

STATE OF NORTH CAROLINA
COUNTY OF CLEVELAND
COUNTY OF LINCOLN

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
DISTRICT COURT DIVISION

JUDICIAL DISTRICT 27B
PROSECUTORIAL DISTRICT 39

Cleveland County Record No. 20-R- 222
Lincoln County Record No. 20-R- 56

**ADMINISTRATIVE ORDER OF OPERATIONS
SPECIAL COVID-19 PROCEDURES FOR JURY TRIALS**

NOW COMES the undersigned Senior Resident Superior Court Judge for Judicial District 27B entering this Administrative Order to establish special procedures for the conduct of jury trials in Judicial District 27B during the Coronavirus (COVID-19) pandemic. This Order shall take immediate effect upon approval by the Chief Justice of the North Carolina Supreme Court and/or her designee.

WHEREAS, conditions during the current pandemic necessitate that special protective procedures be established for resumption of jury trials in the Superior Courts and District Courts in operation within this Judicial District. This plan is submitted as required by Emergency Directives entered by the Chief Justice of the North Carolina Supreme Court pertaining to COVID-19 and further Orders pursuant to the “Judicial Branch COVID-19 Task Force Recommendations on the Resumption of Jury Trials.” (June 30, 2020).

WHEREAS, the undersigned has consulted with designated stakeholders within this Judicial District in preparations of this plan. By their signatures appearing at the end of this Administrative Order, each specified stakeholder has indicated his or her involvement in and approval of this *Special COVID-19 Procedures for Jury Trials* plan of operation. Stakeholders involved in consultation with Senior Resident Superior Court Judge in the preparation of this plan include the Chief District Court Judge, the Resident Superior Court Judge, the elected Clerks of Superior Court in Cleveland and Lincoln Counties, the elected District Attorney, the elected Sheriffs of Cleveland and Lincoln Counties (or the designee of each such elected official), the COVID-19 Coordinator for both Cleveland and Lincoln Counties, the Public Health Directors of Cleveland and Lincoln Counties and one or more senior members of the local criminal defense and civil bars in both Cleveland and Lincoln Counties.

WHEREAS, consultations with stakeholders have included communications and safety “walk-throughs” in each county, viewing where jurors will go from the time they enter alternate facilities until they leave the facility at the end of their service. Walk-throughs included the area designated for jury assembly, jury orientation, jury waiting before and after the selection process, entrances to and exits from the designated courtroom, break areas, deliberation rooms, and other areas.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the following special protocols and procedures shall govern the resumption of jury trials within the Superior Courts and District Courts of Judicial District 27B:

The first jury session will occur on a date as specified by the Senior Resident Superior Court Judge, on or after a date determined by the Chief Justice for the resumption of jury trials within the trial courts in the State of North Carolina. This Plan shall apply to and control for all subsequent dates of jury sessions in this judicial district, pending further orders of this court. In the exercise of discretion, the Senior Resident, in consultation with the stakeholders named above, may delay the resumption of jury trials in this Judicial District until January 1, 2021, even if the Chief Justice approves an earlier date statewide for the resumption of jury trials, based upon such conditions as are found to exist within the Judicial District at the time that such determination is made.

SECTION INDEX

	<u>PAGE</u>
SECTION 1. Health and Safety Measures in the Courthouse	2
SECTION 2. Juror Summons and Deferral	3
SECTION 3. Alternate Sites for Jury Trials	4
SECTION 4. Jury Assembly and Orientation	5
SECTION 5. Calendar Management and Case Selection for Trial Order	6
SECTION 6. Trial Procedures	8
SECTION 7. Pre-Trial Conferences	10
SECTION 8. COVID-19 Response Amid Jury Trial Proceedings	10

SECTION 1. Health and Safety Measures in the Courthouse

Prior to June 1, 2020, and continuously since that time, local court officials have worked constantly to monitor and provide for the safety of all court personnel and other persons having business and occasion to enter each of our courthouse facilities. Safety measures implemented that will continue to remain in place during the resumption of jury trials include the following:

- a. All persons entering any and all court facilities within this Judicial District, including and not solely limited to court personnel, elected officials, law enforcement officers, probation officers, attorneys and

the general public, are required to enter through the main entrance and undergo a body temperature check with a touchless thermometer prior to being allowed to enter.

- b. No person shall be allowed into court facilities if symptomatic of COVID-19.
- c. Facial coverings are mandatory for all persons entering all court facilities.
- d. Pursuant to Emergency Directive 2 entered by the Chief Justice of the North Carolina Supreme Court on March 13, 2020, notices are posted at each entrance directing that any person who has likely been exposed to COVID-19 should not enter the court facility. Under Emergency Directive 2, a person who has likely been exposed to COVID-19 was defined as any person who:
 - i. Has travelled internationally within the preceding 14 days;
 - ii. Is experiencing fever, cough, or shortness of breath;
 - iii. Has been directed to quarantine, isolate, or self-monitor;
 - iv. Has a known exposure to COVID-19;
 - v. Has been diagnosed with COVID-19; or
 - vi. Resides with or has been in close contact with any person in the abovementioned categories.
- e. Pursuant to Emergency Directive 12 entered by the Chief Justice of the North Carolina Supreme Court on May 21, 2020, hand sanitizer has been made available in all public access areas and areas where court business is to be conducted. Additionally, hand sanitizer is made available within all courtrooms. The use of hand sanitizer is encouraged at the beginning of each new appearance before the court.
- f. Pursuant to Emergency Directive 12 entered by the Chief Justice of the North Carolina Supreme Court on May 21, 2020, public areas are marked with tape to indicate appropriate social distancing spacing in all public access areas and seating in each courtroom is marked for appropriate spacing that provides a distance of six (6) feet between all seated persons in all directions.
- g. Courtroom bailiffs and other security personnel continue to actively monitor persons in the courthouse to ensure compliance with requirements for face coverings, social distancing and to watch for any signs of symptoms that could be indicative of COVID-19.

