


21R155

FILED

AMENDED ADMINISTRATIVE ORDER
GOVERNING COURTHOUSE FACILITIES IN

2021 JUN 22 AM 4:00
ON SLOW, DUPLIN, SAMPSON, AND JONES COUNTIES

ON SLOW CO. C.S.C.

Now comes the undersigned Senior Resident Superior Court Judge for Judicial District Four and enters the following Order related to the Coronavirus (COVID-19) pandemic. 

Whereas, Chief Justice Paul Newby recognized on May 14, 2021 in a modification of his order of May 10, 2021 that the immediate threat of COVID-19 is lessening, and many aspects of life are moving toward pre-pandemic normal. The May 14, 2021 order was based on the Centers for Disease Control and Prevention's (CDC) modification of its position regarding face coverings. The CDC concluded that fully vaccinated people no longer need to wear a mask or physically distance in any setting, except where required by federal, state, local ... laws, rules, and regulations, including local business and workplace guidance.

Whereas, the Chief Justice's May 14, 2021 modification eliminates the July 16, 2020 Emergency Directive 21 that required "all persons who are in a court facility are required to wear a face covering while they are in common areas of the facility and when they are interacting with others."

Whereas, the Chief Justice's order leaves the decision as to face covering to the "informed discretion of local court officials" because local court officials are in "the best position to address health and safety concerns." He directed that any disagreements among local court officials over proposed safety precautions should be referred to the senior resident superior court judge for resolution.

Whereas, in his May 14, 2021 executive order, Governor Roy Cooper eliminated the statewide face covering requirement for most businesses and operations and lifted capacity limitations and social distancing requirements. However, in the same order Governor Cooper recognized that despite the recent improving trends, COVID-19 is a deadly and dangerous disease and the new CDC recommendations issued on May 13, 2021 confirm that unvaccinated people put themselves at great risk if they do not wear face coverings in recommended settings and do not socially distance.

Whereas, on June 4, 2021, the Chief Justice issued a supplemental order that stated: I urge local judicial officials to exercise their own authority to grant additional relief and accommodations as necessary to protect courthouse personnel and the public while honoring the Judicial Branch's commitment to open courts and the prompt administration of impartial justice. Additional information about the Judicial Branch's response to the COVID-19 outbreak is available at <https://www.nccourts.gov/covid-19>.

As a result of the previous cited orders, the undersigned has consulted with court officials regarding their concerns, input and opinions about the face covering requirement and other pandemic safety precautions mandated in the courthouses of the Fourth Judicial District. The undersigned has also reviewed the data from the CDC and the North Carolina Department of Health and Human Services.

Based on the foregoing, the undersigned orders that the following modifications be made to the previous order entered by the undersigned on May 25, 2021:

1. Fully vaccinated individuals are no longer required to wear face masks in order to enter a courthouse or while they are in the common areas.

2. Face masks are **strongly recommended** for those who are not vaccinated. If necessary, a judicial official, in reaching a decision as to the level of precautions necessary for their courtroom or workspace can inquire as to whether a person present has been fully vaccinated

3. All individuals who wish to continue to wear masks will be permitted to do so.

4. All judicial officials can establish the precautions, rules and protocols that will be required in their courtroom or chambers.

5. Each department head, assistant, or deputy clerk, after consultation with the Clerk of Court, will be allowed to determine what precautions will be required in their office or workspace.

6. It is encouraged that social distancing be maintained, but the presiding judicial official can set what that distance should be based upon the availability of space and the needs of the venue. This includes what space can be used for jury trials and deliberations.

7. Written screening devices will continue to be filled out by prospective jurors prior to being brought into the courtroom after the court has been convened. Daily screening devices will continue to monitor jury trial participants. They will be preserved by the clerk for six weeks after which these written devices can be destroyed.

8. Juror questionnaires will continue to be utilized by the court. They will be collected from the attorneys after jury selection is completed and retained by the clerk.

9. Daily courtroom cleaning will continue.

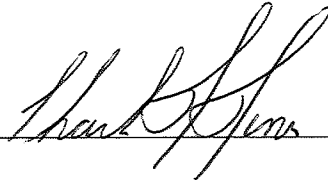
10. Plexiglass barriers in the courts can be removed in the court's discretion but only after consultation with those who use that workspace.

11. Exhibits will not be required to be presented to each juror in a notebook but can be distributed to jurors by the bailiffs. Hand to hand passing of exhibits to jurors will continue to be prohibited.

12. Temperature monitoring will be optional in the clerk's and the presiding judges' discretion.

These protocols can be modified without notice based upon changing circumstances and local needs. This order will be posted at the entrances to the courthouses and filed with the Clerk of Court. If not modified before, this order will be reviewed again on July 6, 2021 after which the undersigned will consider the input and experiences of the judicial officials, and the court and clerk of court personnel who are operating under this order to determine what modifications, if any, are recommended.

This the 21st day of June, 2021.

A handwritten signature in black ink, appearing to read "David H. Sims", is written over a horizontal line.

Senior Resident Superior Court Judge