

NORTH CAROLINA

FILED IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

UNION COUNTY

2020 OCT 20 P 12:37

20 R 341

**In re: Jury Trial
Resumption Plan
(COVID-19)**

UNION CO., C.S.C.

BY MA

ORDER
(Amended)


NOW COMES, the undersigned Senior Resident Superior Court Judge and enters this Administrative Order regarding Court operations during the declared state of emergency arising from the COVID-19 virus regarding the resumption of Jury Trials in Union County, Judicial District 20B.

IT APPEARING TO THE COURT, that the Chief Justice of the North Carolina Supreme Court had entered a series of Emergency Directives and Memorandums reducing Court operations and limiting the types of cases that were permitted to be addressed and the circumstances under which the permitted cases could be addressed in the early stages of the COVID-19 emergency; it further appearing the Court on that the Chief Justice entered an additional order requiring the preparation of a plan to resume jury trials in each district;

WHEREAS, This Administrative Order will be in addition to all previously entered Administrative Orders during the COVID-19 declared state of emergency, and is intended to comply with any unexpired Emergency Directives;

WHEREAS, Pursuant to the Directives of the Chief Justice and with guidance of the Administrative Office of the Courts the attached Jury Trial Resumption Plan has been adopted for resumption of jury trials in Union County during the declared state of emergency arising from the COVID-19;

This the 20 October, 2020



Jeffery K. Carpenter
Senior Resident Superior Court Judge
Judicial Branch COVID-19 Coordinator
Judicial District 20B

Jury Trial Resumption Plan – Judicial District 20B and Prosecutorial District 30

The Union County Courts have remained open and functioning since the onset of the COVID-19 pandemic except for conducting jury trials as all jury trials were suspended by Directive of the Chief Justice of the North Carolina Supreme Court. Since the onset of the pandemic and during the continued operation of the Court System in Union County very few to no substantial issues have arisen regarding the exposure to and spread of COVID-19 at the Courthouse facility.

Jury trials may be safely resumed in Union County by adhering to the following plan:

Courtroom Configuration

Jeffersonian Style Court Room – Similar to the configuration in Federal District Courthouse in Charlotte:

The Prosecution/Plaintiff's table and Defense table will be rotated approximately 120 degrees to face the center of Courtroom #7. The unused court reporters desk currently in the Superior Court Judges Office will be placed in Courtroom #7 in the center of the courtroom in front of the bench and parallel or close to parallel to the ends of the counsel tables. The Court Reporter will be relocated to a table in front of the bar near the entrance to the gallery section of Courtroom #7.

Courtroom #7 will seat up to 15 persons on the left side of the gallery entering from the public entrance allowing for social distancing. This section of Courtroom #7 will become the jury box in the new configuration.

The right side of the gallery in Courtroom #7 will seat 6 persons allowing for social distancing. The right side of the courtroom will be available for parties and spectators (up to 6 people maximum) to allow for and meet the constitutional requirement that Courts remain open to the public. The 6 available public seats will be filled on a first come, first served basis each day.

There will be a divider rope or ribbon placed in the center isle of Courtroom #7 only jurors will be allowed on the left side of the courtroom gallery once a jury is empaneled in a case.

Jury

The Clerk of Superior Court jury coordinator shall enclose a letter substantially similar to the letter that was enclosed with the Jury Summons sent to establish the venire from which the new members of the Grand Jury were selected in July. The letter will briefly summarize the plan set forth herein and will direct the recipients of the jury summons to the Administrative Office of the Courts website where the complete plan may be reviewed if desired.

The Jury shall conduct its deliberations in the jury assembly room located on the 2nd floor of the Union County Courthouse by utilizing seats that have been previously spaced for social distancing by facilities staff.

Superior Court Judges' Office for Union County will order masks from the Administrative Office of the Courts and masks will be provided to anyone entering the courtroom if any person does not already have a mask.