SECTION 2. Juror Summons and Deferral

- a. Based upon prior experience and considering current health conditions, the Clerk of Superior Court shall determine how many jurors will need to be summoned in order to generate a sufficient number of jurors likely to attend.
 - i. Of that number, the Clerk of Superior Court shall summon one-third (1/3) to report at 1:00 p.m. in order to be ready to begin with jury selection at 2:00 p.m. on the first day of the trial session.

- ii. The second one-third of that number shall report at 9:30 a.m. on Tuesday (or the second day of the trial session).
 - iii. The final one-third (1/3) shall report at 1:00 p.m. on that second day.
- b. The Jury Clerk may modify this procedure with the approval of the Senior Resident Superior Court Judge to provide safe control of courthouse population in each facility, taking into account the progress of jury selection in each trial and the availability of facility space for Jury Assembly (note special accommodations in Cleveland County for Jury Assembly).
- c. The Clerk will download the Juror Orientation video to the court website for this Judicial District and include instructions with the jury summons directing that jurors watch the video prior to reporting for jury duty (sample summons attached hereto as “Exhibit A”).
- d. Upon reporting, each juror will be asked to certify whether or not the juror has watched and understands the information contained in the orientation video. Any juror who does not certify having watched the video will be required to undergo a juror orientation upon reporting for jury service.
- e. A letter to the jury from the Senior Resident Superior Court Judge and the Clerk of Superior Court shall be included in each jury summons, advising jurors of the precautions that are being taken within all court facilities to provide for their health and safety during jury service (a copy of the letter is attached hereto as “Exhibit B”).
- f. The jury deferral process will be handled by the office of the Chief District Court Judge according to standard practice, but granting deferrals more liberally to persons with a heightened risk of contracting COVID-19 and other persons identified by the CDC guidelines.

SECTION 3. Alternate Sites for Jury Trials

Local stakeholders have concluded that, due to space limitations, existing courthouse facilities and courtrooms are not feasible to accommodate jury trials so long as social distancing is required or recommended. For this reason, local officials, acting in cooperation with county management, have designated the following facilities as alternate sites for the conduct of jury trials under social distancing:

- a. Cleveland County Courts Alternate Site Accommodations:

**North Carolina Cooperative Extension Office - Auditorium
130 South Post Road
Shelby, NC 28150**

The large auditorium of the Cleveland County Agricultural Extension Office Building is designated as the courtroom for all jury trial matters for the duration of this pandemic. A separate conference room, on the same main level behind a locked keypad door will be used as the jury break area and jury deliberation room for all jury trial matters for the duration of this pandemic.

Courtroom configuration shall be as shown on the diagram attached to this Order as “Exhibit C,” although it is noted that all chairs and tables in this room are movable and that the configuration is subject to change as improvements in the layout are discovered through experience.

- b. Lincoln County Courts Alternate Site Accommodations:

**James Warren Citizens Center
115 West Main Street
Lincolnton, NC 28092**

The large auditorium of the James Warren Citizens Center will be used as a courtroom for all jury trial matters for the duration of this pandemic. The James Warren Citizens Center kitchen, adjacent to the auditorium will be used as the jury break area and for jury deliberations for all jury trial matters for the duration of this pandemic.

Courtroom configuration shall be as shown on the diagram attached to this Order as “Exhibit D.”

- c. In each facility named above, an entry and exit point shall be established by the Sheriff or his designee for the management of traffic flow in and out of the courtroom.
- d. For each facility named above, reserved parking shall be established for all jurors, alternate jurors and court personnel participating in any jury trial proceeding.

SECTION 4. Jury Assembly and Orientation

Jury orientation and jury selection, together with jury trials, will be conducted at the alternate sites specified above, following the general procedures outlined below:

- a. Any juror who has not certified as having watched the online jury orientation video must undergo orientation prior to the swearing of jurors. This orientation shall be conducted by the jury clerk or, in the discretion of the presiding Judge, by the Judge. Upon completion of orientation, all jurors shall be affirmed rather than sworn.
- b. Any juror requesting to be excused or deferred shall be directed to the presiding Judge for such request to be addressed. After handling all requests for excusal or deferral, the Judge shall proceed with jury selection.
- c. Prior to conducting jurors into the alternate courtroom, the Clerk shall randomly draw twelve (12) names and announce those names on the record. The bailiff will then escort jurors into the room, with those twelve (12) jurors to be directed into the jury box in the order their names were called.
- d. Additional jurors will be directed into the spectator area of the courtroom during jury selection. Any juror who is excused for cause or by the exercise of a peremptory challenge shall be excused to leave the building and given a call back number for instructions on when to return for the next case.

e. Issues Specific to Cleveland County:

- i. Jurors shall be instructed to report to the location of:

**The Legrand Center – Ballroom
1800 East Main Street
Shelby NC 28152**

**across Highway 182 from the
North Carolina Cooperative Extension Office.*

- ii. Court will not formally open until the Clerk has completed the jury orientation process as described herein. No more than twenty-five (25) jurors will be directed into the courtroom at any given time.

f. Issues Specific to Lincoln County:

- i. Jurors shall be instructed to report to the auditorium of the James Warren Citizens Center. The alternate site courtroom/auditorium itself shall also be used as the jury assembly room.

