

STATE OF NORTH CAROLINA
COUNTY OF CLEVELAND
COUNTY OF LINCOLN

IN THE GENERAL COURT OF JUSTICE
JUDICIAL DISTRICT 27B
PROSECUTORIAL DISTRICT 39

Cleveland County Record No. 20-R-166

Lincoln County Record No. 20-R-35

IN RE: CORONAVIRUS (COVID-19))
)
Social Distancing Capacity Guidelines,)
Sanitization Protocols, Court Space Usage,)
Schedule Management and Alternate Facilities)
_____)

AMENDED
ADMINISTRATIVE ORDER
CORONAVIRUS (COVID-19)

NOW COMES the undersigned Senior Resident Superior Court Judge for Judicial District 27B who HEREBY enters the following Amended Administrative Order concerning *Social Distancing Capacity Guidelines, Sanitization Protocols, Court Space Usage, Schedule Management and Alternate Facilities* related to the Coronavirus (COVID-19) pandemic.

IT APPEARING TO THE COURT that Chief Justice Cheri Beasley of the North Carolina Supreme Court declared in her March 13, 2020 and subsequent orders, that under N.C.G.S. § 7A-39(b)(2) that catastrophic conditions exist in all counties in the State of North Carolina.

IT FURTHER APPEARING TO THE COURT while courts do remain open, Emergency Directives have been entered by the Chief Justice as a necessity to reduce the spread of infection and ensure the continuing operation of essential court functions to balance the needs of public safety, the rule of law and our collective public health.

WHEREAS, Emergency Directive 9 entered May 21, 2020, orders that no session of court is to be scheduled if doing so would result in members of the public sitting or standing in proximity and/or for extended periods of time in contravention of current public health guidance. Emergency Directive 9 further orders that all judicial officials should minimize large gatherings and face-to-face interactions between court personnel and the public to the greatest extent possible and that judicial officials should make continued use of remote hearing technology to the greatest extent possible to limit in-person appearances.

WHEREAS, Emergency Directive 10 orders that no jury trials shall be convened in the district or superior courts for thirty (30) days from the entry of the Chief Justice's May 21, 2020 order with the caveat that Jury trials could be further postponed at least through the end of July 2020 and that all judicial officials are directed to plan accordingly.

WHEREAS, Emergency Directive 11 entered May 21, 2020, orders that each Senior Resident Superior Court Judge shall serve, or in the alternative, designate a COVID-19 Coordinator for each facility in his/her district.

WHEREAS, Emergency Directive 12 entered May 21, 2020, orders that each Senior Resident Superior Court Judge shall for each facility in his/her district, ensure that:

1. Intervals of at least six (6) 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 (6) feet in every direction;
3. The establishment of 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, services counters, stairwells and elevators; and
5. All areas accessed by the public are cleaned daily with high touch areas cleaned periodically throughout the day.

WHEREAS, Emergency Directive 13 entered May 21, 2020, orders that prior to any court calendar being 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;
2. That all judicial branch personnel assigned to a courtroom for more than thirty (30) minutes will have a facemask made available prior to the session of court.

WHEREAS, Emergency Directive 14 entered May 21, 2020, directs all Clerks of Superior Court to ensure that filings may be submitted during normal business hours and that access to public records is provided. It is suggested within this directive that the clerk may, in his/her discretion, require that filings be submitted using a secure drop box to limit face-to-face interactions between staff and the public and that the Clerk may, at his/her discretion, require that access to public records be by appointment only and may limit the hours during which such access is available.

WHEREAS, Emergency Directive 15 entered May 21, 2020, encourages all attorneys and litigants to submit filings by mail to the greatest extent possible to further minimize foot traffic in the courthouse.

WHEREAS, Emergency Directive 16 entered May 21, 2020, directs each COVID-19 Coordinator 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. Additionally, 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 an appropriate alternative facility in which jury trials may convene during the pendency of this emergency.

IT FURTHER APPEARING TO THE COURT that the Chief Justice entered additional Emergency Directives on May 30, 2020. Within that order, Emergency Directive 4 orders that attorneys and other persons who do not have business in the courthouse should not enter the facility, and those who do have business in the courthouse should not prolong their visit once their business has concluded. This Emergency Directive further directs that attorneys and litigants are strongly encouraged to submit filings by mail rather than in person.

IN CARRYING OUT THESE ORDERS, all standard court operations previously known before the Coronavirus (COVID-19) pandemic will be carried out much differently than formerly accustomed. This for the purposes that all Courts in operation within this Judicial District be in accordance to each Emergency Directive entered by the Chief Justice of the North Carolina Supreme Court, to reduce the spread of infection, to ensure the continuing operation of essential court functions to balance the needs of public safety, the rule of law and our collective public health;

IN CARRYING OUT THESE ORDERS, the undersigned Senior Resident Superior Court Judge entered the first version of the Administrative Order concerning *Social Distancing Capacity Guidelines, Sanitization Protocols, Court Space Usage, Schedule Management and Alternate Facilities* related to the Coronavirus (COVID-19) pandemic (Cleveland County 20-R-166 and Lincoln County 20-R-35) on June 22nd, 2020.

