

NORTH CAROLINA  
COUNTIES OF HAYWOOD, JACKSON,  
MACON, SWAIN, GRAHAM, CLAY  
AND CHEROKEE

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT  
20 R \_\_\_\_\_

IN RE:

CORONAVIRUS        )  
COVID 19            )

ADMINISTRATIVE ORDER

The undersigned Chief District Court Judge for Judicial District 30 enters this administrative order in response to Governor Roy Cooper declaring a state of emergency to respond to coronavirus COVID-19.

IT APPEARING TO THE COURT that on March 10, 2020, Governor Cooper declared a state of emergency and recognized that the “NC DHHS recommends that people at high risk of severe illness from COVID-19 avoid large groups of people as much as possible.” Furthermore, the Governor recognized that the “people at high risk of severe illness” are “adults over 65 years, those with underlying health conditions including heart disease, lung disease, or diabetes, or with weakened immune systems.”

AND IT FURTHER APPEARING TO THE COURT that Article 1, Section 18 of the North Carolina Constitution provides; “Court shall be open. All courts shall be open; every person for an injury done him in his lands, goods, person, or reputation shall have a remedy by due course of law; and right and justice shall be administered without favor, denial, or delay.

AND IT FURTHER APPEARING TO THE COURT that on May 1, 2020, Chief Justice Cheri Beasley entered an order directing all local court officials to schedule or reschedule all superior and district court proceedings for a date no sooner than June 1, 2020 unless:

1. the proceeding will be conducted remotely;
2. the proceeding is necessary to preserve the right to due process of law (e.g., a first appearance or bond hearing, the appointment of counsel for an indigent defendant, a probation hearing, a probable cause hearing, etc.);
3. a proceeding is for the purpose of obtaining emergency relief (e.g., a domestic violence protection order, temporary restraining order, juvenile custody order, judicial consent to juvenile medical treatment order, civil commitment order, etc.); or
4. the senior resident superior court judge, chief business court judge, or chief district court judge determines that the proceedings can be conducted under conditions that protect the health and safety of all participants.

AND IT FURTHER APPEARING TO THE COURT that the Chief District Court Judge Richard K Walker, after consultation with numerous NC DHHS agencies within the district has determined that there are steps which can be taken to create conditions which will, in fact, protect the health and safety of all participants.

PLEASE SEE ATTACHED  
ORDER OF THE CHIEF JUSTICE OF THE SUPREME COURT OF NORTH CAROLINA

NOW, THEREFORE, IT IS ORDERED THAT:

1. GENERAL PROVISIONS:

- a. Seating in the courtroom will be spaced so that all spectators sit 6 feet apart. Attorneys and other courtroom personnel shall not approach the witness stand, the clerk, or the bench without permission to ensure appropriate social distancing norms are observed. Exhibits shall be handled in such a manner as instructed by the presiding judge.
- b. All calendars shall be created so as not to exceed the number of spectators/participants as allowed within the limits of social distancing requirements.
- c. Anyone with an illness is strongly encouraged not to come to the courthouse. Likewise, adults over 65 years of age, those with underlying health conditions including heart disease, lung disease or diabetes, or with a weakened immune system should not come to the courthouses.
- d. A sign will be placed at the entrance of the courtroom stating that masks are permitted to be worn in the courtroom. The use of masks in the courtroom is encouraged.
- e. Everyone working or attending court at the courthouse should wash their hands frequently. Hand sanitizing stations shall be accessible for all courtrooms.
- f. Beginning June 1, 2020, each county shall be served by a designated district court judge for the purposes of presiding over scheduled courts, assessing court scheduling needs created by the COVID 19 crisis, and scheduling additional courts when possible to address those needs. In the event that there are two courts scheduled in a single day, the designated judge shall obtain the assistance of another judge to cover multiple courts.

2. CRIMINAL COURTS:

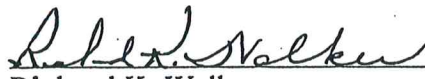
- a. There will be no formal calendar call until further notice.
- b. In accordance with the regular six-month schedule, criminal courts shall commence to hear matters, so long as the provisions set out in Section 1 above are in place.
- c. Attorneys representing the State shall work with the presiding judge in their respective county to ensure social distancing and that courtroom capacities are not exceeded.
- d. On any given criminal day set forth on regular six-month schedule, the District Attorney shall schedule no more than 20 defendants in each of two sessions, one in the morning and one in the afternoon. The District Attorney can additionally include in each calendar any matters in which the attorney representing the defendant wishes to plead by waiver.
- e. As to MVA courts, the District Attorney shall work with the presiding judge to ensure social distancing and that courtroom capacities are not exceeded.