- ii. Court will not formally open until the Clerk has completed the jury orientation process as described herein. No more than thirty-five (35) jurors will be directed into the courtroom at any given time.

- g. Because of space limitations and social distancing requirements, seating for spectators or members of the media may be limited or eliminated altogether in the alternate site courtroom locations. If there is not sufficient room available for persons wishing to view the proceedings, the trial shall be made available through audio video livestreaming through an approved media by the NCAOC.

- h. To facilitate jury selection, the presiding Judge shall initially question jurors, using questions submitted by counsel. After the Judge completes this questioning, each counsel shall be allowed to ask follow-up and additional questions of potential jurors as provided by statute.

- i. Once twelve (12) jurors and any alternate jurors have been selected, they will be affirmed. The remaining jurors will be instructed to call back at a designated time or dismissed as appropriate.

- j. In the event that all of the morning jurors are utilized, and a full panel is not selected, jury selection shall halt and resume at 2:00pm on the afternoon of the same day. If a jury is selected, the message for the 2:00pm jurors shall be to call back at a later day and time, or they shall be released as appropriate.

SECTION 5. Calendar Management and Case Selection for Trial Order

The authority for the calendaring of criminal cases lies with the District Attorney pursuant to N.C.G.S. § 7A-49.4 and shall continue to do so in this district, subject to the following provisions:

- a. During the first ninety (90) days after the Chief Justice's Emergency Directives allow for the resumption of jury trials, criminal cases selected for trial shall be prioritized by the District Attorney, in consultation with the attorneys of record, subject to final approval by the Senior Resident Superior Court Judge.
- b. In conducting the prioritization of criminal cases as described above, consideration shall be given to the following factors:
 - i. The extent to which a jury trial of the case can be conducted with safety for the health of all participants;
 - ii. The readiness of the case for trial, as determined by counsel for each party;
 - iii. The age of the case;
 - iv. Whether or not the defendant remains in custody pending trial;
 - v. The complexity, number of parties and expected length of trial;
 - vi. The consent, or lack thereof, of the defendant and defense counsel to proceed to trial at this time, particularly with respect to legitimate concerns over health and safety or the likelihood of unfairness arising from special precautions involved in the court proceeding.
- c. The first jury trial in each alternate courtroom shall be a case agreed upon by the prosecutor and defense counsel as being a case that is ready for trial, appropriate under the circumstance, one that will be relatively straightforward, likely to be completed within three (3) days or less, not likely to require multiple bench conferences for ruling on sensitive issues or otherwise subject the jury to extended periods of waiting.
- d. It is anticipated that the first jury trials set for hearing in this district shall be civil cases, lower-level felonies (e.g., Class H or I), or misdemeanor appeals expected to take less than one (1) week to try. No complex civil case, high-level felony case (e.g., Class B2 or higher, absent consent of the parties), or any case expected to require multiple weeks for trial shall be calendared within the first ninety (90) days after the date specified by the Chief Justice for the resumption of jury trials except upon consent of all parties to the case and approval by the Senior Resident Superior Court Judge.
- e. No jury trial shall commence in this Judicial District until a date has been specified by the Chief Justice of the North Carolina Supreme Court providing for such. Upon completing the first and any subsequent jury trials during the first sixty (60) days of operation under this Order, the presiding Judge from that trial shall confer with counsel from that trial, together with the COVID-19 Coordinator and any other interested stakeholders to review the conduct of that trial with a view toward issues that need to be addressed with respect to upcoming trials conducted pursuant to this Order. Thereafter, the Senior Resident and Chief District Court Judge shall make amendments to this Plan, modify courtroom layouts or make other procedural changes to the conduct of trials under this Order as deemed appropriate, taking into account lessons learned from the previous trial.

- f. The Senior Resident, in consultation with the stakeholders named above, may make changes to the trial schedule and/or calendaring for upcoming trials, based upon lessons learned from previous trials, as well as health and safety concerns as determined to be existing at the time.

