

FILED

STATE OF NORTH CAROLINA GENERAL COURT OF JUSTICE

COUNTY OF MECKLENBURG 2022 MAR 15 FILE NO. 46

MECKLENBURG CO., C.S.C.

IN RE: )  
DISTRICT AND SUPERIOR COURT )  
OPERATIONS DURING ) **ADMINISTRATIVE ORDER**  
COVID-19 PANDEMIC )  
)

WHEREAS, the 26<sup>th</sup> Judicial District seeks to ensure the fair and efficient administration of justice and to mitigate the public health threat posed by COVID-19 within the 26<sup>th</sup> Judicial District.

WHEREAS, the undersigned Senior Resident Superior Court Judge and Chief District Court Judge for the 26<sup>th</sup> Judicial District have inherent authority over the administrative supervision and operation of the district and superior courts in the 26<sup>th</sup> Judicial District pursuant to N.C. Gen. Stat. § 7A-39 and 7A-146.

WHEREAS, normal court operations involve close, often prolonged, indoor contact among and between Judicial Branch staff and members of the public whose COVID-19 and vaccination status are unknown.

WHEREAS, the risk of contracting COVID-19 increases with cumulative time of close contact exposure.

WHEREAS, the 26<sup>th</sup> Judicial District seeks to ensure the continuity of court operations, to reduce the backlog created by prior pandemic response measures, and to mitigate the future operational impact of quarantines due to COVID-19 exposure within the courthouse.

WHEREAS, the Mecklenburg County Public Health Department, in consultation with key court officials, has detailed the minimum requirements for the safe operation of civil and criminal courts in the 26<sup>th</sup> Judicial District.

WHEREAS, the decision to schedule sessions of court and expand in-person hearings and trials is guided by science, medical advice and the rights of individuals appearing in court to due process and a fair, timely, and open adjudicatory process.

WHEREAS, this plan is specifically designed to balance the courts' constitutional obligations and the public health concerns, and to establish mitigation measures necessary to safely operate courts in the 26<sup>th</sup> Judicial District during the COVID-19 State of Emergency in North Carolina, although it is not intended to address every issue or concern that may arise.

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that the Pandemic Response Plan outlined in the Administrative Order filed October 20, 2021 (21-R-1646), is hereby rescinded.

IT IS FURTHER ORDERED that all prior orders regarding COVID-19 court operations, including the Resumption of Jury Trials Plan for the 26<sup>th</sup> Judicial District Pursuant to Chief Justice’s Emergency Directive 22 (20-R-1466), are hereby rescinded.

IT IS FURTHER ORDERED that all prior orders mandating the use of a **face covering** while in the courthouse are hereby rescinded. However, individuals will not be prohibited from wearing face coverings if they choose. Face coverings are still encouraged for persons who are at increased risk for severe illness or live with or spend time with someone at higher risk, or persons who have a condition or are taking medications that weaken their immune system, or persons who are not fully protected by or up to date on their COVID-19 vaccines.

IT IS FURTHER ORDERED that **during the course of jury trials**, the presiding judge shall instruct daily all persons in the courtroom that if they become sick or develop symptoms of COVID-19, test positive for COVID-19 or have close contact with someone who has tested positive for COVID-19, then they should notify the court immediately.

IT IS FURTHER ORDERED that, if the Pandemic Response Plan is reactivated, the scope of court operations shall be predicated upon minimum public health indicators established by the Centers for Disease Control and Prevention, and adopted by Mecklenburg County Public Health, which provide a general framework for decision-making and recommendations related to the operations court sessions as outlined below:

COVID-19 Community Levels – Use the Highest Level that Applies to Your Community

New COVID-19 Cases		Low	Medium	High
Per 100,000 people in the past 7 days	Indicators			
Fewer than 200	New COVID-19 admissions per 100,000 population (7-day total)	<10.0	10.0-19.9	≥20.0
	Percent of staffed inpatient beds occupied by COVID-19 patients (7-day average)	<10.0%	10.0-14.9%	≥15.0%
200 or more	New COVID-19 admissions per 100,000 population (7-day total)	NA	<10.0	≥10.0
	Percent of staffed inpatient beds occupied by COVID-19 patients (7-day average)	NA	<10.0%	≥10.0%

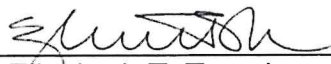
The public health indicators to measure COVID-19 community levels are (1) new COVID-19 hospital admissions per 100,000 population in the last seven (7) days; (2) percent of staffed inpatient beds occupied by patients with confirmed COVID-10 (7-day average); and (3) new COVID-19 cases per 100,000 population in the last seven (7) days. The indicators combine to results in three (3) COVID-19 Community Levels: low, medium, and high. This framework does not include all data points or additional factors that will be considered when making specific operational decisions. The operations listed in the framework are only intended to provide general guidelines and may vary based on multiple factors, including availability of supplies (PPE, ventilators, etc.) and workforce availability/staffing. It may be updated due to new guidance, current operational status of the courts, and/or other considerations.

When the Pandemic Response Plan is reactivated, the undersigned Senior Resident Superior Court Judge and Chief District Court Judge will consult with the Key Court Officials of the 26<sup>th</sup> Judicial District and rely upon and abide by the decision of Mecklenburg County Public Health concerning the key community public health indicators and evaluate court operations every thirty (30) days according to the following protocols.

IT IS FURTHER ORDERED that this Order shall remain in effect until such time as it is rescinded by a subsequent order.

Entered and effective this, the 14<sup>th</sup> day of March 2022

  
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Hon. Carla N. Archie  
Senior Resident Superior Court Judge

  
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Hon. Elizabeth T. Trosch  
Chief District Court Judge