PURSUANT TO THAT ORDER, the following directives were ordered:

1. Pursuant to Emergency Directive 9 entered May 21, 2020, the undersigned Senior Resident Superior Court Judge orders that:
 - (a) All proceedings be conducted remotely (if applicable and no statutory guidelines prohibit such) to further reduce the number of face-to-face interactions between court personnel and the public in lieu of in-person appearances;
 - (b) Any calendar prepared for an in-person court proceeding must be prepared in accordance to the assigned courtroom's posted maximum capacity social distancing numbers;
 - (c) Social distancing numbers for each courtroom have been posted on each bench as well as outside the entry points of each courtroom in both counties. Maximum capacity numbers are:

CLEVELAND COUNTY COURTHOUSE

- **Courtroom 1** – 18 Maximum Seating Occupancy
- **Courtroom 2** – 34 Maximum Seating Occupancy
- **Courtroom 3** – 12 Maximum Seating Occupancy
- **Courtroom 4** – 21 Maximum Seating Occupancy
- **Courtroom 5** – 35 Maximum Seating Occupancy
- **Courtroom 6** – 14 Maximum Seating Occupancy
- **Small Claims Hearing Room** – 11 Maximum Seating Occupancy
- **Designated Public Areas** – 60 Maximum Occupancy

(Public Areas are inclusive of the front entrance of the courthouse/lobby/security screening area, cashier waiting and stairwell area, hall and lobby area to the Clerk of Superior Court – Criminal Division window and the public Courtroom entrance hall.)

LINCOLN COUNTY COURTHOUSE

- **Courtroom 1** – 12 Maximum Seating Occupancy
- **Courtroom 2** – 10 Maximum Seating Occupancy
- **Courtroom 3** – 10 Maximum Seating Occupancy
- **Small Claims Hearing Room** – 6 Maximum Seating Occupancy
- **3rd Floor Hearing Room** – 8 Maximum Seating Occupancy
- **Designated Public Areas** – 45 Maximum Occupancy

(Public Areas are inclusive of at most, eight (8) maximum persons in the main lobby of the first floor, twelve (12) maximum persons of the hallway on the second floor and four (4) maximum persons of the hallway on the third floor.)

- (d) Posted social distancing numbers are applicable to the areas of the public only, they do not include the bench or areas of the Clerk of Court in each courtroom. For all sessions of court held in all courtrooms of both Cleveland and Lincoln Counties, the maximum number of person(s) will be limited to:
- one (1) judge presiding
 - one (1) clerk of court
 - one (1) court reporter (if applicable)
 - a bailiff (number will be based on discretion of Sheriff)
 - one (1) attorney for State/Plaintiff
 - ONLY Plaintiffs with Names Appearing on Docket
 - one (1) attorney for Defendant
 - ONLY Defendants with Names Appearing on Docket
 - Jail Staff (if applicable/ number will be based on discretion of Sheriff)
- (e) In the event support staff, witnesses or any other person that would have a need to attend such proceedings, arrangements for approval must be made at least twenty-four (24) hours prior to the scheduled proceeding. Persons seeking approval should contact the office of the scheduled presiding judge for such approval and report the same to the head of security for each county at least twenty-four (24) hours prior to the scheduled proceeding.
- (f) The Sheriff of each county shall limit the entry of the number of persons entering each court facility and courtroom(s) based upon the social distancing numbers listed in paragraph 1(c) of this order. Control of those populations will rest in the discretion the Sheriff who is authorized to enforce social distancing in all courtrooms and common areas of all court facilities.
2. Pursuant to Emergency Directive 10 entered on May 21, 2020, the undersigned Senior Resident Superior Court Judge orders that no jury trials shall be convened in Judicial District 27B district or superior courts through the end of July 31, 2020 or until the COVID-19 Coordinator has determined that jury trials have the ability to commence based upon logistical constraints arising from the Coronavirus (COVID-19) pandemic. This in addition to any future Emergency Directive provided by the Chief Justice that is indicative of when jury trials are clear to commence.
3. Pursuant to Emergency Directive 11 and Emergency Directive 12 entered on May 21, 2020, the undersigned Senior Resident Superior Court Judge designates Superior Court Trial Court Coordinator of Judicial District 27B as COVID-19 Coordinator for both Cleveland and Lincoln Counties. Duties of the COVID-19 Coordinator include but are not limited to:

- a) That intervals of at least six (6) feet or more 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, including but not limited to areas within the Office of the Clerk of Superior Court, security entry checkpoints, elevators, restrooms, all courtrooms and any additional space in which two (2) or more person(s) may be able to congregate within court facilities;
 - b) That 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 (6) feet in every direction to aid in the reduction of further spread;
 - c) That the establishment of maximum occupancy is prominently posted at the entrances to each court facility for public areas, all courtrooms and meeting spaces;
 - d) That the COVID-19 Coordinator shall coordinate with County Management to establish hand sanitizer stations at a minimum, at the entry and exit of the facility and at all high touch areas of the facility including doorways, services counters, stairwells and elevators;
 - e) That the COVID-19 Coordinator shall coordinate with County Management to establish a daily cleaning schedule for the purpose of disinfecting all high touch areas for each facility throughout the day. Cleaning schedules shall be considered priority and are to be worked into daily court operations and court schedules;
 - f) Manage all alternate facility arrangements for all courts held in Judicial District 27B;
 - g) Create, prepare and maintain a master courtroom schedule for all courts in operation in Judicial District 27B, in consultation with the District Attorney, Clerk of Superior Court (or his/her designee) and District Court Trial Court Coordinator;
 - h) Distribute master courtroom schedule for all courts on a weekly basis;
 - i) Serve as the point of contact for any scheduling matters that may arise for all court space usage.
4. Pursuant to Emergency Directive 13 entered May 21, 2020, the COVID-19 Coordinator shall review each session of court, either individually or when considered collectively with other planned sessions of court to ensure that those scheduled 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. All courtroom calendars and schedules shall be coordinated to a method to ensure that social distancing and other precautionary measures are followed to better protect the health and welfare of each Judicial Branch employee, attorney, law enforcement officer and member(s) of the public who enter each court facility. In the event there appears to be a conflict with social distancing numbers and the courts tentatively scheduled, the COVID-19 Coordinator will contact the office of the presiding judge and the Sheriff for further comment for scheduling.
 5. Pursuant to Emergency Directive 16 entered May 21, 2020, the undersigned Senior Resident Superior Court Judge directs the COVID-19 Coordinator to determine whether there is adequate space in the court facility to convene a jury trial in keeping with current public health guidance. If local court facilities are determined to be inadequate to convene socially distanced jury trials, the undersigned Senior Resident Superior Court Judge will identify an appropriate alternative facility in which jury trials and other proceedings may convene during the pendency of this emergency. This facility may also be used by other courts in operation in Judicial District 27B while jury trials are not in session.

6. Pursuant to Emergency Directive 13 entered on May 21, 2020, the COVID-19 Coordinator must ensure that all judicial branch personnel assigned to a courtroom for more than thirty (30) minutes will have or in the alternative, be provided a facemask prior to the session of court.
7. Pursuant to Emergency Directive 14 entered May 21, 2020, the undersigned Senior Resident Superior Court Judge encourages the Clerk of Superior Court to limit face-to-face interactions with the public and any entity pursuing a legal matter within the local courts of Judicial District 27B by:
 - (a) Creating an appointment system for any inquiries that would require public access to records and that such access to records be limited to certain time periods during the week to assist in the reduction of the spread of infection;
 - (b) Require that filings be submitted by using a secure drop box that is checked periodically throughout the day to assist in the reduction of the spread of infection;
8. Pursuant to Emergency Directive 15 entered May 21, 2020, the undersigned Senior Resident Superior Court Judge orders that all attorneys and litigants submit filings by mail to the greatest extent possible to further minimize foot traffic in the courthouse.
9. Pursuant to Emergency Directive 4 entered on May 30, 2020, the undersigned Senior Resident Superior Court Judge orders that attorneys and other persons who do not have business in the courthouse should not enter the facility, and those who do have business in the courthouse should not prolong their visit once their business has concluded. In the event placing phone calls for court business is necessary, attorneys and litigants are to step outside of the court facility to place those calls. The Sheriff of each county shall limit the entry of such person(s) entering each court facility and courtroom(s) for these reasons. Control of those populations will rest in the discretion the Sheriff who is authorized to enforce social distancing in all courtrooms and common areas of all court facilities.

IT IS HEREBY ORDERED ADJUDGED AND DECREED that the following amendments be made to the previous order entered by the undersigned:

AMENDED - 1(d). Posted social distancing numbers are applicable to the areas of the public only, they do not include the bench or areas of the Clerk of Court in each courtroom. For all sessions of court held in all courtrooms of both Cleveland and Lincoln Counties, the maximum number of person(s) will be limited to:

- one (1) judge presiding
- one (1) clerk of court (or more as required by the presiding Judge)
- one (1) court reporter (if applicable)
- bailiff(s) (number will be based on discretion of Sheriff)
- one (1) attorney for State/Plaintiff (or more as required by the presiding Judge)
- ONLY Plaintiffs with Names Appearing on Docket
- one (1) attorney for Defendant (or more as required by the presiding Judge)
- ONLY Defendants with Names Appearing on Docket
- Jail Staff (if applicable/ number will be based on discretion of Sheriff)

THIS ORDER IS HEREBY ENTERED with the intent of protecting the health and well-being of the citizens of both Cleveland and Lincoln Counties while providing orderly access to our Judicial System.

IT IS FURTHER ORDERED, that this administrative order shall be in addition to all previous Administrative Orders entered concerning the Coronavirus (COVID-19) pandemic and shall expire when all Emergency Directives entered by the Chief Justice Expire or upon further order of the Court.

This the 15th day of July, 2020.

COPY

Forrest D. Bridges
Senior Resident Superior Court Judge
Judicial District 27B