SECTION 6. Trial Procedures

- a. The presiding Judge, court personnel and litigating parties should be mindful and considerate of the anxiousness of potential jurors who are kept waiting. Every effort should be made to begin jury trials promptly at the time designated. If unexpected delays are encountered, jurors should be allowed to leave the alternate court facility and return at a designated time, rather than kept waiting in a jury assembly area.
- b. Counsel tables will be arranged so that the jury can see and hear the witness.
- c. Plexiglass will be installed on all three (3) sides of the witness stand so that witnesses can remove facial coverings while testifying.
- d. Each witness will be affirmed, and the witness table will be sanitized after each use. In the event any witness prefers to be sworn, that witness will be responsible for providing a religious book of choice, which will remain in the possession of the witness.
- e. Counsel shall remain at counsel table when questioning witnesses but may otherwise move through the courtroom in the appropriately marked and designated areas to introduce evidence.
- f. Opening statements and closing arguments shall be conducted from a podium placed in the room, or from an area designated where counsel may stand. Counsel shall not approach the jury or venture outside the designated area. These areas will be appropriately marked in advance of any jury trial proceeding.
- g. Should there be any issue requiring discussion outside the presence of the jury, the jury will proceed to the jury deliberation room that will be marked appropriately according to social distancing standards that will accommodate twelve (12) jury members and juror alternates only. In lieu of this procedure, the presiding Judge may exercise discretion to meet outside the courtroom with counsel and the court reporter, in a socially distanced manner, for any “bench conference.”
- h. Face coverings for personal health protection shall be worn at all times by all persons in the courtroom, but those facial coverings may be lowered for the purpose of witness identification. Witnesses shall not wear face coverings when testifying.
- i. Exhibits and other paperwork will be handled by as few persons as possible. Each attorney shall provide the presiding Judge, Clerk of Court, Court Reporter and opposing counsel with a complete exhibit list at the beginning of the trial and shall have all exhibits labeled in advance of the opening of court. The attorney shall provide any witness with his/her own copy while having the witness identify the original through the plexiglass.

- j. The Court Reporter shall be permitted to set up at a location that faces both the witness and counsel tables in a manner that will enable observation of both at the same time.
- k. Additional procedures such as restroom protocol, and other logistical matters shall be addressed during the trial as circumstances dictate by the presiding Judge and in coordination with the COVID-19 Coordinator if necessary.
- l. Jury deliberation shall be in a designated jury deliberation room, which has been marked for social distancing for thirteen (13) to fourteen (14) jurors. If the presiding Judge determines that the designated jury deliberation room is not adequate, the Judge may allow jury deliberations in the courtroom itself, with such security and privacy measures as determined by the Judge to ensure that all deliberations are kept private.
- m. Upon being seated as a juror to a specific case, each juror will receive a “Juror Care Package” containing a mask, gloves, hand sanitizer, tissues and an unused notepad and pen. The COVID-19 Coordinator will provide such packages to the courtroom clerk prior to the commencement of jury selection.
- n. All court facility sanitization procedures shall be provided and maintained by the appropriate personnel in coordination with the COVID-19 Coordinator and each county’s facilities management office. Sanitization of all touch surfaces and assembly areas shall be done each day before court opens and again during the lunch break. Sanitization of podiums and microphones shall be provided at the completion of each use.
- o. Hand sanitizer shall be made available at all high touch areas and surfaces in all court operation areas, as well as being provided to all litigating parties and others present in the courtroom during jury trials.
- p. Any and all logistical requirements provided for within this Order shall be coordinated by the Superior Court Trial Court Coordinator and/or COVID-19 Coordinator of this Judicial District with the various stakeholder group(s).
- q. All trials shall be conducted in accordance with best safety practices for jury management and jury trials that are attached as “Exhibit E” and also itemized as “Appendix D” to the June 30, 2020 *Second Report to the Chief Justice of the Supreme Court of North Carolina* prepared by the Judicial Branch COVID-19 Task Force.
- r. The presiding Judge should be familiar with all safeguards and precautions that have been undertaken to provide a safe workplace for jurors, court personnel, counsel and litigants. As part of their orientation, Judges should include mention of these safeguards in written and oral communications to jurors. The jury clerk should also have a list of these safeguards in order to address telephone inquiries from prospective jurors.

SECTION 7. Pre-Trial Conferences

No jury trial may be conducted pursuant to this plan without the conduct of a pre-trial conference in advance of trial, as specified in the following subsections:

- a. Each pre-trial conference shall be conducted in open court, on the record one (1) week prior to the scheduled trial date. Attendance at the pre-trial conference shall be mandatory for the following persons:
 - i. The trial Judge;
 - ii. The prosecuting attorney and lead investigator, victim or other person thoroughly familiar with all of the State's evidence; and
 - iii. Defense counsel and the Defendant.
- b. Issues to be addressed at the pre-trial conference shall include, at a minimum:
 - i. To confirm that all plea negotiations and settlement possibilities have been exhausted and that the case is ready for trial and ready for trial;
 - ii. To confirm the availability of all necessary witnesses for both sides;
 - iii. To confirm full compliance with all discovery obligations by both sides;
 - iv. Identification of and, if possible, resolution of any evidentiary issue in the case;
 - v. Hearing on all pre-trial motions;
 - vi. To confirm that both counsel have labeled all trial exhibits, provided copies of each to opposing counsel and made appropriate copies or otherwise arranged for displaying all exhibits to the jury;
 - vii. To review any requests from counsel for questions to be posed to potential jurors by the presiding Judge during jury selection; and
 - viii. A candid discussion of any other issue that potentially could delay or interrupt the trial.

SECTION 8. COVID-19 Response Amid Jury Trial Proceedings

- a. In the event of a positive COVID-19 diagnosis of a juror, defendant, attorney, witness, court personnel or Judge, the presiding Judge will contact the Public Health Department and ask for assistance including but not limited to contact tracing.

- b. In the event of a positive COVID-19 diagnosis of a juror, defendant, attorney, witness, court personnel or judge, the presiding judge will inform jurors that a positive COVID-19 test has been reported and that this information has been provided to the local Public Health Department.
- c. If it is determined by the Public Health Department that certain individuals involved in any jury trial proceeding were considered a close contact, those entities will be contacted directly by the local Public Health Department.
- d. At the commencement of all jury trial sessions, contact tracing information will be collected of all those in attendance at jury trials for use by the local Public Health Department if an exposure event occurs. The local Public Health Department shall delineate what information the Court will collect to assist with contact tracing.