All persons who enter the courtroom will wear a mask if social distancing cannot continuously be maintained or unless there are health and safety reasons which prevent a person from wearing a mask.

Jury Selection:

Jurors will be summoned in groups of approximately 60 people. That group of 60 will be divided and will be requested to report in two groups, the first group at the usual time in the morning, and the second group will be requested to report in the afternoon at approximately 1:00 pm. A letter shall be prepared by the Clerk of Superior Court that will be sent to all jurors summonsed that will explain the safety precautions that have been implemented to protect the health and safety of all who enter the courtrooms or participate in the trial process. Jurors will be assembled as usual in the Jury Assembly Room in numbers not to exceed the previously determined maximum capacity of 25 to maintain social distancing.

Potential jurors will be selected in panels until 12 are seated. Plaintiff/Prosecution will pass a panel of jurors to the Defense for examination. Once all parties have agreed on a juror, that juror will be released with instructions on how they will be notified of when to return to be empaneled and to begin the trial. At least 2 alternate jurors will be selected in each criminal case tried. Unless counsel in civil matters otherwise agree that a unanimous verdict rendered by less than twelve jurors is acceptable, at least 2 alternate jurors will be selected in each civil case tried.

After orientation, jurors will be seated in Courtroom #7 to the extent possible while maintaining social distancing. In the event there are more jurors that have been orientated than can be accommodated in Courtroom #7, the additional jurors will be social distanced in Courtroom #6 next door until summonsed to Courtroom #7.

No pool of jurors shall serve or be called for service for more than two trials in any session of Court.

Breaks:

Once empaneled, jurors will be divided into two substantially equal groups and these groups will utilize both Jury Room A and Jury Room B on the third floor to allow for social distancing during breaks.

Daily Screenings:

The Sheriff of Union County has indicated that his courthouse security and bailiff staff are not trained in health screenings and therefore will not perform health screenings of those entering the courthouse facility in an attempt to avoid exposing Union County, the Union County Sheriff's Office and his deputies to civil or criminal liability.

This Court lacks jurisdiction and authority to mandate that county resources be allocated or consumed without approval of the County Commissioners unless otherwise specifically allowed by statute.

Given that Union County Courts have continued to operate without issue under the current COVID-19 conscience provisions, if deemed appropriate by the Chief Justice and the Administrative Office of the Courts, the daily screening requirement could be waived for Union County Jury Trials, unless and until an issue arises. If no waiver is granted, screenings will be conducted at the front entrance of the courthouse facility.

Jurors will be permitted to leave the courthouse facility for meals unless funding is received to provide meals to jurors inside the courthouse facility.

Contingency – Exposure/Symptoms Exhibited:

Upon entry to the Courthouse facility jurors will pass through a temperature-screening device which will be provided by the Administrative Office of the Courts. Jurors will be asked to voluntarily report any potential exposure to anyone who has tested positive for COVID-19 and will be asked to voluntarily report the onset of any symptoms that have been identified as symptoms of COVID-19 experienced by individuals who have tested positive for COVID-19. In the event a juror has had significant exposure to someone who has tested positive for COVID-19 he or she may be released from the empaneled jury and replaced by an alternate. In the event that a juror experiences symptoms of COVID-19 the trial will stop and that jury will either be separated and isolated from the other jurors pending further testing or screening, or that juror will be excused and replaced with an alternate in the discretion of the trial judge.

Publication

Upon approval by the Chief Justice and the Administrative Office of the Courts this plan will be incorporated into an Administrative Order that will be entered by the Senior Resident Superior Court Judge for Union County. The Administrative order will be distributed by the to the Union County Bar Association by email, a copy of the order will be posted at the main entrance of the Courthouse facility, and a request to the The Administrative Office of the Courts will be made to publish the Administrative Order incorporating the Jury Trial Resumption Plan on its website on the sub-page for Judicial District 20B and Prosecutorial District 30.