

These FAQ's are produced by the Clerks of the Appellate Courts to serve as a resource. The information contained is intended to provide general guidance rather than specific direction in a particular case and should not substitute for your individual legal analysis

Question	Answer
I am concerned that even though the Court has allowed this extension, members of the Courts will frown on it being used.	The members of the Appellate Courts understand that this is a trying time for everyone. Working remotely, oftentimes while caring for young children, is new and demanding. You are encouraged to use these extensions to ensure that your needs, your family's needs, and your client's needs are being met. We will get through this together; no ill intent will be inferred by use of the extension.
My deadline has been extended by the order. May I still file my document or must I wait until closer to my deadline?	You may file the documents now, and are encouraged to do so electronically. Both Clerk's offices are open and operating with staff working remotely to the extent possible as recommended by NCDHHS and the CDC.
What deadlines are extended by the Supreme Court's March 27, 2020 Order?	<p>Deadlines imposed by the Rules of Appellate Procedure that fall between 27 March 2020 and 30 April 2020, inclusive of those endpoints, are hereby extended for 60 days.</p> <p>There have been many questions as to whether or not specific deadlines are extended by the order. If your deadline is set by a Rule of Appellate Procedure, it is extended for an additional 60 days from the date that the item was originally due. This means that you would take the original due date and add 60 days to arrive at the new due date. Rules regarding due dates falling on weekends and holidays still apply.</p> <p>It may be helpful to review Appendix A of the North Carolina Rules of Appellate Procedure at <a href="https://www.nccourts.gov/assets/inline-files/North-Carolina-Rules-of-Appellate-Procedure-Codified-11-September-2019.pdf?ch1T.THkbkBO74vl5TGG0Zvrf3PcKgW">https://www.nccourts.gov/assets/inline-files/North-Carolina-Rules-of-Appellate-Procedure-Codified-11-September-2019.pdf?ch1T.THkbkBO74vl5TGG0Zvrf3PcKgW</a> to determine which deadlines are set by which rules.</p> <p>If your deadline is imposed by a Rule of Appellate Procedure rather than the General Statutes or an administrative rule, then your deadline is extended for an additional 60 days.</p> <p>Please note that the issuance of the mandate is not a deadline imposed upon the parties, and <b>is not extended by the Court's order</b>. If you have deadlines that run from the issuance of the mandate, your deadlines are extended an additional 60 days.</p> <p>Please note that <b>the impact of the mandate is not extended</b>. Therefore, if you would like to stop the action of the mandate, you should file the appropriate motion or petition.</p>

Will the mandates of the Appellate Courts still issue?	The mandates of the Courts will issue, but deadlines relative to the mandates imposed by the Rules of Appellate Procedure are extended 60 days.
What about action that takes place immediately upon issue of a mandate? For example, I represent the State, and the Defendant was awarded relief at the Court of Appeals that would result in his or her release from prison. Do I have an additional 60 days to file a Petition for Writ of Supersedeas and Motion for Temporary Stay?	Neither the mandate nor its effect is stayed. If you desire relief from the mandate, prior to the issuance of the mandate you must file either a motion for temporary stay with the Supreme Court or a motion to stay the mandate with the Court of Appeals.
In the past, when I have filed a Motion for En Banc Rehearing in the Court of Appeals, the mandate has been stayed. Will that continue? How long do I have to file the Motion for En Banc Rehearing?	The timeline for filing a Motion for En Banc Rehearing is set by the Rules of Appellate Procedure, and is therefore extended by the Order of the Supreme Court. However, the time for issuance of the mandate is not extended and if you wish to have a Motion for En Banc Rehearing considered prior to the issuance of the mandate, you should file a motion to stay the issuance of the mandate.
What about deadlines imposed by the General Statutes rather than the Rules of Appellate Procedure?	Please see <a href="https://www.nccourts.gov/covid-19-coronavirus-updates">https://www.nccourts.gov/covid-19-coronavirus-updates</a> to review orders applicable to the trial courts.
What about deadlines in appeals of administrative actions? Are those extended?	There may be some matters that are not extended by either the Chief Justice's Order or the March 27, 2020 Order of the Supreme Court. Those matters may include appeals of administrative actions. Counsel should review all orders of this Court and the Chief Justice to determine if the orders apply to their particular case.
I see that the order says, "All parties are encouraged to file their documents and papers electronically at	