This *Administrative Order of Operations Special COVID-19 Procedures for Jury Trials* entered in Judicial District 27B shall take immediate effect upon approval of the Chief Justice of the North Carolina Supreme Court and/or her designee.

This *Administrative Order of Operations Special COVID-19 Procedures for Jury Trials* is in addition to all previous orders.

This Plan is respectfully signed, this the 24th day of September, 2020.

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/s/ Forrest D. Bridges
Senior Resident Superior Court Judge

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/s/ W. Todd Pomeroy
Resident Superior Court Judge

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/s/ Chief District Court Judge
Jeanette R. Reeves

eCOPY

/s/ Michael W. Miller
District Attorney

eCOPY

/s/ Mitzi M. Johnson
Cleveland County Clerk of Superior Court

eCOPY

/s/ Fred R. Hatley
Lincoln County Clerk of Superior Court

eCOPY

/s/ Alan Norman
Elected Cleveland County Sheriff

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/s/ Bill Beam
Elected Lincoln County Sheriff

eCOPY

/s/ Tiffany Hansen
Cleveland County Public Health Director

eCOPY

/s/ Davin Madden
Lincoln County Public Health Director

eCOPY

/s/ Kinsley M. Craig
COVID-19 Coordinator
Superior Court Trial Court Coordinator

eCOPY

/s/ Fielding Yelverton
Lincoln County Bar President

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/s/ Greg Parks
Senior Member of Lincoln County Bar

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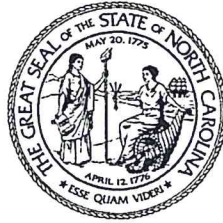
/s/ Allison Garren
Cleveland County Bar President

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/s/ David R. Teddy
Senior Member of Cleveland County Bar

EXHIBIT A

Hon. John/Jane Doe, Clerk of Superior Court
123 Justice Street
Raleigh, NC 12345



September 30, 2020

FILE # _____
BIRTH: _____

OFFICIAL JURY SUMMONS

By Order of the _____ County Superior Court you are hereby summoned to personally appear on _____ for jury service at:

**Location of Jury Assembly
Address of Jury Assembly Location**

Jury service consists of two days or the duration of the trial (if selected). Jurors MUST call (555) 555-5555 after 5:30pm on the evening PRIOR to your jury service for a recorded message about your jury service. Failure to call may result in an unnecessary appearance.

IMPORTANT: Before you report for jury service, it is required that you visit the following weblink to watch a video regarding your jury service orientation: <https://youtu.be/saWQGVsLOi4>

If you MUST be excused from jury service, please complete the appropriate information below and send it to be received by Monday, January 1, 2021. Excusal requests can be mailed, faxed or emailed to:

_____ County Clerk of Superior Court
Attention: Jury Clerk
123 Justice Street
Raleigh, NC 12345
Fax: (555) 555-5555
E-Mail: jury.clerk@abcdcourts.gov

----- CUT HERE AND KEEP TOP PORTION -----

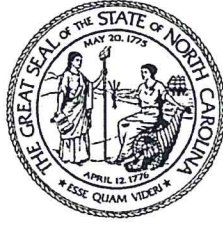
- _____ I have a disability that interferes with jury service. Explain below. Doctor's statement required.
- _____ I am not a resident of _____ County. Proof of residency required.
- _____ I am not a U.S. Citizen. Country of Citizenship: _____
- _____ I cannot understand the English language.
- _____ I have served as a juror in the past two (2) years or a grand juror in the past six (6) years. Date: _____
- _____ I am a convicted felon and my citizenship rights have not been restored.
Conviction Date: _____ County: _____
- _____ I am seventy-two (72) years of age or older and wish to claim an exemption from jury service for good cause.

Other excuses or deferrals from jury service may, by law, only be allowed due to reasons of **compelling personal hardship** or fall within the CDC guidelines of a someone who has **likely been exposed to COVID-19**. State your reason below for consideration by the judge:

Signature of Juror

Telephone Number: _____
File Number 0-12345

EXHIBIT B



LETTER TO JURORS

Name of Juror
Address of Juror
Raleigh, NC 12345

September 30, 2020

RE: Cleveland/Lincoln County Jury Service
Date of Service: January 1, 2021

Dear Cleveland/Lincoln County Juror:

As you will note from the enclosed Jury Summons, you have been summoned for jury duty in your county for the week of _____, 2021. Our courts are continuing to move toward the resumption of full operations in the wake of the COVID-19 pandemic which has affected all of our lives during much of this year.

Please be assured that the decision to resume jury trials in this county is not a decision that has been entered without careful consideration and planning. The safety of our courthouse is a matter that has been monitored carefully and continuously by the Chief Justice of the North Carolina Supreme Court, as well as local court and public health officials. The Chief Justice has now granted authorization for the resumption of jury trials, subject to a number of specific safety requirements. Because the right to a jury trial is a fundamental process guaranteed by our state and federal constitutions, it is a cornerstone of our judicial system and we feel a duty to resume jury trials as soon as we can do so, safely.

