



JUDICIAL BRANCH COVID-19 TASK FORCE MEETING

December 15, 2020

Task Force Co Chair, the Honorable F. Donald Bridges, convened the meeting at 2:00 p.m. by Webex.

Reminder of Open Meeting and Roll Call:

Judge Bridges stated that the meeting is subject to North Carolina's open meetings laws and that an attendee link had been made available to the public and members of the media. North Carolina Administrative Office of the Courts (NCAOC) Senior Research and Planning Associate Emily Mehta took roll call. The following Task Force members were present via Webex:

- The Honorable F. Donald Bridges, Co-Chair, District 27B Senior Resident Superior Court Judge.
- The Honorable Jay Corpening, Co-Chair, District 5 Chief District Court Judge.
- The Honorable Teresa Vincent, District 18 Chief District Court Judge.
- The Honorable Billy West, District 14 District Attorney.
- The Honorable Robert Evans, District 8 District Attorney.
- The Honorable Marsha Johnson, Harnett County Clerk of Superior Court.
- The Honorable Elisa Chinn-Gary, Mecklenburg County Clerk of Superior Court, was not present for roll call but joined the meeting at 1:05 p.m.
- Kinsley Craig, District 27B Trial Court Coordinator.
- Kellie Myers, District 10 Trial Court Administrator.
- The Honorable Jennifer Harjo, New Hanover County Public Defender.
- John McCabe, Attorney and Appointee of the North Carolina Advocates for Justice (NCAJ).
- Patrick Weede, Attorney and Appointee of the North Carolina Bar Association (NCBA).
- JD Keister, Attorney and Appointee of the North Carolina Association of Defense Attorneys (NCADA).

The Honorable Wayland Sermons, District 2 Senior Resident Superior Court Judge, the Honorable Jason Cheek, Davidson County Magistrate, and Wade Harrison, Attorney and Appointee of the NCBA, were unable to attend. Dr. Erica Wilson, North Carolina Department of Health and Human Resources (NCDHHS), and School of Government (SOG) Professor Willow Jacobson were in attendance to give presentations to the Task Force. A number of additional people joined the WebEx as representatives of NCAOC and SOG in their capacity as advisers and staff to the Task Force, as did Richmond County Sheriff James Clemmons.

Update on Best Safety Practices and New NCDHHS County Alert System:

Judge Bridges stated that much of today's meeting is intended to be informational and that he does not necessarily anticipate action items for the Task Force. Judge Corpening added that a lot has happened since the Task Force last met, including some pretty dramatic changes in the past few weeks. He said the



Co-Chairs thought it would be important for a representative of NCDHHS to update the group on any new public health and safety recommendations, as well the new county alert system. Judge Corpening introduced Dr. Wilson.

Dr. Wilson stated that COVID-19 cases are increasing in North Carolina at an alarming rate. She stressed the importance of continuing to observe the three Ws—*i.e.*, Wear (a mask), Wait (six feet apart), and Wash (your hands). She said [NCDHHS' County Alert System](#) is a new tool that combines three county-level metrics—the number of new COVID-19 cases per 100,000 people, the percent positivity, and the impact on hospitals over a 14-day period—to give individual counties a more complete picture of their local data. She stated that each individual metric has its own strengths and limitations. The combination of metrics enables NCDHHS to categorize each county as either yellow (significant community spread), orange (substantial community spread), or red (critical community spread), and those categorizations are updated every two weeks.

Dr. Wilson said health officials are still learning a lot about how the coronavirus spreads and are just now getting quantitative data on the efficacy of mitigation measures. She said wearing masks decreases the risk of spread by about 70% but, even if everyone is wearing them, it does not eliminate the risk and it remains important to continue using all other mitigation measures. Dr. Wilson added that people should continue to avoid touching their face, mouth, and eyes after touching objects or high-touch surfaces and before washing their hands or using hand sanitizer.

