



CLASSIFICATION OF COURT PROCEEDINGS BY LEVEL OF RISK EXPOSURE / TRANSMISSION

Judicial Branch COVID-19 Task Force Meeting – Thursday, May, 21, 2020
WebEx

LOW EXPOSURE RISK

Proceedings that involve no risk of exposure to infection or the transmission of disease. These proceedings do not involve physical contact between participants and are matters that can be addressed immediately by way of WebEx, telephone or email communications.

MEDIUM EXPOSURE RISK

Proceedings that involve moderate levels of risk of exposure to infection or the transmission of disease that are to be conducted in person or hybrid in-person/remote hearings that can be accommodated with appropriate Social Distancing and addressed relatively quickly.

HIGH EXPOSURE RISK

Proceedings that involve maximum levels of risk exposure to infection or the transmission of disease that are to be conducted in person in which safe Social Distancing is simply not possible due to varying factors such as size of courtroom size and the number of participants. Under this level of risk exposure, proceedings simply cannot proceed until restrictions are fully lifted.





DISTRICT COURT CLASSIFICATION SCALE

	LOW RISK	MEDIUM RISK	HIGH RISK
LOW PRIORITY	I. Bond Forfeiture II. Expunction	I. Tax Delinquency* II. Arbitration*	I. H & I Felonies II. Jury
MEDIUM PRIORITY	I. Emancipation	I. Misdemeanor* II. DWI III. Traffic* IV. Nonjury* V. Motions* VI. Divorces* VII. PSS/Alimony* VIII. Child Support FAM* IX. Equitable Distribution* X. TPR	I. Criminal Admin II. Citizen-Initiated Comp III. Child Support – (IVD)
HIGH PRIORITY	I. First Appearances* II. Pleas III. Judicial Waivers	I. DV Bond hearings II. Minor Settlements* III. Custody* IV. Juvenile A/N/D & Delinquency* V. IVC hearings*	I. Felony Probable Cause II. Drug Treatment III. DWI Treatment IV. Veterans Court V. Probation Violation VI. Small Claims VII. 50B DV Hearings VIII. 50C No-Contact Hearings

**remote hearings = lower risk / courtroom hearings = higher risk*





SUPERIOR COURT CLASSIFICATION SCALE

	LOW RISK	MEDIUM RISK	HIGH RISK
LOW PRIORITY	<p>I. Criminal Non-Jury Trials if Conducted via WebEx</p> <hr/> <p>II. Bond Forfeitures if Conducted via WebEx</p>	<p>I. Criminal & Civil Non-Jury Trials if Conducted in Person</p> <hr/> <p>II. Bond Forfeitures if Conducted in Person</p> <hr/> <p>III. Gun Permit Denial Appeals Conducted in Person</p>	<p>I. Misdemeanor Appeals</p> <p><i>Option to waive jury trial if Judge agrees.</i></p>
MEDIUM PRIORITY	<p>I. Guilty Pleas: Not in Custody Cases Conducted via WebEx</p> <p><i>Contingent upon connection capability and Wi-Fi.</i></p> <p><i>Potential need for public computers for SLRs to use for WebEx purposes.</i></p> <hr/> <p>II. Civil Administrative Sessions / Civil Case Management Conducted via WebEx</p> <p>(i.e. trial date assignment, status hearings, etc.)</p>	<p>I. Guilty Pleas: Not in Custody Cases Conducted in Person</p> <hr/> <p>II. Specialty Courts Conducted in Person</p> <p>(i.e. drug court/90-96 hearings, Veterans treatment court, etc.)</p> <p><i>More staffing involved from various offices/resources for these types of hearings.</i></p> <hr/> <p>III. Appeals from the Clerk Conducted in Person</p> <p>(i.e. foreclosures, incompetency, etc.)</p>	