In an effort to provide for the safety of all person(s) entering our court facilities, local court officials have taken and continue to take the following precautions:

- a. Temperature checks. All persons entering the building, including court personnel, elected officials, law enforcement officers, probation officers, attorneys and the general public are required to enter through the main entrance and undergo a body temperature check with a touchless thermometer prior to being allowed to enter court facilities;
- b. No persons shall be allowed into the Courthouse if they are symptomatic of COVID-19;
- c. Facial coverings are mandatory for all persons entering the building;
- d. Warning signs are posted at each entrance pursuant to Emergency Directive 2 of the Chief Justice of the North Carolina Supreme Court directing that any person who has likely been exposed to COVID-19

should not enter the courthouse. Under Emergency Directive 2, a person who has likely been exposed to COVID-19 is defined as any person who:

- i. Has travelled internationally within the preceding 14 days;
 - ii. Is experiencing fever, cough, or shortness of breath;
 - iii. Has been directed to quarantine, isolate, or self-monitor;
 - iv. Has a known exposure to COVID-19;
 - v. Has been diagnosed with COVID-19; or
 - vi. Resides with or has been in close contact with any person in the abovementioned categories.
- e. Hand Sanitizer dispensers have been placed in all public access areas and areas in which court business is to be conducted. This in addition to hand sanitizer being made available in all courtrooms, with use of hand sanitizer encouraged at the beginning of each new appearance before the court;
- f. Public areas are marked with tape or other identifiable markings to indicate appropriate social distancing spacing in all public access areas. This in addition to seating in each courtroom having been marked for appropriate spacing that provides a distance of six (6) feet between all seated persons in all directions;
- g. Courtroom bailiffs and other security personnel continue to actively monitor all persons in the courthouse to ensure compliance with requirements for face coverings, social distancing and to watch for any signs of symptoms that could be indicative of COVID-19.

If you are experiencing any known symptoms of COVID-19, if you likely have been exposed to COVID-19, or if you have health conditions that place you at risk or peculiar susceptibility to infection from persons who have been exposed to COVID-19, **DO NOT** come to court. We ask that you call immediately the number that is included on your jury summons and speak with someone concerning a possible excusal or deferral from your obligation for jury service.

We are concerned about your health and safety, as well as that of every person who enters our court facility. We ask that you follow these instructions so that we can continue to maintain as safe an environment as possible for the trial of cases in your local court system.

Please note that the need for social distancing (six (6) feet of separation between each person), has made it necessary for us to conduct jury trials in a facility that will provide for this distancing throughout the course of a trial, including the seating of jurors in a "jury box." Local court officials have designated an alternate facility for the trial of jury cases during upcoming weeks. That alternate facility for your county is:

**Name of Alternate Facility – Auditorium
123 Justice Street
Raleigh, NC 12345**

For this reason, you **SHOULD NOT** report to the Cleveland/Lincoln County Courthouse for your jury duty, but rather you should report to the location described above.

You should call the number shown on your jury summons during the evening hours of the day before you are scheduled to report. Please follow all instructions that you will hear on a recorded message. That message will tell you **exactly** when and where to report for your jury service.

Prior to your arrival, you should also view a brief video recording that will provide an orientation for your jury service. You may access this video online at the following website: <https://youtu.be/saWQGVsLOi4>.

Thank you for your willingness to serve as a juror. By doing so, you are participating in one of the most important duties of citizenship as an American citizen, providing a constitutional right to those whose cases are being heard and contributing to the administration of justice in your county.

Sincerely yours,

Forrest Donald Bridges
Senior Resident Superior Court Judge
Judicial District 27B

W. Todd Pomeroy
Resident Superior Court Judge
Judicial District 27B

Mitzi Johnson
Cleveland County Clerk of Superior Court

- OR -

Fred Hatley
Lincoln County Clerk of Superior Court

EXHIBIT C

(Cleveland County Alternate Facility – Jury Trial Setup)

