

Rule 26. Secure-Leave Periods for Attorneys, NC R SUPER AND DIST CTS Rule 26

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West's North Carolina General Statutes Annotated North Carolina Rules of Court General Rules of Practice for the Superior and District Courts Supplemental to the Rules of Civil Procedure

Superior and District Courts Rule 26

Rule 26. Secure-Leave Periods for Attorneys

Currentness

**(a) Definition; Entitlement.** A “secure-leave period” is one complete calendar week that is designated by an attorney during which the superior courts and the district courts 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) Within a calendar year, an attorney may enjoy three different secure-leave periods for any purpose. A secure-leave period that spans across calendar years counts against the attorney’s allowance for the first calendar year.

(2) Within the twenty-four weeks after the birth or adoption of an attorney’s child, that attorney may enjoy twelve additional secure-leave periods for the purpose of caring for the child.

**(c) Form of Designation.** An attorney must designate his or her 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 of the Sunday on which the secure-leave period is to begin and the date of the Saturday 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

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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; 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.* The attorney must submit his or her designation of a secure-leave period to the office of the district attorney for each prosecutorial district in which the attorney's criminal actions are pending.

(2) *In Civil Actions.* The attorney must submit his or her designation of a secure-leave period 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 district in which the attorney's civil actions are pending.

(3) *In Special Proceedings and Estate Proceedings.* The attorney must submit his or her designation of a secure-leave period to the office of the clerk of the superior court of the county in which the attorney's special proceedings or estate proceedings are pending.

(4) *In Juvenile Proceedings.* The attorney must submit his or her designation of a secure-leave period to the juvenile case calendaring clerk in the office of the clerk of the superior court of the county in which the attorney's juvenile proceedings are pending.

**(f) When to Submit Designation.** An attorney must submit his or her designation of a secure-leave period:

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(1) at least ninety days before the 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 secure-leave period.

But because of the uncertainty of a child's birth or adoption date, the superior court or district 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 superior courts or the district courts to allow an attorney to enjoy leave that has not been designated according to this rule.

**Credits**

[Adopted May 6, 1999, effective January 1, 2000. Amended September 4, 2019, effective September 11, 2019.]

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