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HARNETT CO., C.S.C.

HARNETT COUNTY ADMINISTRATIVE ORDER

CIVIL DISTRICT JURY TRIAL RESUMPTION PLAN

Attached is the Jury Trial Resumption Plan for Civil District Jury Sessions in Harnett County. This plan has been approved by the Administrative Office of the Courts and is effective immediately for all civil jury trials in the district court of Harnett County until modified or revoked.

October 22, 2020


Jacquelyn L. Lee
Chief District Court Judge

JLL/lat

JURY TRIAL RESUMPTION PLAN

As directed by the Chief Justice of the Supreme Court of North Carolina, the following rules shall apply for Civil District Jury Trial Sessions:

1. Courtroom #3 shall serve as the designated civil district jury trial courtroom. Chairs shall be arranged in the well of the courtroom to the right from the view of the bench. Such chairs shall be placed six feet from each other. Each chair shall be labeled with a number, one through twelve. Two additional chairs shall also be placed in the area for alternate jurors. This area shall be designated as the jury box.
2. Plaintiff's counsel table and defendant's counsel table shall be placed so that litigants and attorneys can be six feet apart if desired.
3. The jury assembly room shall serve as the jury deliberation room. Chairs in this room shall be placed at least six feet apart. Access to this room shall be denied to any person other than jurors.
4. Prospective jurors shall be drawn pursuant to NCGS 9-5 and summonsed pursuant to NCGS 9-10. A jury service of forty persons shall be sufficient for trials.
5. The Clerk of Superior Court shall, in addition to the form setting forth statutory reasons for excuse or deferral, a notice with all jury summonses that persons must not report for jury duty if they are sick, have been diagnosed as suffering from COVID-19, are in quarantine because of exposure to COVID-19, or are exhibiting any one of the known symptoms of COVID-19, which shall be delineated on this notice. The notice shall include instructions that a positive answer to any of these questions shall disqualify a potential juror. Said person shall notify the jury clerk as designated on the notice. These names shall be given to the presiding judge to defer or excuse their jury service.

Notice to prospective jurors shall also include that a compromised immune system or other medical condition that renders them particularly susceptible or vulnerable to the effects of COVID-19 is sufficient to request a deferral or excuse from jury service.

6. Prospective jurors shall report one hour before the commencement of any jury trial for orientation. Jurors shall be equally divided for seating in Courtroom #3 and the jury assembly room for said orientation.
7. No later than noon on the Friday prior to any session, the District Court Trial Court Coordinator shall notify the attorneys or self-represented litigants of the order of trials appearing on the calendar. The Trial Court Coordinator shall advise the attorneys or self-

represented litigants involved in the first trial of the session the time they need to appear. All other attorneys and litigants will be placed on a half-day standby notice unless otherwise directed by the Court.

8. When a case is called for trial, the courtroom clerk shall call twelve jurors who shall sit in the jury box. Jury voir dire will proceed as usual. For a trial which is anticipated to exceed a day, two alternate jurors shall be chosen.
9. The court will encourage the parties to stipulate to a jury of eight or ten people in lieu of twelve persons.
10. Once a jury has been established, the jury shall report and remain in the jury assembly room at all times until needed in the courtroom. Jurors shall be reminded to maintain social distancing at all times during the trial.
11. Attorneys should publish exhibits to the jury via the audio-visual equipment in the courtroom. Exhibits shall not be published to the jury except in compelling circumstances. Upon such publication, the Court shall provide latex gloves and hand sanitizer to each juror.
12. Bench conferences during trial shall be kept to a minimum.
13. Housekeeping staff shall thoroughly clean the jury assembly room and courtroom during each lunch break and overnight recess.
14. In addition to the screening protocol conducted at the entrance to the courthouse, each day of jury trial, bailiffs shall ask all persons including jurors, court personnel, attorneys, litigants, witnesses, and observers:
 - a. Do you presently have a fever, cough, shortness of breath, chills, muscle pain or sore throat?
 - b. Have you recently lost your sense of smell or taste?
 - c. Have you had contact with anyone in the past fourteen days who has tested positive for COVID-19 or who is under quarantine for exposure to COVID-19?
 - d. Have you contacted your doctor or other health care provider during the past fourteen days because you believed you have COVID-19 symptoms?
 - e. Have you been directed to quarantine, isolate or self-monitor at home by any health care professional in the last fourteen days?