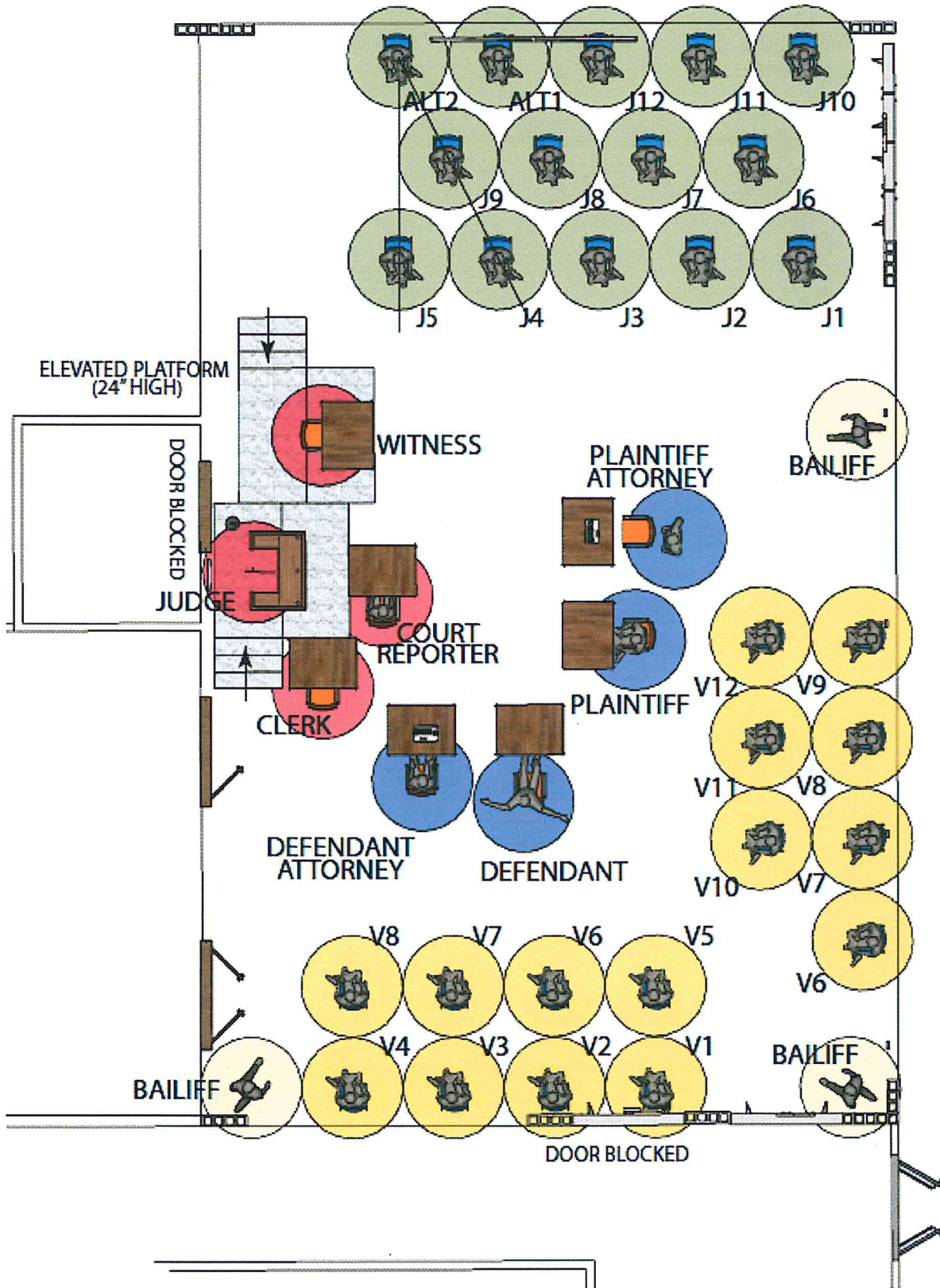


EXHIBIT D

(Lincoln County Alternate Facility – Jury Trial Setup)



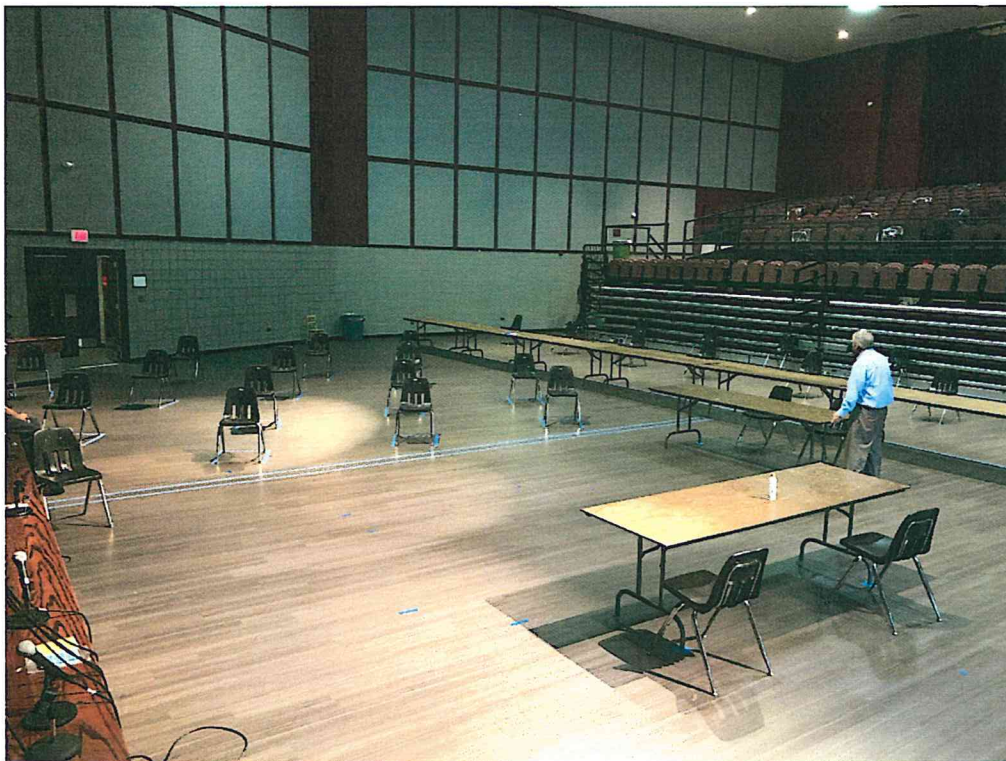
View from Above – Juror ‘Box’, Litigant Tables & Stage



View from Stage – Juror ‘Box’, Litigant Tables & Witness/Spectator Seating



View from Above – Juror “Box”, Litigant Tables, Stage & Witness/Spectator Seating



View from Stage – Juror “Box”, Litigant Tables & Witness/Spectator Seating

EXHIBIT E



SECOND REPORT TO THE CHIEF JUSTICE OF THE SUPREME COURT OF NORTH CAROLINA

PREPARED BY
JUDICIAL BRANCH COVID-19 TASK FORCE
JUNE 30, 2020





APPENDIX D

Best Safety Practices for In-Person Court Proceedings

(recommendations submitted to the Chief Justice on June 12, 2020)

Pursuant to the Chief Justice's Emergency Directives, 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, and judicial officials should continue to make use of remote hearing technology to the greatest extent possible to limit in-person appearances.