Dr. Wilson said maintaining six feet of distance from other people continues to be the general rule, although that is probably not enough space if people are speaking loudly. She added that air flow also matters so it is safer to be around other people outside, and that the direction of air flow in an inside space can also impact spread. Overall, Dr. Wilson said a lot of different factors go into the risk of spread; in general, covering mouths and noses, maintaining distance, washing hands, and decreasing the amount of time around others are all good steps to decrease the risk of infection.

Dr. Wilson said court system actors have expressed concerns about lengthy trials and the number of people who are in and out of courtrooms. She said there is no safe duration for a trial, noting that risks are cumulative. The more people who are involved and the longer the duration of exposure both heighten the risk. Wearing masks, staying at least six feet apart, and washing hands or using sanitizer after touching documents or high-touch surfaces all decrease the risk. If people are able to quarantine for at least two weeks prior to entering courthouses, that would also decrease the risk. Dr. Wilson added that a large percentage of COVID-19 patients are asymptomatic, so symptom screening is not completely effective.

Dr. Wilson said face shields are not currently recommended for the general public and do not replace masks, but they can provide some additional protection for health care providers and others in high-contact environments. She added that, while deep cleaning and disinfecting of affected areas is useful if it is done within a certain timeframe, it has no value after seven days.





Judge Corpening invited questions from Task Force members. Judge Bridges said he has heard conflicting things about how to determine the appropriate quarantine period in the event of a positive test. If a person has been infected and then recovers, he asked about the best way to measure the appropriate period of quarantine. Dr. Wilson said, if a person has tested positive or is experiencing symptoms, there should be an isolation period of at least 10 days. She added that, if a person has been hospitalized with symptoms of severe illness, he or she should isolate for at least 20 days. On the other hand, if a person is exposed but asymptomatic, there should be a quarantine period of at least 14 days, although new guidelines have lessened that time period to 10 days in some circumstances. Dr. Wilson added that a person should be fever free without taking fever-reducing medications and showing improvement in symptoms for at least 24 hours before returning to work. She said local county health directors are the subject matter experts, and court system actors should defer to their advice on the appropriate length of quarantine in specific cases.

Dr. Wilson said health officials do not currently recommend a negative test before returning to normal activities for people who have tested positive, because people can remain positive long after being infectious. Judge Bridges said he has heard that some people continue to have residual symptoms for weeks or months, but it sounds like those continuing symptoms do not mean people remain infectious. Dr. Wilson agreed.

District Attorney West asked how long someone will test positive after the onset of symptoms. Dr. Wilson said that depends on the type of test; rapid antigen tests, which look for protein fragments of the virus, should be used within seven days of the onset of symptoms, but PCR tests, which look for RNA genetic material of the virus, can remain positive for up to three months.

Judge Vincent asked if wearing a mask can minimize the level of viral load even if a person is exposed. Dr. Wilson said, a person will not get infected if exposed to less than an infectious viral load. She added that viral load may correlate to the severity of illness, but that is still being researched and there is not yet strong evidence of it. Judge Vincent said she has heard that, if a person is able to blow out a candle through their mask, it is not an effective mask. Dr. Wilson said some air has to be able to pass through masks and the real issue is the percentage and size of viral particles that are blocked. She added that cloth masks should have at least three layers of fabric and fit snugly around the wearer's face.

NCAOC Deputy Director Danielle Carman said there seem to be some inconsistencies between the Centers for Disease Control and Prevention (CDC) and NCDHHS guidance in terms of whether government workers should be deemed critical infrastructure workers. Deputy Director Carman said, as she understands it, the significance of that designation is that critical infrastructure workers can return to work after exposure as long as they are asymptomatic and taking precautions. Dr. Wilson said, ideally, everyone who is exposed should quarantine. However, if a critical infrastructure worker is asymptomatic and/or tested negative, and can return to work without putting the community and public at greater risk compared to the risk to the community and public from that person not doing their job, they can do so if they are able to continue to socially distance and wear a mask. She added that, even if a person is a





critical infrastructure worker, he or she should not return to work after testing positive or experiencing symptoms.

