



DISTRICT COURT JUDGES OFFICE
JUDICIAL DISTRICT 29B
200 N. GROVE STREET
HENDERSONVILLE, NC 28792
O 828-694-4225 | F 828-694-4229

DISTRICT COURT UTILIZATION PLAN FOR JUNE 2020 FOR DISTRICT 29B – ADMINISTRATIVE ORDER

EFFECTIVE JUNE 1, 2020

Criminal

Henderson Courtroom 1 will continue to do 50B's and C's and first appearances. Additionally, a 9 am calendar may be prepared limited to twenty defendants and a 2 pm calendar may be created also limited to twenty defendants. Priority will be given to felony cases and no *pro se* cases will be heard unless the Defendant is in custody. No trials will be held, P/C and probation hearings may be scheduled as part of the twenty defendant calendar. No case may be "carried over" from the morning to the afternoon calendar unless doing so will not violate the twenty defendant limit. Matters on the first appearance calendar shall not be considered part of the criminal calendar for purposes of the twenty defendant limit. The District Attorney will determine what cases should be calendared within the above parameters. The District Attorney shall notify the Clerk of what cases should be calendared at least fourteen days prior to the scheduled court date. The Clerk shall send notices to each defendant and the defendants attorney at least ten days prior to the scheduled hearing (it is not necessary that the defendant and attorney receive the notice ten days prior to the hearing only that Clerk send the notice)

Transylvania will have criminal court on Tuesday and Thursday (except 1st Tuesday which will be juvenile) and will continue to do the matters that have been heard since our slowdown and may also have criminal calendars limited to a twenty defendant morning calendar and a twenty defendant afternoon calendar. Calendars may include the same matters as listed above for Henderson and shall have the same limitations/requirements as listed above.

Polk will have criminal court on Wednesday (and additional days per attached calendar) and will continue to do the matters that have been heard since our slowdown and may also have criminal calendars limited to a twenty defendant morning calendar and a twenty defendant afternoon calendar. Calendars may include the same matters as listed above for Henderson and shall have the same limitations/requirements as listed above.

Civil

Civil court will be held in each County per the attached schedule. No child support nor CVD cases will be heard. DSS calendars will be limited to ten cases on a morning docket and ten cases on an afternoon docket. DSS attorneys will determine what should be calendared but shall not calendar any case which has one (or more) *pro se* party(ies). DSS attorneys shall notify the Clerk of the cases to be calendared at least fourteen days prior to the schedule court date.

Juvenile calendars shall be limited to five juveniles on the morning calendar and five juveniles on an afternoon calendar. The District Attorney will coordinate with Juvenile Services to determine which cases are calendared. No undisciplined cases will be heard.

Custody cases may be calendared by Notice of Hearing. No custody case involving a *pro se* litigant will be calendared. Calendars shall be limited to five cases on a morning calendar and five cases on an afternoon docket. Clerk will calendar custody cases in the order the Clerk receives Notices of Hearing. Once the five case limit is met the remaining cases will be calendared (in order received) on subsequent calendars. It is recommended that each Judge should be reluctant to begin a hearing that can not be concluded in half a day.

Small Claims

Small Claims shall resume in each County on each County's normal schedule. ONLY Summary Ejectment matters may be calendared and each calendar shall be limited to five cases. Oldest cases should be calendared first. The Clerk may, in consultation with the Small Claims Magistrate, create a morning docket and an afternoon docket so that ten cases may be heard on a given day.

Misc.

I am assuming, but do not know, that Superior Criminal Admin will be held in some manner but that otherwise there will not be Superior Court. If my assumption proves to be wrong, then District Court scheduled for Transylvania County will be canceled on a day the Superior Court is in session.

As has always been permitted, each individual Judge has authority to decide what, if any, remote testimony/appearance she/he will permit in her/his Court.

Hopefully by June 1 we will know from Raleigh what will be permitted in July. I will revisit the above rules in early June to chart our course beginning in July. I realize that the sessions of Court will probably not be sufficient to address our case load but I believe this the best we can do given the restrictions that will remain in place. Please contact me with any concerns. Thank you in advance for your efforts and cooperation.

May 4, 2020



Mack Brittain
Chief District Court Judge

Court Calendar for Judicial District 29B

Covering June 1 through July 3, 2020

2020	Henderson				Polk		Transylvania	
	#1 (District)	#2 (Superior)	#3	#4	Main Courtroom	Womack Building	Large	Small
6/1	Cr MM			Dom MB	Cr EC		Dom KJ	
6/2	Cr MM			Dom MB	Dom EC		Juv KJ	
6/3	Cr MM			Dom MB	Cr EC		DSS KJ	
6/4	Cr MM			DSS A MB	Dom EC		Cr KJ	
6/5	Cr MM			Juv MB	Dom EC		Dom KJ	
6/8	Cr EC			Dom MM	Cr KJ		Dom MB	
6/9	Cr EC			Dom MM	DSS/J KJ		Cr MB	
6/10	Cr EC			Dom MM	Cr KJ		DSS MB	
6/11	Cr EC			DSS B MM	Dom KJ		Cr MB	
6/12	Cr EC			DSS B MM	Dom KJ			
6/15	No Court							
6/16								
6/17								
6/18								
6/19								
6/22	Cr KJ			Dom EC	Cr MB		Dom MM	
6/23	Cr KJ			Dom EC	DSS/J MB		Cr MM	
6/24	Cr KJ			Dom EC	Cr MB		DSS MM	
6/25	Cr KJ			DSS C EC	Dom MB		Cr MM	
6/26	Cr KJ			DSS C EC	Cr MB		Dom MM	
6/29	Cr MB			Dom KJ	Cr MM		SUP ADM	
6/30	Cr EC			Dom KJ	Dom MM		Cr MB	
7/1	Cr EC			Dom KJ	Cr MM		DSS MB	
7/2	Cr EC			DSS A KJ	Dom MM		Cr MB	
7/3	HAPPY	FOURTH						
	RETURN	TO	QTRLY	CALENDAR	HOPEFULLY			