If local court officials determine that in-person court proceedings may be scheduled pursuant to the [Chief Justice's Emergency Directive 11](#), they should implement a combination of engineering controls, administrative controls, and personal protective equipment, such as:

1. Maximum safety occupancy shall be posted ([Emergency Directive 12](#)).
2. Public seating shall be clearly marked for social distancing of six feet in all directions ([Emergency Directive 12](#)).
3. All Judicial Branch personnel assigned to a courtroom for more than thirty minutes should have a facemask made available prior to the session of court ([Emergency Directive 13](#)).
4. Stagger start and break times when there are multiple courtrooms operating.
5. Schedule appointment times for hearings.
6. Divide high-volume calendars into multiple courtrooms by last name.
7. Ask that only the person required to be in court appear and that all other individuals (e.g., family, friends, and children) remain outside the courthouse facility while socially distanced, or encourage these individuals to stay home or wait in vehicles.
8. Eliminate in-person calendar calls and require calendar calls that must take place to be done remotely via Webex.
9. Assign the same court personnel to work with the same judge in the same courtroom (less rotation to reduce spread).
10. Install physical barriers (plexiglass) in front of the judge and / or courtroom clerk.
11. Encourage materials for the hearing, such as briefs and memoranda, to be submitted electronically to the court prior to the hearing and discourage hard copies unless they are required to be in the court file.
12. Designate separate doors as "entrance only" and "exit only" to control the flow of traffic in tight doorways.
13. Permit the use of door stops, when not violative of fire and safety codes, to minimize frequent touching of doors into and out of the courtrooms.
14. Designate a single person to retrieve documents from counsel and parties and deliver them to the presiding judge or clerk (e.g., a bailiff).
15. Instruct counsel and parties not to approach the presiding judge or clerk unless directed by the court and only when wearing a mask / face covering.
16. Instruct defense counsel to wait behind the bar and to approach the prosecutor's table only when directed to do so (i.e., do not crowd the prosecutor's table).
17. Affirm oaths; inform people that they must bring their own Bible [or other religious text] if they wish to swear on [it].



18. Minimize the passing of objects, including papers and pens, that normally would be passed back and forth in court transactions and interactions. Individuals should wash their hands after contact and before touching anything else. Pens should be cleaned between use, if shared.
19. Provide cleaning wipes at counsel tables to wipe surfaces, if available. Encourage attorneys and parties to bring their own wipes to clean tables.
20. Encourage all participants to follow the [CDC guidelines](#) on how to protect themselves from COVID-19.

Additional considerations for in-person court proceedings include:

1. With respect to **attorney-client communication and interactions** when social distancing is not possible, consider plexiglass partitions, masks / face coverings, and / or headsets and microphones (must be a private connection).
2. **Interpreters:**
 - Disposable gloves and disinfecting wipes or alcohol prep pads should be provided in order to allow for safe handling and disinfection of interpreting equipment.
 - To allow for social distancing, court interpreters must be required to provide and use remote wireless interpreting equipment for all in-person events. Alternatively, interpreters and limited English proficient (LEP) parties should be allowed to bring their mobile phones into the courtroom to be used in lieu of interpreting equipment. This would allow the interpreter to create a direct audio connection to the LEP party, thus avoiding any physical handoff of equipment.
 - Interpreters must disinfect interpreting equipment before and after use.
 - Interpreters must sanitize equipment in front of the LEP party before handing it to the party.
 - If the use of equipment or mobile phone is not practical or allowed, especially in brief proceedings, the interpreter must be allowed to maintain physical distancing from the LEP party and to interpret in the consecutive mode loudly enough to be heard.
3. **Witnesses:**
 - Encourage remote appearances, when permitted by law.
 - Consider alternate locations for witnesses, such as a jury box, to effectuate social distancing from the bench.
 - Provide tissues and hand-sanitizer at the witness stand.
4. **Court Reporters:**
 - Social distancing should be clearly marked and enforced around the court reporter's station / desk in the courtroom.
 - If the witness or clerk sits above the court reporter, consider moving the witness or court reporter to another location in the courtroom (e.g., jury box) to minimize the droplets spread through coughing, talking, breathing, etc.
 - Equipment should be cleaned frequently.
 - Permit the court reporter to appear remotely via Webex when possible.
 - Be cognizant of court reporters using the voice writing method as they may not be able to wear a mask / face covering while in court.



5. **Weddings:**

- Limit the number of observers (two witnesses are required).
- Conduct in-person ceremonies outside, enforcing social distancing.
- Consider permitting observers to appear remotely (e.g., via cell phone or FaceTime).
- Limit the days and times available for weddings to be performed.

6. Ensure that courts safely remain open to the **public and press:**

- Local courts will need to decide who is asked to leave a courtroom if the maximum safe occupancy is reached.
- Consider administrative orders regarding the number of credentialed press permitted and utilizing pool feeds to help minimize the number of individuals in a courtroom while also keeping the courts open.
- Consider permitting remote observation of in-person court proceedings to minimize the number of individuals entering a court facility while keeping the courts open.

