

(g) *No Petition in Criminal Cases.* The courts will not entertain petitions for rehearing in criminal actions.

ADMINISTRATIVE HISTORY

Adopted: 13 June 1975.
 Amended: 27 November 1984 -- 31(a) -- effective 1 February 1985;
 3 September 1987 -- 31(d);
 8 December 1988 -- 31(b), (d) -- effective 1 January 1989;
 18 October 2001 -- 31(b) -- effective 31 October 2001.
 Reenacted: 2 July 2009 -- effective 1 October 2009 and applies to all cases appealed on or after that date.

RULE 32 MANDATES OF THE COURTS

(a) *In General.* Unless a court of the appellate division directs that a formal mandate shall issue, the mandate of the court consists of certified copies of its judgment and of its opinion and any direction of its clerk as to costs. The mandate is issued by its transmittal from the clerk of the issuing court to the clerk or comparable officer of the tribunal from which appeal was taken to the issuing court.

(b) *Time of Issuance.* Unless a court orders otherwise, its clerk shall enter judgment and issue the mandate of the court twenty days after the written opinion of the court has been filed with the clerk.

ADMINISTRATIVE HISTORY

Adopted: 13 June 1975.
 Amended: 27 November 1984 -- 32(b) -- effective 1 February 1985.
 Reenacted: 2 July 2009 -- effective 1 October 2009 and applies to all cases appealed on or after that date.

RULE 33 ATTORNEYS

(a) *Appearances.* An attorney will not be recognized as appearing in any case unless he or she is entered as counsel of record therein. The signature of an attorney on a record on appeal, motion, brief, or other document permitted by these rules to be filed in a court of the appellate division constitutes entry of the attorney as counsel of record for the parties designated and a certification that the attorney represents such parties. The signature of a member or associate in a firm's name constitutes entry of the firm as counsel of record for the parties designated. Counsel of record may not withdraw from a case except by leave of court. Only those counsel of record who have personally signed the brief prior to oral argument may be heard in argument.

(b) *Signatures on Electronically Filed Documents.* If more than one attorney is listed as being an attorney for the party(ies) on an electronically filed document, it is the responsibility of the attorney actually filing the document by computer to (1) list his or her name first on the document, and (2) place on the document under the signature line the following statement: "I certify that all of the attorneys listed below have authorized me to list their names on this document as if they had personally signed it."

(c) *Agreements.* Only those agreements of counsel which appear in the record on appeal or which are filed in the court where an appeal is docketed will be recognized by that court.

(d) *Limited Practice of Out-of-State Attorneys.* Attorneys who are not licensed to practice law in North Carolina, but desire to appear before the appellate courts of North Carolina in a matter shall submit a motion to the appellate court fully complying with the requirements set forth in N.C.G.S. § 84-4.1. This motion shall be filed prior to or contemporaneously with the out-of-state attorney signing and filing any motion, petition, brief, or

other document in any appellate court. Failure to comply with this provision may subject the attorney to sanctions and shall result in the document being stricken, unless signed by another attorney licensed to practice in North Carolina. If an attorney is admitted to practice before the Court of Appeals in a matter, the attorney shall be required to file another motion should the case proceed to the Supreme Court. However, if the required fee has been paid to the Court of Appeals, another fee shall not be due at the Supreme Court.

ADMINISTRATIVE HISTORY

Adopted: 13 June 1975.
Amended: 18 October 2001 -- 33(a)-(c) -- effective 31 October 2001.
Reenacted and
Amended: 2 July 2009 -- added 33(d) -- effective 1 October 2009 and applies to all cases appealed on or after that date.

RULE 33.1

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, State Bar number, and e-mail address; (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; (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; and (6) a listing of all cases, by caption and docket number, pending before the appellate court in which the designation is being filed. The designation shall apply only to those cases pending in that appellate court on the date of its filing. A separate designation shall be filed as to any cases on appeal subsequently filed and docketed.

(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, even if the designation was filed initially in the Court of Appeals; (2) if the attorney has entered an appearance in the Court of Appeals, in the office of the clerk of the Court of Appeals.

(f) *When to File Designation.* The designation shall be filed: (1) no later than ninety 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.