



December 11, 2020

To: Members of the Fifth Judicial District Bar

Fr: Hon. Phyllis Gorham, Senior Resident Superior Court Judge
Hon. J. Corpening, Chief District Court Judge
Hon. Ben David, District Attorney
Hon. Jan Kennedy, New Hanover County Clerk of Superior Court
Hon. Elizabeth Craver, Pender County Clerk of Superior Court
Ms. Tonya Gilley, Trial Court Administrator

Re: Ongoing Fifth Judicial District Response to COVID-19 (Coronavirus)

We were notified today that the Chief Justice intends to enter an emergency directive which mirrors Emergency Directive One postponing non-essential, in-person court proceedings for 30 days beginning Monday, December 14, 2020. Consistent with the Chief Justice's order, effective Monday, December 14, superior court and district court proceedings of the Fifth Judicial District will be rescheduled on or after January 14, 2021, with limited exceptions, which appear on the following pages.

The emergency directive of the Chief Justice does not prohibit a judge or other judicial officer from exercising in chambers or *ex parte* jurisdiction conferred by law upon that judge or judicial officer, as provided by law.

Court offices in New Hanover and Pender Counties will remain open. However, unless you are required to appear in-person to conduct your business, attorneys and the public are strongly encouraged to use email and telephone to communicate with staff of the Fifth Judicial District. While filings are permitted, you are encouraged to use your discretion in delaying filings for the duration of this 30-day period.

On line services are available for handling some court business, including citation services, paying your ticket, court payments, signing up for court date notifications and reminders, and more.

Accurate and timely information may be obtained from the following resources:

- Information about the North Carolina Judicial Branch system-wide response to the COVID-19 virus is available at www.nccourts.gov.
- Information specific to New Hanover and Pender County will also be posted on this website.
- Information specific to the pandemic can be found at www.coronavirus.gov, www.health.nhcgov.com, and www.pendercountync.gov/hhs/health-human-services/health-department.

CLERK OF SUPERIOR COURT

- Maintain normal office hours to accept filings, until further notice.

MAGISTRATE AND SMALL CLAIMS

- The primary Magistrate's Office located at the New Hanover County Jail will be open 24 hours per day, 7 days per week and normal operations will continue.
- The Magistrate's Office located in the Wilmington Police Department will be open according to staffing availability.
- The Magistrate's Office located in the Carolina Beach Police Department will be open according to staffing availability.
- The Magistrate's Office located in the New Hanover County Courthouse will be open when the Courthouse is open.
- The Pender County Magistrate's Office will be open on a normal schedule.
- All Small Claims court proceedings are suspended, and pending matters will be continued and rescheduled after January 14, 2021.

DISTRICT COURT:

- Maintain normal office hours, until further notice.

Civil Domestic Violence Court

- Applications for ex parte Domestic Violence Protective Orders and 50C No Contact Orders will be filed in the Clerk's Offices.
- Hearings on the applications for ex parte Domestic Violence Protective Orders and No Contact Orders will be conducted in Courtroom 302 daily in New Hanover County.
- For the weeks of December 14, 2020, and January 4 and 11, 2021, 10-day hearings on ex parte Domestic Violence Protective Orders and No Contact Orders will be scheduled on Mondays and Fridays, at 9:30 am and 2:00 pm in Courtroom 301. Additionally, 10-day hearings will be scheduled on December 21 and 29.
- Hearings on the applications for ex parte Domestic Violence Protective Orders and No Contact Orders in Pender County will be conducted in either the Baysden Annex or Dees Drug Store Courtrooms between 9:30am and 12:30pm during the weeks of December 14, 2020 and January 4 and 11.
- 10-day hearings on ex parte Domestic Violence Protective Orders and No Contact Orders will continue to be scheduled on Mondays and Thursdays in Pender County for the weeks of December 14, 2020 and January 4 and 11. Additionally, 10-day hearings will be scheduled in Pender County on December 21 and 29, 2020.

- DVPOs with no ex parte Order, 50C No Contact Order hearings with no ex parte order, Motions to Show Cause, Motions to Modify or Set Aside, and Motions for Return of Weapons shall be continued beyond January 14, 2021.

