system, as evidenced by the **file stamp on the face of the document.**

b. Deadline. If a document is due on a date certain, then the document must be filed by 5:00 p.m. Eastern Time on that date.



Rule 5(b)(5)- RELIEF IF EMERGENCY PREVENTS TIMELY FILING

If an **Odyssey service outage, natural disaster, or other emergency** prevents an **attorney** from filing a **document** in a timely manner by use of the electronic-filing system, then the attorney may **file a motion** that asks the court for any relief that is permitted by law.

Comment: Subsection (b)(2) of Rule 5 requires an attorney to file pleadings and other documents electronically. An attorney who seeks relief from this filing requirement for a **particular document** should be prepared to show the **existence of an exceptional circumstance**. In an exceptional circumstance, the attorney should **exercise due diligence** to file the document electronically **before** the attorney asks the court for relief. Subsection (b)(5) of Rule 5 describes the process of asking the court for relief if an **emergency** prevents an attorney from filing a document electronically in a timely manner. Subsection (b)(5) **should not be construed to expand the court's authority to extend time or periods of limitation**. The court will provide relief only as permitted by law.



Rule 5(b)(6) ORDERS, DECREES, AND COURT COMMUNICATIONS

The court may **sign** an order, judgment, decree, or other document electronically and may **file** a document electronically. The court may also **send notices and other communications** to a person by use of the electronic-filing system.

- How to sign? Rule 5(b)(3)- “typing his or her name in the document preceded by “/s/.”



Rule 5(c) PAPER FILING

Why is there a paper filing rule in the electronic filing rule?

Pro se litigants may still use paper filing in eCourts districts, and an attorney who files a motion for relief under Rule 5(b)(5) may use paper filing as allowed by the order.

Paper filing rule is the same for all districts:

(c) Paper Filing. Documents filed in paper with the court should be unfolded and firmly bound with no manuscript cover. They must be letter size (8 ½" x 11"), except for wills and exhibits. The clerk of superior court may require a party to refile a document that does not conform to these requirements.

In civil actions, special proceedings, and estates, documents filed in paper with the court must include a cover sheet that summarizes the critical elements of the document in a format that the Administrative Office of the Courts prescribes. The clerk of superior court may not reject the filing of a document that does not include a cover sheet. Instead, the clerk must file the document, notify the party of the omission, and grant the party no more than five days to file the cover sheet. Other than dismissing the case, the court should not act on the document before the cover sheet is filed.



Rule 5(d) SERVICE

(d) Service. Service of pleadings and other documents must be made as provided by the General Statutes. A Notification of Service generated by the court’s electronic-filing system is an “**automated certificate of service**” under Rule 5(b1) of the Rules of Civil Procedure.

- This applies to service under Rule 5 of the Rules of Civil Procedure only, NOT service of the summons and complaint under Rule 4 of the Rules of Civil Procedure.
- eCourts system will generate an automated certificate of service so there is no need for a separate certificate of service prepared by the attorney.



Rule 5(e) PRIVATE INFORMATION

- A person should **omit or redact** nonpublic and unneeded sensitive information in a document **before** filing it with the court.

- **New Rule 27** provides additional requirements for sealed documents and protective orders.



Rule 5(f) BUSINESS COURT CASES

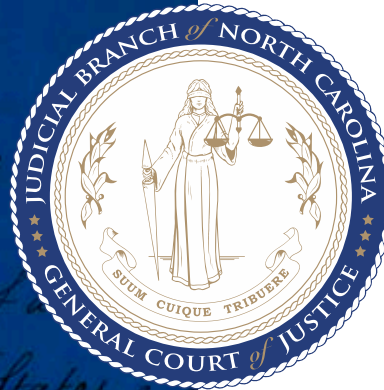
Rule 5(f): The filing of documents with the North Carolina Business Court is governed by the North Carolina Business Court Rules. This rule defines how a person must file a document “with the Clerk of Superior Court in the county of venue” under Rule 3.11 of the North Carolina Business Court Rules counties with *Odyssey*.

