

NORTH CAROLINA
DISTRICT 13A
COLUMBUS COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

20-R- 321

2020 DEC -3 P 12:33

COLUMBUS CO., N.C.

**ADMINISTRATIVE ORDER
COLUMBUS COUNTY JURY TRIAL RESUMPTION PLAN**

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NOW COMES the undersigned Senior Resident Superior Court Judge and enters this Administrative Order concerning Court operations.

IT APPEARING TO THE COURT that the Chief Justice has declared, pursuant to Emergency Directive 22, issued September 15, 2020, that each senior resident superior court judge shall, in consultation with other local officials, craft a plan for the resumption of jury trials in his or her judicial district.

WHEREAS, the Jury Trial Resumption Plan is to ensure that all court operations are in compliance with each of the Chief Justice's emergency directives and is to be informed by the Best Safety Practices distributed by the North Carolina Administrative Office of the Courts;

WHEREAS, the undersigned Senior Resident Superior Court Judge has consulted with Chief District Court Judge for District 13, the Clerk of Superior Court of Columbus County, the District Attorney for Prosecutorial District 15, a Columbus County criminal defense attorney selected by the Senior Resident Superior Court Judge, the Sheriff of Columbus County, and the Columbus County Health Director regarding the Columbus County Jury Trial Resumption Plan;

AND WHEREAS, the Chief District Court Judge for District 13, the Clerk of Superior Court of Columbus County, the District Attorney for Prosecutorial District 15, the Columbus County criminal defense attorney selected by the Senior Resident Superior Court Judge, the Sheriff of Columbus County, and the Columbus County Health Director each indicated their approval to the Columbus County Jury Trial Resumption Plan contained in this administrative order;

THEREFORE, in order to implement the requirements of Emergency Directive 22, the Court hereby enters the following Administrative Order:

1. Pretrial Conference/Hearing – Prior to any case being called for trial, a conference or hearing shall be conducted to determine if any party has any objection to any of the guidelines which are set forth in this Plan.
2. Juror Questionnaires - To minimize the time necessary for jury selection, each prospective juror shall receive, along with their jury summons, a copy of the Qualifications, Health, and Hardship Questionnaire (Attachment "A"). Prospective jurors will be instructed to return the Qualifications, Health, and Hardship Questionnaire in person, by mail, or by email, within ten (10) days of receipt to allow sufficient time for screening by the

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appropriate judicial official. Jurors that are not excused or deferred and who report for jury service will be instructed to complete the Juror Questionnaire (Attachment "B"), which will be provided to them when they report for jury service.

3. Excuses and Deferrals – Pursuant to N.C.G.S. § 9-6, any summoned juror who has answered "yes" to any of the questions set forth in the Qualifications, Health and Hardship Questionnaire, and who does not meet the basic qualifications for jury service, or who requests to be excused or deferred from jury service due to hardship, may have his/her jury service excused or deferred prior to the date he/she was to report for jury service, provided that the prospective juror is not a supplemental juror who has been summoned for a case that has already been called for trial. Additionally, prospective jurors may be deferred, even without having requested to be, if the appropriate judicial official reviewing their questionnaire determines that the juror's service at this time would be contrary to the public welfare, health, or safety.
4. Juror Personal Protection Equipment (PPE) – Enclosed with their jury summons, each prospective juror shall receive a letter briefly explaining the steps that the court is taking to keep them safe and advising them of any PPE that they should bring with them when reporting for jury duty (Attachment "C").
5. Screening Procedures – All jurors, court personnel, attorneys, witnesses, and parties shall be subjected each time to a thermal imaging scan by courthouse security, to ensure they are not running a fever, prior to being admitted into the courthouse facility. Additionally, all jurors, court personnel, attorneys, witnesses, and parties shall be instructed that, for their safety as well as for the safety of those around them, they are to immediately notify the court if they become aware of COVID-19 exposure or infection.
6. COVID-19 Exposure - In the event that any juror, court personnel, attorney, witness, or party is exposed to COVID-19, the court may, in its discretion, treat that person as a critical infrastructure worker and allow his/her presence in the courthouse facility, provided that he/she remains asymptomatic, and additional precautions are implemented, as necessary, in compliance with the then current Center for Disease Control (CDC) guidelines to protect them and the community.
7. COVID-19 Infection - In the event that any juror, court personnel, attorney, witness, or party becomes infected with COVID-19, the court shall follow the then current CDC guidelines for isolation of sick individuals and take any appropriate action necessary, which may include excusal and replacement of a juror, continuance of the proceedings for an appropriate period of time, or declaring a mistrial if necessary, to avoid manifest injustice.
8. Use of Satellite Court Facility – The court may use an AOC approved satellite court facility to have summoned jurors to report initially, in order to better socially distance larger numbers of potential jurors until they can be oriented and, if need be, divided into smaller panels who will then be instructed when to report to the main courthouse facility where jury voir dire and selection will take place.

