

11 NCAC 23B .0206 HEARINGS

- (a) The Commission may, on its own motion, order a hearing, rehearing, or pre-trial conference of any tort claim in dispute. The Commission shall set the date, time, and location of the hearing, and provide notice of the hearing to the parties. Any pre-trial conference, as well as hearings of claims in which the plaintiff is incarcerated at the time of the hearing, may be conducted via videoconference or telephone conference in lieu of an in-person hearing. Where a party has not notified the Commission of the attorney representing the party prior to the mailing of calendars for hearing, notice to that party constitutes notice to the party's attorney. Any scheduled hearings shall proceed to completion unless recessed, continued, or removed by Order of the Commission, and shall not be limited by the business hours of the Commission as set forth in Rule .0101 of this Subchapter.
- (b) When an attorney is notified to appear for a pre-trial conference, motion hearing, hearing, or any other appearance the attorney shall, consistent with the North Carolina Rules of Professional Conduct, appear or have a partner, associate, or other attorney appear. Counsel for each party or any party without legal representation shall remain in the hearing room throughout the course of the hearing, unless excused by the Commission.
- (c) A motion for a continuance shall be allowed by the Commissioner or Deputy Commissioner before whom the case is set in the interests of justice or to promote judicial economy.
- (d) In cases involving property damage of less than five hundred dollars (\$500.00), the Commission may, upon its own motion or upon the motion of either party, order a videoconference or telephone conference hearing on the matter.
- (e) Unless otherwise ordered by the Commission, in the event of inclement weather or natural disaster, hearings set by the Commission shall be cancelled or delayed and rescheduled when the proceedings before the General Courts of Justice in that county are cancelled or delayed.
- (f) Unless otherwise ordered or waived by the Commission, applications for issuance of a writ of habeas corpus ad testificandum requesting the appearance of witnesses incarcerated by the North Carolina Division of Adult Corrections, shall be filed with the Commission with a copy to the opposing party or counsel, for review by the Commission in accordance with G.S. 143-296.

*History Note: Authority G.S. 143-296; 143-300;
Eff. January 1, 1989;
Recodified from 04 NCAC 10B .0202 Eff. April 17, 2000;
Amended Eff. July 1, 2014; January 1, 2011; May 1, 2000;
Recodified from 04 NCAC 10B .0206 Eff. June 1, 2018;
Amended Eff. Pending Legislative Review.*

11 NCAC 23B .0207 HEARINGS OF CLAIMS BY PRISON INMATES

History Note: *Authority G.S. 97-101.1; 143-296; 143-300;*
Eff. January 1, 1989;
Recodified from 04 NCAC 10B .0204 Eff. April 17, 2000;
Amended Eff. July 1, 2014; May 1, 2000;
Recodified from 04 NCAC 10B .0207 Eff. June 1, 2018;
Repealed Eff. Pending Legislative Review.

11 NCAC 23B .0503 SANCTIONS

The Commission may, on its own initiative or motion of a party, impose a sanction against a party, or attorney, or both, when the Commission determines that such party, or attorney, or both failed to comply with the Rules in this Subchapter, an Order of the Commission, the North Carolina Rules of Civil Procedure, and North Carolina Rules of Professional Conduct, or other applicable law.

*History Note: Authority G.S. 1A-1, Rule 11 and Rule 37; 143-291; 143-296; 143-300;
Eff. January 1, 2011;
Amended Eff. July 1, 2014;
Recodified from 04 NCAC 10B .0503 Eff. June 1, 2018;
Amended Eff. Pending Legislative Review.*