



JUDICIAL BRANCH COVID-19 TASK FORCE RECOMMENDATIONS: DEADLINE EXTENSIONS

May 8, 2020

The Judicial Branch COVID-19 Task Force (hereinafter Task Force) respectfully submits the following recommendations to the Honorable Cheri Beasley, Chief Justice of the Supreme Court of North Carolina.¹ These recommendations are related solely to deadlines for filings and acts to be done in the Trial Division. They are grounded in a desire to provide clarity to attorneys, court system personnel, and the public and to avoid hardships that might otherwise result from an ongoing lack of full access to court facilities. They are further grounded in an assumption that additional Task Force recommendations will be issued and implemented with respect to setting priorities for the most emergent case types to be heard in our state courts over the coming months; identifying new and innovative scheduling practices; determining safe ways to schedule jury trials; and meeting other safety concerns related to facilitating social distancing practices, including the allowance of ongoing remote work and remote hearings in appropriate cases, as well as the availability of appropriate and sufficient personal protective equipment.

The Task Force recommends:

1. That all deadlines related to Statutes of Limitations or Statutes of Repose for the institution of civil lawsuits that otherwise would have expired during the period between March 16, 2020 and June 1, 2020 should be extended by an additional Emergency Directive of the Chief Justice up to and including 5:00 p.m. on Friday, July 31, 2020.
2. That, except for Statutes of Limitations and Statutes of Repose, any other deadlines applicable to civil or family proceedings, including discovery deadlines, should not be extended after June 1, 2020. Depositions and mediations shall, to the fullest extent possible, be conducted remotely via video or teleconference. Any deposition or mediation conducted in person shall be done in strict compliance with all executive orders and social distancing requirements.
3. That any deadline for pleadings, motions, notices, and other documents or acts to be done that previously existed in any criminal proceeding that otherwise would have expired during the period between March 16, 2020 and June 1, 2020 should be extended by an additional Emergency Directive of the Chief Justice up to and including 5:00 p.m. on Friday, July 31, 2020.

¹ The Task Force approved these recommendations by an email vote of 15 to one following the May 5, 2020 Task Force meeting, with Trial Court Administrator Kellie Myers dissenting for the reasons set forth in footnote 2.



4. That the deadlines for monies owed pursuant to a judgment or order entered by a court prior to April 6, 2020 in a criminal or infraction case with a payment due date on or after April 6, 2020 and before May 30, 2020, should remain as provided in previous Emergency Directive 7, which was issued by the Chief Justice on May 1, 2020. Judges retain authority to grant relief on a case-by-case basis pursuant to #5.d. below.
5. That the Chief Justice include language in additional Emergency Directives reminding members of the Bar and the public that:
 - a. Attorneys and other persons who do not have business in a courthouse should not enter a courthouse, and those who do have business in a courthouse should not prolong their visit once their business has concluded.
 - b. To further minimize foot traffic in the courthouses, attorneys and litigants are encouraged to submit filings by mail as much as possible and, for pleadings and other documents received by mail, Clerks of Superior Court may rely on the postmark date when time-stamping documents.²
 - c. Judicial officials throughout the state are strongly encouraged to communicate and collaborate with all court partners, including the Senior Resident Superior Court Judge, Chief District Court Judge, District Attorney, Public Defender (if applicable), and Clerk of Superior Court, prior to scheduling court calendars each week. Each district is responsible for ensuring and determining that there is sufficient court staff and courtroom space to hold court efficiently and safely for judicial employees and the public. Courthouse personnel, attorneys, and the public should be cognizant that judicial offices across the state may not be operating at full capacity on June 1, 2020. Nothing in this recommendation is intended to address the scheduling of jury trials.
 - d. Notwithstanding the specific dates referenced in these Directives, in matters before Judges of the Trial Division, the Judges retain the authority to the extent authorized by law to grant additional extensions (except in the case of Statutes of Limitations and Statutes of Repose) for the filing of documents or the performance of other acts required to be done.

² Task Force member Kellie Myers voted against these recommendations due to the following concerns about relying on a postmark for time-stamping purposes. The Task Force Co-Chairs wanted to bring these concerns to the attention of the Chief Justice.

1. The USPS does not postmark all items deposited with them for mailing.
2. Without additional details and express guidelines, the meaning of *postmark* will create confusion for self-represented litigants and attorneys (see 17 CFR 70.305 for an example).
3. This may require that the Clerk attach the envelope to each document that is time-stamped in case questions arise later or a date is litigated.
4. This is outside the scope of the current task and may be better addressed by the Chief Justice's Rules Commission or by a working group of the Task Force, which may discuss alternatives such as using registered mail or other type of proof of receipt by the carrier.





- e. Notwithstanding the specific dates referenced in these Directives, in matters before the Clerk of Superior Court, the Clerk retains the authority to the extent authorized by law to grant additional extensions (except in the case of Statutes of Limitations) for the filing of documents or the performance of other acts required to be done.
6. That, notwithstanding the provisions of G.S. 42-28, during a period of time of 180 days from June 1, 2020, unless further extended by subsequent Emergency Directives, the Clerk of Court shall have up to 60 days from the filing of any Summary Ejectment to complete the process of issuing any necessary summons and setting a hearing date.
7. That, notwithstanding the provisions of Rule 2 of the General Rules of Practice, during a period of time of 180 days from June 1, 2020, unless further extended by subsequent Emergency Directives, the Court should publish and distribute civil calendars no later than two weeks prior to the first day of court.