Comment: The North Carolina Business Court currently accepts filings through eFlex, a legacy electronic-filing and case-management system. Until Odyssey is implemented both in the Business Court and in the county of venue, duplicate filings in Business Court cases will still be required (see Rule 3.11 of the North Carolina Business Court Rules). Subsection (f) of Rule 5 of the General Rules of Practice clarifies that in Business Court cases, Rule 5 governs filings “with the Clerk of Superior Court in the county of venue.” As Odyssey is implemented, litigants should expect the General Rules of Practice, the North Carolina Business Court Rules, and the Supplemental Rules of Practice and Procedure for the North Carolina eFiling Pilot Project to undergo change.

SO-- In Business Court, the dual filing requirement still applies: both Business Court eFiling AND with the Clerk of Superior Court.



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Rule 5.1
Filing of Pleadings and
other Documents in Counties
without Odyssey

RULE 5.1

(a) Scope. This rule applies only in those counties that have not yet implemented Odyssey, the Judicial Branch’s new electronic-filing and case-management system. In a county with Odyssey, a person must proceed under Rule 5 of these rules.

(b) Electronic Filing. Electronic filing is available **only** in (i) cases that are either **designated “complex business” or assigned to a Business Court judge under Rule 2.1** of these rules and (ii) cases subject to the legacy North Carolina **eFiling Pilot Project**. The procedure for filing documents electronically in those cases is governed by the [North Carolina Business Court Rules](#) and by the [Supplemental Rules of Practice and Procedure for the North Carolina eFiling Pilot Project](#), respectively. In all other cases, only paper filing is available.



COMMENT TO RULE 5

The North Carolina Judicial Branch will implement Odyssey, a statewide electronic-filing and case-management system, beginning in July 2021. The system will be made available across the state in phases over a five-year period. Rule 5 of the General Rules of Practice defines filing in those counties with Odyssey. Rule 5.1 defines filing in those counties without Odyssey.

Subsection (b) of Rule 5.1 lists those contexts in which electronic filing exists in the counties without Odyssey.

As Odyssey is implemented, litigants should expect the General Rules of Practice, the North Carolina Business Court Rules, and the Supplemental Rules of Practice and Procedure for the North Carolina



RULE 27: SEALED DOCUMENTS AND PROTECTIVE ORDERS

(a) General Principles.

“(1) Persons” Defined. References to “persons” in this rule include **parties** and **nonparties who are interested in** the confidentiality of a document.

(2) “Provisionally Under Seal” Defined. A document is “provisionally under seal” if it is filed electronically with a confidential designation in the electronic-filing system or if it is filed in paper inside of a sealed envelope or container marked “Contains Confidential Information – Provisionally Under Seal.”

(3) Open Courts. A person who appears before the court should strive to file documents that are open to public inspection and should file a motion to seal a document only if necessary.

(4) Scope. This rule does not apply to documents that are closed to public inspection by operation of statute or other legal authority, nor does it apply to search warrants and other criminal investigatory documents. This rule does not affect a person’s responsibility to omit or redact private information from court documents pursuant to statute or other legal authority.



RULE 27 CONTINUED

(b) Procedure for Sealing a Document.

(1) Filing. A person who seeks to have a document (or part of a document) sealed by the court **must file the document provisionally under seal** and **file a motion** that asks the court to seal the document. The document must be filed on the **same day** as the motion.

(2) Motion. The motion to seal **must** contain:

- a. a **nonconfidential description** of the document the movant is asking to be sealed;
- b. the **circumstances that warrant sealing** the document;
- c. an explanation of why **no reasonable alternative** to sealing the document exists;
- d. a statement that specifies whether the document should be **accessible only to counsel of record** (as opposed to the parties);
- e. a statement that specifies **how long** the document should be sealed and **how the document should be handled upon unsealing**;

f. a statement, if applicable, that (i) the movant is filing the document provisionally under seal because another person has designated the document as confidential and the terms of a protective order require the movant to file the document provisionally under seal and (ii) the movant has unsuccessfully sought the consent of the other person to file the document unsealed; and

g. a statement, if applicable, that a nonparty who designated the document as confidential under the terms of a protective order has been served with a copy of the motion and notified of the right to file a brief in support of the motion.



RULE 27 CONTINUED

3) Briefing. A person **may file a brief** in support of or in opposition to the **motion no later than twenty days after having been served with the motion.**

(4) Hearing. The movant **must notice a hearing on the motion as soon as practicable** after the briefing period ends.

