



IMELDA J. PATE  
SENIOR RESIDENT SUPERIOR COURT JUDGE

JUDICIAL DISTRICT 8A  
GREENE AND LENOIR COUNTIES

PO BOX 68, KINSTON, NC 28502-0068  
O 252-520-5420 | F 252-520-5421

## MEMORANDUM

---

TO: All Interested Parties

FROM: Imelda J. Pate, Senior Resident Superior Court Judge

RE: Expansion of Lenoir County Civil Superior Court Functions

DATE: May 27, 2020

---

As you are aware, Chief Justice Beasley has previously entered orders suspending most court sessions until June 1, 2020 due to the health risks associated with COVID-19 and mass gatherings. The Chief Justice recently has convened a working group of court leaders and members of the private Bar from across the State to outline best practices in reopening court. In anticipation that some courts will begin to operate again in June, I have been in discussions to develop a plan to resume some additional Criminal Superior Court and Civil Superior Court functions.

The plan, which follows, includes attempting to limit the number of individuals in our courtroom. Additionally, we (Chief District Court Judge Elizabeth Heath and I) have met with our County officials (Lenoir County Manager, Lenoir County Public Health Director, Lenoir County Emergency Management, Lenoir County Fire Marshall's Office, Lenoir County Clerk of Court and Lenoir County Sheriff's Office) to provide assistance in how we can best achieve social distancing and implement other best practices on health precautions as we begin to reopen our courts. We are asking for your participation in ensuring that these practices are followed.

I appreciate your cooperation and service during this unprecedented time for our courts and our community.

*The information below is contingent upon directives of the Chief Justice and Governor and is subject to change at the discretion of the Senior Resident to protect the health of court personnel and of the public.*

### **CIVIL SUPERIOR COURT**

Civil Superior Court sessions will begin each day at 10:00 A.M.



There are to be no civil superior jury trials in June and July, 2020. All jury trials will be continued by the Court. If parties consent to waive a trial by jury, please notify the Trial Court Coordinator (TCC) ([amy.c.scott@nccourts.org](mailto:amy.c.scott@nccourts.org)).

The maximum allowable occupancy for the criminal superior courtroom (where we will be for our civil superior sessions) has been determined to be 28 (this number excludes those of us who are inside the bar, while observing social distance seating in the audience with individuals seated in every other pew, with only two individuals seated on each pew and with the first three pews in the courtroom being vacant). Seating in the courtroom will be marked. The maximum occupancy is to be prominently posted at the entrance to the Criminal Superior Courtroom.

### **WebEx Civil Superior Hearings**

In April, 2020, we began holding some civil hearings by WebEx. Hearings conducted remotely will continue in June and July, 2020. I encourage everyone to continue to make use of remote hearing technology (WebEx) to the greatest extent possible to limit in-person appearances. We have successfully utilized WebEx to conduct remote civil hearings in April and May, 2020 for minor settlements, civil motions and TRO matters.

Consent of the parties to participate in the hearing via WebEx will be presumed. Parties who object, for good cause, to the hearing being conducted via WebEx must submit their written objection directly to the TCC within three (3) days of receipt of the calendar request. Hard copies of the objection shall not be submitted.

The TCC will schedule the hearings, issue WebEx invitations to participate, and serve as the WebEx host. Hearings will be audio-recorded by the courtroom clerk or recorded by a court reporter, as determined by the TCC.

If evidence is tendered and received during the WebEx proceeding, the offering party shall send a digital copy to the clerk at the conclusion of the hearing.

Requests to observe hearings set on the WebEx calendar shall be submitted to the TCC by 3:00 p.m. on the day prior to the hearing.

Observers will receive a WebEx link to join the hearing by telephone. Observers shall mute audio and video during the hearing and will be disconnected from the hearing if they cause disruptions to the court proceeding. Late requests to observe the hearing may not be honored.

### **In-person Civil Superior Hearings**

We will begin the scheduling of in-person hearings for the July 13, 2020 session of civil superior court.

Calendar requests are to be submitted directly to the TCC ([amy.c.scott@nccourts.org](mailto:amy.c.scott@nccourts.org)), indicating if the parties are requesting a WebEx or in-person hearing. Hard copies of the calendar request need not be submitted.

If a hearing is held in-person, all parties and counsel who are necessary to the hearing must appear in-person (i.e., no hearings will be split between remote and in-person).

Parties who object, for good cause, to the hearing being conducted in-person must submit their written objection directly to the TCC within three (3) days of receipt of the calendar request. Hard copies of the objection need not be submitted.

If the objection to the remote hearing is granted, the matter will be scheduled for a WebEx hearing during the same session requested.

To minimize the number of individuals in the courtroom, the number of motions set and the number of people in the courtroom will be limited. Follow instructions posted on the courtroom doors before entering.

Attached to this memo are additional courtroom procedures that all individuals are to observe while court is in session to limit face-to-face interactions between court personnel and others in the courtroom to the greatest extent possible while court is in session.

## Lenoir County Superior Civil Courtroom Appearance Rules

1. Courtrooms located at the Lenoir County Courthouse are to be locked at all times when not in use. The courtrooms are being disinfected daily following the close of business.
2. The maximum allowable occupancy for the criminal superior courtroom (where civil superior sessions are to be held) has been set (28) and is posted on the courtroom door. All individuals must sit or stand so as to observe social distancing of at least 6 feet in every direction as all times inside the courtroom and while inside the Lenoir County Courthouse.
3. Only those individuals involved in the matter that is called for hearing will be allowed inside the bar in the courtroom.
4. Only court officials will be allowed to use the entrances at the back of the courtroom. All others are to use the entrance located on the King Street side of the courthouse.
5. When a matter is called and counsel come inside the bar, hand sanitizer for your use will be located at each counsel table.
6. All judicial branch personnel assigned to a courtroom for more than 30 minutes are to wear a facemask made available prior to the session of court for their use.
7. At the present time, there are no masks that have been provided by the County or State for non-judicial branch employees/individuals or the public. Non-judicial branch employees/individuals, the public and defendants are encouraged to use masks while in the courtroom.
8. Do not approach the bench, clerk or court reporter without prior court permission.
9. Prior to your case being called, all those who are not involved in that proceeding will sit in the audience outside of the bar. Each will sit separated by at least 6 feet from the person closest to them. Every other row in the courtroom will be left vacant. The first three rows are to be left vacant.
10. The court is open, and the public is invited to attend, but, if possible, limit the number of people who attend. Only attorneys and their clients will be allowed inside the bar.
11. If you must confer with opposing counsel or court personnel, maintain a distance of at least six (6) feet. If you need to consult with each other in a more private setting, the court will be at ease so that you can confer outside of the bar.