3. DOMESTIC COURTS:

- a. There will be no formal calendar call until further notice.

- b. Domestic Courts shall continue to operate pursuant to the six-month schedule. The presiding judge shall schedule all matters, addressing time sensitive matters first, and publishing a schedule which limits the number of people in the courtroom at the time of each hearing.
  - c. Judges shall limit the number of people allowed in the courtroom to require a minimum distance of six feet between persons to comply with social distancing orders currently in effect.
4. DSS COURTS AND JUVENILE DELINQUENCY AND UNDISCIPLINED HEARINGS:
- a. There will be no formal calendar call until further notice.
  - b. Attorneys representing DSS or the State shall work with the presiding judge in their respective county to ensure social distancing and that courtroom capacities are not exceeded.
  - c. Attorneys representing DSS or the State shall create and distribute to court personnel five days prior to the court date, a hearing schedule which sets hearings in intervals which would allow hearings, contested or otherwise, to proceed without violating the provisions set for in paragraph 1. Only persons necessary for a time-scheduled hearing shall be allowed in the courtroom and only for the amount of time it takes to complete that hearing.
5. CHILD SUPPORT HEARINGS:
- a. There will be no formal calendar call until further notice.
  - b. Administrative days to address child support matters are strongly encouraged.
  - c. Attorneys representing DSS shall work with the presiding judge in their respective county to ensure social distancing and that courtroom capacities are not exceeded.
6. DISTRICT COURT ARBITRATIONS AND CUSTODY MEDIATIONS shall continue as scheduled with facilitators maintaining guidelines as set forth in paragraph 1 above.

This the 22nd day of May, 2020

  
Richard K. Walker .  
Chief District Court Judge  
30<sup>th</sup> Judicial District

**ORDER OF THE CHIEF JUSTICE  
OF THE SUPREME COURT OF NORTH CAROLINA**

Since 13 March 2020, in response to the COVID-19 global pandemic, I have issued a series of emergency directives necessary to ensure the continuation of critical court system functions while limiting the number of face-to-face interactions and the gathering of large groups in courthouses.

In that time, Governor Roy Cooper has issued emergency executive orders limiting public gatherings, closing public schools, restricting the operation of non-essential businesses, and encouraging the use of social distancing in keeping with current public health guidelines.

Adherence to social distancing and other public health guidance cannot be achieved with traditional, routine operation of the district and superior courts of this State. High-volume sessions of court, heavy dockets, and jury trials require the public to gather in county courthouses and courtrooms in close proximity for extended periods of time in numbers greater than currently allowed by the Governor's orders.

North Carolina's courts are a critical governmental function and, as such, are exempt from executive orders that limit large gatherings. Even so, crowded sessions of court are not in keeping with current public health guidance and must be avoided.

It is critical to the continued operation of our court system that the public and our court personnel have confidence that appropriate precautionary measures have been taken to protect public health in their local court facilities.

It is also critical to the functioning of our state government that the Judicial Branch continue carrying out its constitutional functions. Continued operation of the court system in light of the current pandemic requires a careful balancing of the needs of public safety, the rule of law, and our collective public health.

Therefore, additional emergency directives are now necessary to reduce the risk of infection and ensure the continuing operation of essential court functions.

Accordingly, I hereby determine and declare under N.C.G.S. § 7A-39(b)(2) that catastrophic conditions resulting from the COVID-19 outbreak have existed and continue to exist in all counties of this state.

**Emergency Directive 9**

No session of court may be scheduled if doing so would result in members of the public sitting or standing in close proximity and/or for extended periods of time in contravention of current public health guidance

Judicial officials should continue to make use of remote hearing technology to the greatest extent possible to limit in-person appearances.

All judicial officials should minimize large gatherings and face-to-face interactions between court personnel and the public to the greatest extent possible.

### **Emergency Directive 10**

No jury trials shall be convened in the district or superior courts of this State for the next thirty (30) days.

Although this emergency directive will expire in 30 days pursuant to N.C.G.S. § 7A-39(b)(2), it is my intention to extend this directive through at least the end of July and judicial officials are directed to plan accordingly.

### **Emergency Directive 11**

Each senior resident superior court judge shall, for each facility in his or her district, serve as or designate a COVID-19 Coordinator. In districts with more than one court facility, the same coordinator may be designated for multiple facilities. The name of the COVID-19 Coordinator for each facility shall be submitted no later than 5:00 p.m. on Tuesday, 26 May 2020 to the Administrative Office of the Courts.