Judge Bridges returned to the new county alert system and said it makes clear what the Task Force members have been saying all along—namely, that one size does not fit all. He said what is happening in one part of the state is not the same as what is happening in another part of the state, which highlights the importance of local officials overseeing court operations on a local basis. Trial Court Administrator Myers agreed that it is important to continue to allow local court leadership to make decisions about court operations in consultation with local health officials. Judge Corpening said the Task Force's work has led to the creation of some working groups of local stakeholders, such as the groups that developed the jury trial resumption plans, and asked if the Task Force should recommend similar local working groups to evaluate the county alert system at the local level. District Attorney Evans noted that there will be variations between counties in multi-county districts, so formalizing some local infrastructures to bring stakeholders together to make local determinations would be an appropriate step.

Clerk Johnson said the clerks' conference recently conducted a survey of all of the elected clerks, and concerns about the mental health of clerks' office staff were a common theme in the responses. Clerk Johnson said the clerks are working on the front lines and their employees are drained, and they want their staff to be considered essential frontline employees so they can be a higher priority for vaccine distribution. Clerk Johnson added that the survey contained questions about the resumption of jury trials and whether they should be further postponed, and the responses varied. She said there were more clerks in favor of postponing jury trials, particularly in light of all of the work it takes to get ready and then have to delay again due to COVID outbreaks.

Judge Bridges thanked Clerk Johnson for her comments. He said the local leadership in his district originally planned to resume trials in mid-January 2021, but they recently decided to postpone further. Judge Corpening said he is concerned about staff in clerks' offices, noting that many clerks have to work in very close quarters. Judge Corpening said there seem to be additional risks inherent in the way many clerks' offices are set up and wondered what can be done to address those concerns.

Clerk Johnson said every clerks' office is doing the best it can, but people are worried. She said her office used shifts for a while, and other offices have found ways to limit public contact. She said there are a wide range of potential solutions depending on local resources, but sometimes there is not a lot of cooperation among the local decisionmakers. Clerk Chinn-Gary agreed, and said constant communication between key court officials is very important in such a fluid situation. She added that clerks are filling a lot of roles—including coordinating cleaning, quarantining, closings, and communications with the bar—and that the Mecklenburg office is fortunate because positive tests in one unit do not shut everything down. Clerk Chinn-Gary said her staff members are afraid, and she encouraged all court officials to defer to the ability of the clerks to get people to work on a daily basis. Judge Corpening said he continues to have a lot of concerns about the safety of clerks' staff around the state.





Attorney Weede referred to Clerk Johnson's earlier comments about clerks being deemed essential frontline workers for purposes of vaccine distribution and said, the sooner all court personnel can receive the vaccine, the better. He added that criminal defense attorneys cannot resume full representation until they can get into jails to meet with their clients, and that will not happen until they are vaccinated. Attorney Weede said he does not know if there is any way the Task Force can advocate for that.

Dr. Wilson said health care workers and residents of long-term care facilities are the first priority for vaccines, but she is not familiar with the discussions about who will be prioritized in later phases. Judge Corpening asked whether that decision is being made by the CDC or at the state level. Dr. Wilson said the CDC has issued overall guidance, but more granular decisions are being made at the state level based on the recommendations of an advisory committee. She added that some of the decisions will flow from the amount of vaccine that the state receives in various time periods.

Judge Bridges said it sounds like there may need to be some advocacy for courthouse employees to be formally categorized as frontline essential workers so they can get vaccinated as soon as possible, and he asked whether the Task Force should consider adopting a resolution to that effect. Judge Vincent and Judge Corpening agreed. Judge Corpening suggested that the Co-Chairs and staff prepare a draft resolution for the Task Force's consideration at its next meeting and a draft recommendation to the Chief Justice related to how key local stakeholders can use NCDHHS' county alert system. Judge Bridges agreed with that approach.