<p><a href="https://www.ncappellatecourts.org/">https://www.ncappellatecourts.org/</a>. Until further notice, all document types may be filed electronically in the appellate courts, including the printed record on appeal in Court of Appeals cases."</p>	
<p>How do I make payment to the Court of Appeals for bonds or filing fees that are owed with my filing?</p>	<p>Once you receive a file number via email, submit any required bond or fee to the appropriate Clerk's office:</p> <p>Clerk of Court Court of Appeals PO Box 2779 Raleigh, NC 27602</p> <p>Clerk of Court Supreme Court of North Carolina PO Box 2170 Raleigh, NC 27602</p>
<p>Does this mean everything can be eFiled?</p>	<p>Yes, any filing can be made via eFiling.</p>
<p>What if I need to seal a document that I eFile?</p>	<p>When you eFile, click to indicate the document is sealed. You may, in addition to clicking "sealed" for the document, contact the Clerk's office directly.</p>
<p>How do I register to eFile?</p>	<p>Please go to <a href="https://www.ncappellatecourts.org">www.ncappellatecourts.org</a> to register to eFile.</p>
<p>Do I need to contact the Clerk's office to have my deadlines extended?</p>	<p>No, you do not need to contact the Clerk's office to have your deadline extended. For cases already filed and showing as pending in our internal docketing system, our internal tracking system deadlines will be extended automatically by our IT department</p>
<p>Do I need to contact the Clerk's office to have my secure leave designations removed from April and May?</p>	<p>No, you do not need to contact the Clerk's office if you would like the secure leave designations removed from April and May. This will be done automatically by our IT department.</p>
<p>I would like to keep my secure leave for April or May. How may I have it</p>	<p>You may have that leave reapplied to your account by either contacting the Supreme Court Clerk or the Court of Appeals Clerk.</p>

reapplied to my account?	
What if my secure leave period was in late March?	Secure leave periods for the week starting March 30, 2020 have been credited back to the attorneys. If your secure leave period started the week of March 23, 2020 or earlier, your leave was not credited back.
If I file my appellant brief on April 2 despite being allowed additional time, how much time will Appellee's counsel have to file their brief?	The appellee's brief would be due after April 30, therefore the extension would not apply to their brief.
I will be filing a document that was originally due on April 1 in late May. Should I make a notation in the document that it was originally due on April 1, but is still timely based on the Chief's Order?	While the Court is aware of the extension and such a note would not be required under the rules or the Court's order, providing a brief note that your filing is timely based on the extension is allowable.
If I include such a notation in my brief, will it count against my word count?	No, it will not.
Does the extension apply to notices of appeal?	If the deadline to file the Notice of Appeal was imposed by the Rules of Appellate Procedure, then the time is extended.  Please remain mindful of the need to ask for stays, as necessary.  If the deadline was imposed by the General Statutes, please see information related to the Chief Justices Order Extending Court System Deadlines at: <a href="https://www.nccourts.gov/news/tag/press-release/chief-justice-beasley-orders-extension-of-court-system-deadlines">https://www.nccourts.gov/news/tag/press-release/chief-justice-beasley-orders-extension-of-court-system-deadlines</a>
The deadline for my brief was extended by order. Do I now have an additional 60 days to file my brief?	If the deadline to file your brief was extended to a date that falls within the order, yes, you have the additional time specified in the Order to file your brief.
Does the extension apply to filing responses to motions or petitions?	If the deadline to file the Petition or Motion was imposed by the Rules of Appellate Procedure, then the time is extended.

What if my deadline falls on 26 March or 1 May?	Your deadline was not extended but you may file a motion to extend time or a motion to deem timely filed if you have missed your deadline.
Do I have to file electronically?	You are not required to file electronically, but are encouraged to do so.
Can I email my documents for filing?	No, filings are <b>not</b> accepted via email.
Where do I go with further questions?	Please contact the Clerk's office of the respective court. Our Clerk's offices are open and operating, with staff working remotely to the extent possible as recommended by the CDC and DHHS. Please note that the Clerk may not give legal advice.