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ORDER ADOPTING RULE 33A OF THE RULES OF APPELLATE PROCEDURE

Pursuant to the authority of Article IV of the Constitution of North Carolina and N.C.G.S. §7A-33, the Rules of Appellate Procedure are amended by adding a new Rule 33A to read:

“33A. Secure Leave Periods for Attorneys

(A) *Purpose, Authorization.* In order to secure for the parties to actions and proceedings pending in the Appellate Division, and to the public at large, the heightened level of professionalism that an attorney is able to provide when the attorney enjoys periods of time that are free from the urgent demands of professional responsibility and to enhance the overall quality of the attorney’s personal and family life, any attorney may from time to time designate and enjoy one or more secure leave periods each year as provided in this Rule.

(B) *Length, Number.* A secure leave period shall consist of one or more complete calendar weeks. During any calendar year, an attorney’s secure leave periods pursuant to this Rule and to Rule 26 of the General Rules of Practice for the Superior and District Courts shall not exceed, in the aggregate, three calendar weeks.

(C) *Designation, Effect.* To designate a secure leave period an attorney shall file a written designation containing the information required by subsection (D), with the official specified in subsection (E), and within the time provided in subsection (F). Upon such filing, the secure leave period so designated shall be deemed allowed without further action of the court, and the attorney shall not be required to appear at any argument or other in-court proceeding in the Appellate Division during that secure leave period.

(D) *Content of Designation.* The designation shall contain the following information:

- (1) the attorney’s name, address, telephone number and state bar number,
- (2) the date of the Monday on which the secure leave period is to begin and of the Friday on which it is to end,
- (3) the dates of all other secure leave periods during the current calendar year that have previously been designated by the attorney pursuant to this Rule and to Rule 26 of the General Rules of Practice for the Superior and District Courts,
- (4) a statement that the secure leave period is not being designated for the purpose of delaying, hindering or interfering

with the timely disposition of any matter in any pending action or proceeding, and

- (5) a statement that no argument or other in-court proceeding has been scheduled during the designated secure leave period in any matter pending in the Appellate Division in which the attorney has entered an appearance.

(E) *Where to File Designation.* The designation shall be filed as follows:

- (1) if the attorney has entered an appearance in the Supreme Court, in the office of the Clerk of the Supreme Court;
- (2) if the attorney has entered an appearance in the Court of Appeals, in the office of the Clerk of Court of Appeals.

(F) *When to File Designation.* To be effective, the designation shall be filed:

- (1) no later than ninety (90) days before the beginning of the secure leave period, and
- (2) before any argument or other in-court proceeding has been scheduled for a time during the designated secure leave period.”

Adopted by the Court in Conference this 6th day of May, 1999, on the recommendation of the Chief Justice’s Commission on Professionalism. This amendment is effective January 1, 2000, and applies to all actions and proceedings pending in the Appellate Division on and after that date. This amendment shall be promulgated by publication in the Advance Sheets of the Supreme Court and Court of Appeals and by distribution by mail to each superior and district court judge, district attorney, clerk of superior court, and the North Carolina State Bar.

Wainwright, J.
For the Court