Attorney Weede suggested that the language of the resolution be broad enough to include both courthouse employees and criminal defense attorneys who are members of the private bar and spend significant time in courthouses and prisons. Deputy Director Carman mentioned that the Conference of District Attorneys and Office of Indigent Defense Services had already sent a letter to NCDHHS asking that prosecutors and defense attorneys be given access to the vaccine in the earliest possible phase. Judge Corpening said the Co-Chairs and staff will work on developing a draft resolution and recommendations for the next meeting.

Encouraging Teamwork and Cooperation Among Local Elected Officials:

Judge Bridges introduced SOG Professor Jacobson, noting that the Task Force has had many discussions about the importance of communication and teamwork at the local level. Professor Jacobson said this crisis offers an opportunity to think about the complicated system in which everyone is working. Professor Jacobson said she has a Ph.D. in public administration and expertise in organizational theory, and the court system is non-traditional in terms of the lines of authority and communication. Instead, the system is a complicated one involving a lot of elected actors with independent authority, and the traditional ways of building teams and communicating often are not effective.

Professor Jacobson said the system was built that way on purpose and there are a lot of good underlying value propositions about individual independence and freedom, but the structure poses significant





challenges for governing authority and management. Court system teams are not traditional teams within one unit, so team building efforts need to be approached as collaborative undertakings.

Professor Jacobson said the structure of the court system makes it important to appeal to the shared values of all of the actors to get buy-in. For example, it can be helpful to frame conversations around the shared values of providing justice and ensuring safety at a local level. In other words, court actors should consider starting conversations from the point of why we should all want to do something, rather than what to do. Starting one step back with the shared interest and the “why” behind the work we do may be more time consuming, but it helps build trust and buy-in.

Professor Jacobson said every individual has common core concerns and, the more leaders can speak to these fundamental elements, the more successful they will be in building trust and inviting participation:

1. Appreciation: Everyone wants to feel understood and valued, so it is important to thank others and recognize the values and emotions they bring to the table. Professor Jacobson said, when we stop and honor the people that we work with, it is important to honor their emotional states.
2. Affiliation: Everyone wants to feel like they are connected to others and part of a team. She said a sense of collectiveness is often a natural result of working in proximity, but it is harder to have a sense of commonality when people are isolated.
3. Autonomy: Everyone wants the freedom to make decisions about their own world. Consulting and negotiating with others before making decisions can help ensure the autonomy of each participant.
4. Status and Role: Status refers to our standing in comparison to the standing of others. Acknowledging the status and role of others before asserting our own can generate positive responses.

Dr. Jacobson said these core concerns can be used as a lens to understand the emotional experience of each participant and as a lever to stimulate positive emotions. She added that people often try to solve the symptoms without addressing the underlying core concerns, and she encouraged everyone to think about ways to engage people around these core concerns. Judge Bridges thanked Professor Jacobson for her presentation and said he hopes she can suggest some practical exercises around these ideas at a future meeting.

Next Steps:

Judge Bridges said, between now and the Task Force’s next meeting in January 2021, the court system will undergo a change in leadership with a new Chief Justice. He said he wanted to take a moment to recognize and acknowledge both Chief Justice Cheri Beasley and incoming Chief Justice Paul Newby.

Judge Bridges said he is grateful to Chief Justice Beasley for her leadership during extremely difficult times, noting that she has worked tirelessly to manage the court system throughout this crisis. Judge Bridges said the situation has posed extremely difficult decisions for her and, while someone will always





disagree with any individual decision, we can all agree that Chief Justice Beasley has served as an advocate for those who work in the courthouses. Judge Bridges thanked her for her efforts and leadership.

Judge Bridges welcomed incoming Chief Justice Newby as he transitions into his new role after having served on the state's highest court for two previous eight-year terms. Judge Bridges said he is confident that the incoming Chief Justice will also be an advocate for the people working in courthouses across the state, and he wished him much success in his new role.

The next meeting was scheduled for January 7, 2021 at 2:00 p.m. The meeting adjourned at 2:35 p.m.

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