Bailiffs shall deny entry into the jury assembly room or courtroom to any person who answers one of these screening questions affirmatively and shall notify the presiding judge the name and role of that person's identity in the trial. The judge shall take such action as the judge deems appropriate.

15. All court participants shall wear face masks or clear face shields at all times during trial. Hand sanitizer stations shall be placed at the entrance to the courtroom and jury assembly room.
16. Should a participant in a jury trial become symptomatic for COVID-19, test positive for COVID-19 during the trial or report a known exposure to someone who has tested positive for COVID-19 during the trial, the trial judge, considering the role of the participant in the trial, the circumstances as related to the symptoms, positivity, or exposure, and the extent to which the participant may have been exposed to other persons involved in the trial must take one or more of the following:
 - a. Direct housekeeping staff to thoroughly clean and disinfect all areas of the courthouse the participant traveled;
 - b. If the participant is a seated juror, excuse that juror from further participation in the trial, and when required, replace that juror with an alternate;
 - c. If the participant is an essential witness and has not testified, determine the feasibility of remote testimony or deposition;
 - d. If the participant is a party, determine if the trial might proceed without the party's presence;
 - e. If the participant is the courtroom clerk, court reporter, or bailiff, replace him or her with another person to perform that role;
 - f. If the participant is one of the trial attorneys or the presiding judge, recess the trial for a reasonable period of time, or after considering factors of hardship to parties and judicial economy, and after entering findings of fact and conclusions of law in the record, order a mistrial;
 - g. Make such other decisions and enter such other orders as may be reasonable and just under all the relevant circumstances.
17. Plaintiff and Defendant shall be allowed at least two observers. If there is room in the audience section for more observers, the court shall consider that request and so allow; however, if room is needed for court personnel, jury members, witnesses or trial participants, observers shall leave the courtroom to allow proper social distancing in the audience portion. These persons shall follow all the protocols heretofore enumerated. These persons shall sit in the audience of the courtroom.

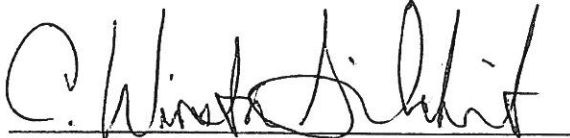
This plan may not address every contingency that might arise during the process of trial. The presiding judge shall remain vigilant for situations that could jeopardize the health and safety of all participants. Consequently, the presiding judge may and should order such other protocols as necessary and reasonable to address other situations which could pose a risk to court participants from the coronavirus. Attorneys and parties shall be allowed to file any motion they deem appropriate to ensure the proper health safeguards are followed while allowing the case to be heard in a proper and/or constitutional manner.

This plan shall be effective from its date of entry for all Civil District Court jury trials and shall remain in effect until revoked or modified by the Chief District Court Judge of the Eleventh Judicial District.

This the 30 day of September, 2020.


Jacquelyn L. Lee, Chief District Court Judge

HARNETT COUNTY
DISTRICT COURT DIVISION
JURY RESUMPTION PLAN
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Senior Resident Superior Court Judge

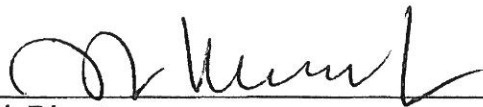
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District Attorney

HARNETT COUNTY
DISTRICT COURT DIVISION
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Harnett County Sheriff

HARNETT COUNTY
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A handwritten signature in black ink, appearing to read "Heath Director", written over a horizontal line.

Heath Director

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Member of Defense Bar