(5) Disclosure Pending Decision. Until the court rules on the motion, a document that is provisionally under seal may be disclosed only to counsel of record and unrepresented parties unless otherwise ordered by the court or agreed to by the parties.



RULE 27 CONTINUED

(6) Decision by Court. The court may rule on the motion **with or without a hearing**. In the absence of a motion or brief that justifies sealing the document, the court may order that the document (or part of the document) be made public.

(7) Public Version of Document. If the movant seeks to have **only part of a document sealed by the court**, then the movant **must file a public version** of the document **no later than ten days** after filing the document provisionally under seal. The public version of the document may include redactions and omissions, but the redactions and omissions should be **as limited as practicable**. If the movant seeks to have the entire document sealed, then the movant must file a **notice** that the entire document has been filed provisionally under seal instead of filing a public version of the document. The notice must contain a **nonconfidential description** of the document.

(c) Protective Orders. The procedure for sealing a document in subsection (b) of this rule **should not be construed to change any requirement or standard that governs the issuance of a protective order**. The court may therefore enter a protective order that contains standards and processes for the handling, filing, and service of a confidential document. To the extent that a proposed protective order outlines a procedure for sealing a confidential document, the proposed protective order should include (or incorporate by reference) the procedures described in subsection (b) of this rule. Persons are encouraged to agree on terms for a proposed protective order before submitting it to the court.



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Local Rules

RULE 22

OLD RULE

Rule 22. Local Court Rules

In order to insure general uniformity throughout each respective judicial district, all trial judges shall observe and enforce the local rules in effect in any judicial district where they are assigned to hold court. The senior resident judge shall see that each judge assigned to hold a session of court in his district is furnished with a copy of the local court rules at or before the commencement of his assignment.

NEW RULE

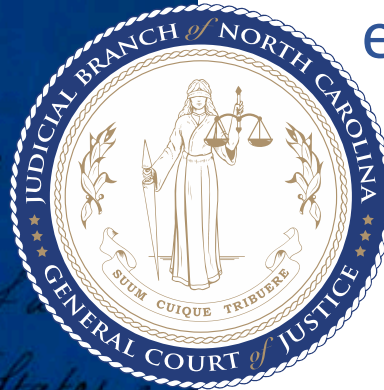
Rule 22. Local Rules of Practice and Procedure

(a) Purpose. Local rules of practice and procedure for a judicial district **must be supplementary to, and not inconsistent with**, the General Rules of Practice. Local rules should be succinct and **not unnecessarily duplicative of statutes or Supreme Court rules.**

(b) Enforcement. A trial judge must enforce the local rules of the judicial district in which the trial judge is assigned to hold court. This enforcement provision **does not apply to** cases that are either designated “**complex business**” or assigned to a Business Court judge under **Rule 2.1** of these rules.



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Supplemental Rules of Practice and Procedure for the North Carolina eFiling Pilot Project

Rules 1 & 5

RULE 1. PURPOSE AND SCOPE

1.1. Purpose. These rules define practice and procedure for the legacy North Carolina eFiling Pilot Project, **which will phase out beginning in July 2021.**

1.2. Scope. These rules **apply only** in those counties that (i) **have not yet implemented Odyssey**, the Judicial Branch's new electronic-filing and case-management system, and (ii) **still participate in the legacy North Carolina eFiling Pilot Project**. The Administrative Office of the Courts maintains a list of those counties and case types to which these rules apply at <https://www.efiling.nccourts.org/>.

Comment

The North Carolina Judicial Branch will implement Odyssey, a statewide electronic-filing and case-management system, beginning in July 2021. The system will be made available across the state in phases over a five-year period.

Counties that currently have access to eFlex, a legacy electronic-filing and case-management system, through the North Carolina eFiling Pilot Project will continue to have access to that legacy system until it is replaced by Odyssey.

As Odyssey is implemented, litigants should expect the General Rules of Practice, the North Carolina Business Court Rules, and the Supplemental Rules of Practice and Procedure for the North Carolina eFiling Pilot Project to undergo change.