9. Voir Dire Process – To expedite the voir dire process, prior to questioning a prospective juror, counsel (and any pro se plaintiff or defendant) shall be given sufficient time to review the Qualifications, Health, and Hardship Questionnaire and the Juror Questionnaire submitted by that juror.
10. Distancing - All courtrooms shall be reconfigured as necessary to accommodate proper distancing. During jury selection and at all times during the trial, jurors, court personnel, attorneys, witnesses, parties, and members of the press and public shall maintain at least six feet apart in all directions.
11. Masks and Transparent Face Shields – In accordance with current CDC guidelines that recommend the use of masks, but not face shields, all courtroom participants shall, whenever reasonably possible, wear a face mask during the trial process. If, after consultation with the parties and consideration of any appropriate health concerns, the court determines that the use of a mask by a person will likely interfere with the trial process and the interests of justice, and that the use of a transparent face shield, in conjunction with appropriate social distancing, will not result in an undue health risk, the Court shall have the person provided with a transparent face shield enabling a full view of the face (including the person’s mouth) to be worn in lieu of a mask.
12. Visibility and Audibility of Exhibits and Witnesses – Sufficient projectors, screens, monitors, microphones, and speakers and/or headsets shall be placed in the courtroom to display exhibits and enable jurors, at appropriate physical distances, to adequately view and hear the testimony of witnesses.
13. Spectator Seating - If the courtroom does not have sufficient space to seat spectators and the jury with appropriate social distancing, spectators shall be permitted to watch trial proceedings remotely in another courtroom, using a video/audio feed to sufficient screens, monitors, and speakers to enable spectators to reasonably view and hear the trial proceedings.
14. Social Distancing of Counsel and Clients - Counsel and parties will comply with social distancing requirements while seated at counsel table. Judges shall accommodate counsels’ need to confer with their clients while court is in session and, considering social distancing requirements may, for example, permit counsel and clients to text or to use some similar means of electronic communication, rather than verbally confer or pass notes back and forth while court is in session.
15. Sidebars: The Court shall inform counsel before trial where and how sidebar conferences will occur if necessary. Sidebar conferences should be discouraged because of potential difficulties in maintaining proper distancing and to in order to avoid unnecessary time delays.
16. Notetaking by Jurors: The court, in the event that notetaking during the trial is permitted, shall provide each juror a large envelope in which the juror can store their own notes and

pen during breaks and at the end of each trial day in the jury room, with no one else handling the notebooks and pens.

17. Physical Evidence - To the extent reasonably possible, paper exhibits are prohibited, and whenever handling physical evidence, the person handling the item of evidence must wear gloves.
18. Review – The court shall continue to review and, if appropriate, modify this plan in accordance with directives and/or recommended health and safety best practices.

This 29th day of September, 2020



Douglas B. Sasser
Senior Resident Superior Court Judge
Judicial District 13A