The COVID-19 Task Force is directed to develop additional guidelines and best practices for the conduct of in-person court proceedings in compliance with current public health guidance.

### **Emergency Directive 12**

Each senior resident superior court judge shall for each facility in his or her district, ensure that:

1. intervals of at least six feet in every direction are marked with tape or other visible markers in all areas where the public is expected to congregate or wait in line;
2. the maximum allowable occupancy of each courtroom or meeting space is established such that all persons who must sit or stand in such space may observe social distancing of at least six feet in every direction;
3. the established maximum occupancy is prominently posted at the entrances to each courtroom or meeting space;

4. hand sanitizer is, at a minimum, available at the entry and exit of the facility and, preferably, at all high touch areas of the facility including doorways, service counters, stairwells and elevators; and
5. all areas accessed by the public are cleaned daily with high touch areas cleaned periodically throughout the day (high touch areas include, but are not limited to doorknobs, water fountains, handrails, elevator walls and buttons, bathroom faucets and dispensers, and reception desks or counters).

### **Emergency Directive 13**

Before any court calendar is published or distributed, the COVID-19 Coordinator must ensure that:

1. each session of court, either individually or when considered collectively with other planned sessions of court, will not result in members of the public sitting or standing in close proximity and/or for extended periods of time in contravention of current public health guidance; and
2. all judicial branch personnel assigned to a courtroom for more than thirty minutes will have a facemask made available prior to the session of court.

For sessions of court for which calendars have already been distributed, the COVID-19 Coordinator must make such assurances before the session of court begins.

### **Emergency Directive 14**

Clerks of superior court are directed to ensure that filings may be submitted during normal business hours and that access to public records is provided.

The clerk may, at his or her discretion, require that filings be submitted using a secure drop box to limit face-to-face interactions between staff and the public. The clerk may, at his or her discretion, require that access to public records be by appointment only and may limit the hours during which such access is available.

### **Emergency Directive 15**

To further minimize foot traffic in the courthouses, attorneys and litigants are encouraged to submit filings by mail to the greatest extent possible. Beginning 1 June 2020, pleadings and other documents delivered by the United States Postal Service to the clerk of superior court shall be deemed timely filed if received within five (5) business days of the date the filing is due.

## **Emergency Directive 16**

Each COVID-19 Coordinator is directed to determine whether there is adequate space in the court facility to convene a jury trial in keeping with current public health guidance. In making this determination, the COVID-19 Coordinator should take into account the need for the venire to observe social distancing, as well as for jurors to be socially distanced in the courtroom and any deliberation room. The COVID-19 Coordinator is encouraged to consult with the local public health director, or their designee, in making this determination where possible.

If local court facilities are determined to be inadequate to convene socially distanced jury trials, the senior resident superior court judge is directed to identify, no later than 1 July 2020, other appropriate facilities where trials may be safely convened beginning in August and continuing during the pendency of this emergency.

If the alternate facility is located outside the county seat, information about the alternate proposed facility shall, pursuant to N.C.G.S. §§ 7A-42(i) and 7A-130, be submitted to the Administrative Office of the Courts for approval and, in the case of the superior court division, to the Chief Justice for approval as well.

The COVID-19 Task Force is directed to develop recommended best practices and minimum requirements for the convening of jury trials and to submit those recommendations to the Chief Justice and to the Administrative Office of the Courts no later than 30 June 2020.

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### **Expiration of this Emergency Order and Guidance to Judicial System Stakeholders**

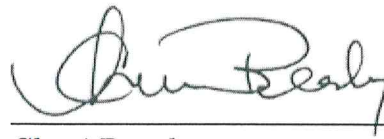
Pursuant to N.C.G.S. § 7A-39(b)(2), the emergency directives contained in this order expire on 20 June 2020.

These emergency directives are crucial to ensuring that our court system continues to administer justice while protecting the health and safety of court officials, court personnel, and the public.

All court officials are encouraged to liberally grant additional relief and accommodations to parties, witnesses, attorneys, and others with business before the courts.

Additional information about the Judicial Branch's response to the COVID-19 outbreak is available at <https://www.nccourts.gov/covid-19>.

Issued this the 21st day of May, 2020.

A handwritten signature in cursive script, appearing to read "Cheri Beasley". The signature is written in black ink and is positioned above a horizontal line.

Cheri Beasley  
Chief Justice  
Supreme Court of North Carolina