
ORDER ADOPTING SUPERIOR COURT WEATHER POLICY

Superior Court Adverse Weather Policy

Adverse weather conditions include any conditions that might lead a significant number of members of the public or of employees to conclude that it would be unsafe to come to court or to work (such as light snow fall; icy roads; flash flooding).

The following policy is adopted for Superior Courts in 29A Judicial District in the event of adverse weather conditions:

1. When circumstances allow, the decision to cancel or delay a session of Superior Court shall be made by the Senior Resident Superior Court Judge

consulting with the Sheriff, Clerks of Superior Court, the District Attorney and other judicial officials;

considering any actions recommended by local emergency management personnel and determinations made by county officials for the operation of county government; and

making every effort to make decisions that are consistent and will not result in public confusion and risk to litigants, witnesses, jurors, judges and court employees.

The Trial Court Administrator will communicate the decision to the judges scheduled to preside, Clerks of Court, the District Attorney, Sheriffs, the court reporters and probation supervisors in the two counties; and to the Assistant Director of the Administrative Office of the Courts.

The Judicial Assistant will communicate the decision to media outlets serving the two counties (including but not limited to radio stations: WCAB AM 59 (Rutherfordton), WAGY (Forest City), WBRM 1250 AM (Marion), WKSF 99.9 FM (Asheville), WWNC 570 AM (Asheville), and WMNC 1430 AM (Morganton); and television stations: WLOS Channel 13, WBTV Channel 3, WSOC Channel 9, WYFF Channel 4 and WSPA Channel 7.

2. When circumstances do not allow advance notice of adverse weather, the policy will be as follows:

On the first day of adverse weather the Superior Court will follow the decision of the public school system of the county. If schools are cancelled, court is cancelled. If schools are delayed, the Court will be delayed the same length of time. For example, if there is a two hour

delay in school opening, Court will start two hours later than normal opening time for that day, i.e. 10:00 AM on Monday becomes 12:00 Noon Monday.)

HOWEVER, for subsequent days of adverse weather the decision will be made and communicated as outlined in Paragraph One (1) above.

3. This policy **does not** limit the discretion of a presiding judge to deviate from the policy to adjust to a particular trial situation.

4. The Superior Court Judge's office will remain open to the public and to employees who choose to report to work. All employees are encouraged to report to work if they believe it is safe to do so. Any employee who believes that it is unsafe to attempt to report to work is not required to do so.

Superior Court Catastrophic Weather Policy

Catastrophic weather conditions are defined as: "Any set of circumstances that make it impossible or extremely hazardous for judicial officials, employees, parties, witnesses, or other persons with business before the courts to reach a courthouse, or that create a significant risk of physical harm to persons in a courthouse, or that would otherwise convince a reasonable person to avoid traveling to or being in the courthouse, including conditions that may result from hurricane, tornado, flood, snowstorm, ice storm, other severe natural disaster, fire, or riot.

The following policy is adopted for Superior Courts in 29A Judicial District in the event of catastrophic weather conditions:

1. The decision to cancel or delay a session of Superior Court shall be made by the Senior Resident Superior Court Judge consulting with the Sheriff, Clerks of Superior Court, the District Attorney and other judicial officials; considering any actions recommended by local emergency management personnel and determinations made by county officials for the operation of county government; and making every effort to make decisions that are consistent and will not result in public confusions and risk to litigants, witnesses, jurors, judges and court employees.

The Trial Court Administrator will communicate the decision to the judges scheduled to preside, the Clerks of Court, the District Attorney, the Sheriffs, the court reporters and probation supervisors in the two counties; and to the Assistant Director of the Administrative Office of the Courts.

The Judicial Assistant will communicate the decision to media outlets serving the two counties (including but not limited to radio stations: WCAB AM 59 (Rutherfordton), WAGY (Forest City), WBRM 1250 AM (Marion), WKSF 99.9 FM (Asheville), WWNC 570 AM (Asheville) and WWNC 1430 AM (Morganton); and television stations: WLOS Channel 13, WBTW Channel 3, WSOC Channel 9, WYFF Channel 4 and WSPA Channel 7.

2. In the event of catastrophic weather conditions, all Superior Courts will be canceled and the Superior Court Judge's office will close. Only essential employees will report to work. Nonessential employees will not report for work

3. The decision on delaying or canceling of Superior Court does not control the decision of the District Courts, clerk's or other court offices in regard to their operations.

4. This policy shall be published and distributed to 29A Judicial District Court officials, resident attorneys and law enforcement agencies, and publish on websites established by Rutherford County (www.rutherfordcountync.gov) and McDowell County (www.main.nc.us/mcdowell) and by the Administrative Office of the Courts (www.nccourts.org).

ORDERED this the 1st day of December, 2005.

Laura J. Bridges
Senior Resident Superior Court Judge