RULE 5: ELECTRONIC FILING AND SERVICE

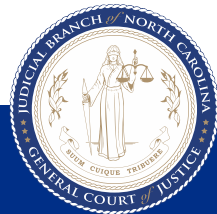
5.1. Permissive Electronic Filing. Pending implementation of revised rules by the North Carolina Supreme Court, electronic filing is permitted only to commence a proceeding or in a proceeding that was commenced electronically. Electronic filing is not required to commence a proceeding. Subsequent filings made in a proceeding commenced electronically may be electronic or non-electronic at the option of the filer.

5.2. Exceptions to Electronic Delivery. Pleadings required to be served under Rule 4 and subpoenas issued pursuant to Rule 45 of the Rules of Civil procedure must be served as provided in those rules and not by use of the electronic filing and service system. Unless otherwise provided in a case management order or by stipulation, filing by or service upon a *pro se* party is governed by eFiling

Rule 5.3. Pro se Parties. A party not represented by counsel may file electronically in civil domestic violence cases through domestic violence center personnel who have been issued an electronic identity. Service upon a party not represented by counsel may not be made by use of the electronic filing and service system.

5.4. Format. Documents must be filed in PDF or TIFF format, or in some other format approved by the court, in black and white only, unless color is required to protect the evidentiary value of the document, and scanned at 300 dots per inch resolution.

5.5. Cover Sheet Not Required. Completion of the case initiation requirements of the electronic filing and service system, if it contains all the required fields and critical elements of the filing, shall constitute compliance with the General ~~les as well as G.S. 7A-34.1~~, and no separate AOC cover sheet is required.



RECENT LEGISLATION

**N.C.G.S. §§ 7A-49.6, 7A-98,
and 15A-951**



N.C.G.S. § 7A-98 Unsworn declarations under penalty of perjury

Added by S.L. 2021-47, § 17(a), effective Dec. 1, 2021.

(a) Any matter required or permitted to be supported, evidenced, established, or proved in writing under oath or affirmation may, **if filed electronically pursuant to rules promulgated by the Supreme Court under G.S. 7A-49.5**, with like force and effect be supported, evidenced, established, or proved by **an unsworn declaration in writing, subscribed by the declarant and dated, that the statement is true under penalty of perjury.**

(b) Declarations given pursuant to this section shall be deemed sufficient if given in substantially the following form:

I declare (or certify, verify, or state) under penalty of perjury under the laws of North Carolina that the foregoing is true and correct. Executed on (date). (Signature).”

(c) Except as otherwise provided by law, this section **does not apply to**, and such unsworn declarations shall not be deemed sufficient for, any of the following:

(1) Oral testimony.

(2) Oaths of office.

(3) Any statement under oath or affirmation required to be taken before a specified official **other than a notary public.**

(4) Any will or codicil executed pursuant to G.S. 31-11.6.

(5) Any real property deed, contract, or lease requiring an acknowledgment pursuant to G.S. 47-17.



WHAT ABOUT CRIMINAL CASES?

S.L. 2021-47 (N.C.G.S. § 15A-951)

§ 15A-951. Motions in general; definition, service, and filing

(a) A motion must:

- (1) Unless made during a hearing or trial, be in writing;
- (2) State the grounds of the motion; and
- (3) Set forth the relief or order sought.

(b) Each written motion must be served upon the attorney of record for the opposing party or upon the defendant if he is not represented by counsel. **Service upon the attorney or upon a party shall be made as provided in G.S. 1A-1, Rule 5.**

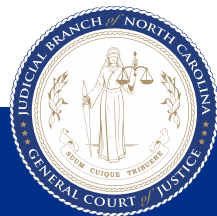
(c) All written motions must be filed with the court. **Proof of service must be made by filing with the court a certificate of service as provided in G.S. 1A-1, Rule 5(b1)**

This section becomes effective July 1, 2021, and applies to motions made on or after that date.



CJRAC'S CURRENT WORK

- General Rules of Practice, Rule 15- Electronic Media and Still Photography Coverage of Public Judicial Proceedings – Judge Paul Ridgeway
- Criminal Service- Judge Christine Walczyk
- Privacy- Personal Identifying Information (PID) – Judge Mike Robinson
 - Potential changes to
 - General statutes
 - Rules of Civil Procedure
 - Rules of General Practice
 - Rules of Professional Conduct



QUESTIONS?