Civil District Court

- Motions for emergency relief including ex parte relief will be considered daily in New Hanover and Pender. In Pender County these applications can be made between 9:30am and 12:30pm on any day that District Court is open in Pender County.
- Civil District Court proceedings may be conducted remotely in New Hanover and Pender Counties.
- All other matters will be rescheduled beyond January 14, 2021.
- All District Court Arbitrations will be rescheduled beyond January 14, 2021.

Family Court

- In-person hearings in Family Court will be cancelled, and cases will be rescheduled beyond January 14, 2021. Remote hearings may be conducted.
- Child Custody Mediation Orientation will be conducted by video conferencing only.
- Child Custody Mediation may be scheduled by video conferencing only.
- Remote hearings on pro se and attorney filed summary judgement absolute divorce may continue to be scheduled.
- All in-person absolute divorce hearings are continued beyond January 14, 2021.

Criminal District Court

- Courtroom 317 and 200 will be closed through January 13. Guilty pleas for in-custody defendants from these courtrooms will be set daily in Courtroom 100 at 2:00pm.
- Courtroom 100 will be operating daily at 2pm for 1st appearances including domestic violence 1st appearances, bond hearings, and in-custody guilty pleas. All proceedings will be conducted by video.
- Felony Court will be conducted in New Hanover County each Thursday in Courtroom 100 at 9:30am except for the weeks of December 21 and 28, 2020. The only cases that will be considered are guilty pleas for defendants who are in custody that have been negotiated with the Assistant District Attorney and admissions to probation violations. All other cases will be continued.
- Criminal Court in Pender County, including Felony Court will be held to consider guilty pleas and admissions to probation violations by defendants who are in custody. These matters will be heard on December 16, 2020, and January 6 and 13, 2021. Attorneys should contact the Office of the District Attorney to schedule their cases. All other cases will be rescheduled beyond January 14, 2021. 1st appearances will continue to be conducted remotely each morning by the judge assigned to Pender County with the exception of the weeks of December 21 and 28. 1st appearances in Pender County will be conducted on December 21 and 29 during those weeks.
- All other criminal and traffic courts will be closed, and cases will be rescheduled beyond January 14, 2021.
- No orders for arrest for failure to appear, orders for arrest for failure to comply, or failure to appear will issue pending further order.

Juvenile Court

- Juvenile delinquency and abuse/neglect/dependency hearings will continue to be heard remotely in New Hanover County. Any in-person hearings for juvenile delinquency cases will be continued beyond January 14, 2021
- Juvenile abuse/neglect/dependency hearings will continue to be heard remotely in Pender County. Hearings on the need for secure custody will be scheduled as needed in Pender County. All other juvenile delinquency matters are continued beyond January 14, 2021.

Child Support Enforcement Court

- Jail reviews will be heard at 9:30am each Tuesday in Courtroom 100 in New Hanover County.
- Jail reviews will be heard at 9:30am on the regularly scheduled day for Child Support Court in Pender County.
- All other child support matters in both counties will be rescheduled beyond January 14, 2021.

SUPERIOR COURT:

- For any assistance please email Valerie.jordan@nccourts.org or tonya.m.gilley@nccourts.org. If you do not have access to email you may leave a message on Valerie's voicemail at 910-772-6616, option 1.

Criminal Superior Court

- No new jury trials; no jurors are to report
- There will be no grand jury pending further notice.
- Criminal court sessions will commence on December 14, 2020 for:
 - Taking of pleas for defendants in custody, where feasible, as scheduled by the District Attorney after consultation with defense counsel; and
 - Probation violations for persons in custody as follows: first appearances, bond hearings, probable cause hearings, and dispositive hearings will commence December 14.
 - All other matters will be rescheduled beyond 30 days.
 - Video conferencing will be used when appropriate and permitted by rule.

Civil Superior Court

- No new jury trials; no jurors are to report.
- All non-jury matters will be heard remotely via WebEx.
- All Civil Superior Court in-person matters will be rescheduled beyond 30 days.
- All hearings will be scheduled through the Trial Court Coordinator via email at Valerie.Jordan@nccourts.org or the Trial Court Administrator via email at Tonya.M.Gilley@nccourts.org.