

STATE OF NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE

COUNTY OF ALAMANCE

2021 JUL 28 SUPERIOR AND DISTRICT COURT

ALAMANCE COUNTY, C.S.C.

ADMINISTRATIVE ORDER

BY _____

The undersigned Senior Resident Superior Court Judge and Chief District Court Judge of Judicial District 15-A enter this Administrative Order pursuant to Governor Roy Cooper declaring a statewide emergency and Chief Justices Cheri Beasley's and Paul Newby's Administrative Orders in response to the Coronavirus COVID-19.

IT APPEARING TO THE COURT that on March 13, 2020, Governor Roy Cooper declared a state of emergency and recognized that the North Carolina Department of Health and Human Services recommends that people at high risk of severe illness from COVID-19 "avoid large groups of people as much as possible" and further recognized that the "people at high risk of severe illness" are "adults over 65 years, those with underlying health conditions including heart disease, lung disease, or diabetes, or with weakened immune systems";

AND IT FURTHER APPEARING TO THE COURT that the North Carolina Department of Health and Human Services recommends for "Mass Gathering Events" that the event organizers, in part: 1) urge everyone who is sick not to attend; 2) encourage those who are at high risk as described above not attend; 3) find ways to give people more physical space to limit close contact as much as possible; and 4) encourage attendees to wash hands frequently;

AND IT FURTHER APPEARING TO THE COURT that Chief Justice Cheri Beasley entered an order on May 21, 2020 placing a number of restrictions on in-person proceedings to avoid crowded courtrooms and allow for social distancing;

AND IT FURTHER APPEARING TO THE COURT that Chief Justice Cheri Beasley of the North Carolina Supreme Court had issued an Administrative Order effective December 14, 2020 that most Superior and District Court activities in the State be suspended for the next thirty days;

AND IT FURTHER APPEARING TO THE COURT that on January 14, 2021 Chief Justice Paul Newby entered an order allowing Emergency Directive 1 to expire and restoring to local judicial officials substantial decision-making authority over when and how to conduct jury trials and other in-person proceedings;

AND IT FURTHER APPEARING TO THE COURT that on May 14, 2021, the Chief Justice of the North Carolina Supreme Court, eliminated Emergency Directive 21 that pertains to face coverings in court facilities and instead leaves that decision to the informed discretion of local court officials;

AND IT FURTHER APPEARING TO THE COURT that on May 14, 2021, the Governor of the State of North Carolina, in Executive Order No. 215, fully lifted the indoor face covering requirement on most businesses and operations in North Carolina;

AND IT FURTHER APPEARING TO THE COURT that on May 13, 2021, the U.S. Centers for Disease Control and Prevention (“CDC”) issued new Interim Public Health Recommendations for Fully Vaccinated People that advised that currently authorized COVID-19 vaccines are highly effective at protecting vaccinated people against symptomatic and severe COVID-19, that fully vaccinated people are less likely to transmit COVID-19 to others, and recommended that “[i]ndoor and outdoor activities pose minimal risk to fully vaccinated people” and that in most settings, “fully vaccinated people can resume activities without wearing face coverings;”

AND IT FURTHER APPEARING TO THE COURT that on July 27, 2021, the CDC issued revised guidance that due to the DELTA variant, even fully vaccinated individuals should resume wearing face coverings in indoor settings in counties where COVID-19 transmission is “substantial,” or “high;”

AND IT FURTHER APPEARING TO THE COURT that at this time the CDC data indicates that Alamance County has “substantial” transmission of COVID-19;

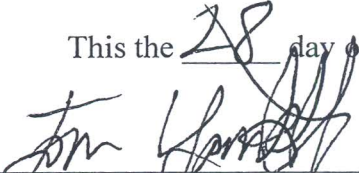
AND IT FURTHER APPEARING TO THE COURT that Article 1, Section 18 of the North Carolina Constitution provides “All courts shall be open; every person for an injury done him in his lands, goods, person, or reputation shall have remedy by due course of law, and right and justice shall be administered without favor, denial or delay”;

NOW, THEREFORE, IT IS HEREBY ORDERED:

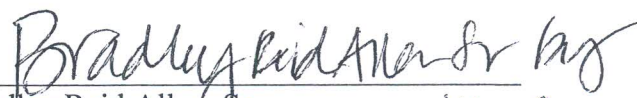
1. All persons, including attorneys, law enforcement officers, court staff, litigants, and members of the public, shall at all times wear face coverings (hereinafter “face masks” or “masks”) covering both the mouth and nose in the superior and district courtrooms of Alamance County and in all hallways and waiting areas adjacent thereto, **provided that the presiding judge, in the exercise of the judge’s sound discretion, may allow trial participants inside the bar of the courtroom to remove their face masks while speaking or actively engaged in a trial or hearing. “Trial participants” includes attorneys, witnesses, jurors, judges, and any other persons addressing the court. All testifying witnesses must take their mask off while testifying.**
2. Bailiffs and courthouse security officers are authorized to require a person entering the Alamance County Court Houses or a superior or district courtroom of Alamance County to remove a mask if, in their discretion, the mask poses a security concern or impedes a necessary identification of the person.
3. This facemask requirement shall not apply to any person who due to a legitimate physical, medical, or behavioral condition or disability claims that he or she should be exempt from the requirement to wear a mask. Any person claiming such exemption shall not be required to produce documentation or proof of condition or disability.

4. All persons in the courtrooms of the Alamance County Court Houses, in the commonly used waiting areas associated with those courtrooms, and in all areas where the public generally congregates, including the courthouse atrium and hallways, shall observe and maintain physical separation or “social distancing” of at least three feet in every direction to the extent reasonably possible at all times in the discretion of the presiding judge, except that members of the same family unit may sit or stand within three feet of each other, and attorneys may sit or stand within three feet of their clients or witnesses as necessary to talk privately with them, **provided that, while in the courtroom, all members of a jury venire and all seated jurors shall continue to observe and maintain physical separation or social distancing of at least six feet in every direction as provided in the Safe Jury Trial Resumption Plan presently in effect in the superior and district courts of Alamance County.**
5. No courtroom in the Alamance County Court Houses may exceed the posted maximum capacity of that courtroom at any time when court is in session in that courtroom, unless the presiding judge, in the reasonable exercise of that judge’s discretion, deems it necessary to temporarily exceed capacity in order to accomplish the work of the court. Due to space limitations in any courtroom, priority is given to plaintiffs, defendants and alleged victims having cases in that courtroom. Witnesses will be allowed to enter the courtroom once a case involving them is called. The Administrative Order of December 18, 2020 remains in place to accommodate media requests and for live streaming of cases of high public interest.
6. The Alamance County Sheriff’s Office bailiffs and courthouse deputies shall assist the court in the enforcement of this order and shall direct persons failing to observe the physical separation or “social distancing” mandated by this order to separate or disperse.
7. Any person who willfully violates this order or willfully disobeys a lawful directive of a Sheriff’s Office bailiff or deputy attempting to enforce this order is subject to the contempt of court provisions of Chapter 5A of the General Statutes of North Carolina.
8. No person with the coronavirus or flu-like symptoms should enter the courthouses of the District.
9. District Criminal Court will continue utilizing attorney time slots.
10. Persons entering individual offices or work spaces must wear a face covering when entering those places.
11. Except as modified herein, Court operations will continue in accordance with current operating procedures, including the current jury trial.

This the 28 day of July, 2021.



D. Thomas Lambeth, Jr.
Senior Resident Superior Court Judge



Bradley Reid Allen, Sr.
Chief District Court Judge

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