	<p>III. Swearing-In of New Attorneys and Judges Conducted via Web-Ex</p> <hr/> <p>IV. Completion of Mediation via Web-Ex</p>	<p>IV. Administrative Appeals Conducted in Person (i.e. EEOC, Long Term School Suspensions, etc.)</p> <hr/> <p>V. Completion of Mediation in Person</p>	
HIGH PRIORITY	<p>I. Criminal Administrative Sessions / Criminal Case Management Conducted via WebEx (i.e. Bond Hearings, Motions to Suppress, Status Reviews, Setting of Trial Dates & Rule 24 Hearings, etc.)</p> <hr/> <p>II. First Appearances Conducted via WebEx <i>Contingent upon jail facility connection, Wi-Fi and AOC laptop availability for WebEx.</i></p> <hr/> <p>III. Probation Violations for In-Custody / Jail Cases Conducted via WebEx. <i>Contingent upon jail facility connection, Wi-Fi and AOC laptop availability for WebEx.</i></p>	<p>I. Criminal Administrative Sessions / Criminal Case Management Conducted In-Person <i>Extradition matters and capital murder cases will not be eligible for hearings via WebEx.</i></p> <hr/> <p>II. Probation Violations for In-Custody/Jail Cases Conducted In-Person</p> <hr/> <p>III. Probation Violations for Not in Custody Conducted in Person <i>Probation officer who makes field visit may be an additional factor in being present/in attendance of hearing may be a contributing factor of a WebEx hearing being conducted.</i></p>	<p>I. Criminal & Civil Jury Trials <i>Requirement of 12 Jurors in Addition to Alternate Jurors in Criminal Trials / Civil Trials Can Agree to Less</i></p> <hr/> <p>II. Hearings on Writs of Habeas Corpus <i>If coming from DOC, additional exposure risk and several moving parts/personnel involvement required. Special care and PPE should be provided to any individual arriving from DOC facilities to local detention centers.</i></p>





	<p>IV. Probation Violation Hearings Conducted for Defendants Not in Custody via WebEx</p> <p><i>Probation officer who makes field visit may be an additional factor in being present for hearing to be conducted.</i></p>	<p>IV. PV Arrest Review / Probable Cause Hearing Conducted in Person</p>	<p>III. Will Caveats</p> <p><i>Treated as jury trial matters. Cannot be treated as non-jury trial. Receives priority over all other cases.</i></p>
<p>V. PV Arrest Review / Probable Cause Hearing Conducted via WebEx</p> <p><i>Contingent upon jail facility connection, Wi-Fi and AOC laptop availability for WebEx.</i></p>	<p>V. Guilty Pleas: In-Custody/Jail Cases Conducted in Person</p>	<p>IV. Facial Constitutional Challenges to Acts of the General Assembly</p>	<p>(i.e. Three (3) Judge Panel Cases)</p> <p><i>Additional Judges, staffing, media, attendees, etc. than a regular court setting.</i></p>
<p>VI. Guilty Pleas: In-Custody/Jail Cases Conducted via WebEx</p> <p><i>Contingent upon jail facility connection, Wi-Fi and AOC laptop availability for WebEx.</i></p>	<p>VI. Guilty Pleas: Not in Custody Cases Conducted in Person</p>	<p>VII. Criminal Motions if Conducted in Person for Matters that Cannot be Completed via WebEx (i.e. capital cases, extradition matters, etc.)</p>	<p>VIII. Grand Jury</p> <p>IX. Innocence Commission Referred Cases</p> <p>X. Sex Offender Registry Hearings</p> <p><i>Offenders may not be allowed to be "online" or have limitations concerning online usage, thus eliminating any online resolution method.</i></p>





	<p>VII. Guilty Pleas: Not in Custody Cases Conducted via WebEx</p> <p><i>Contingent upon connection capability and Wi-Fi.</i></p> <p><i>Potential need for public computers for SLRs to use for WebEx purposes.</i></p> <hr/> <p>VIII. Motions if Conducted via WebEx in Criminal Matters</p> <p><i>(i.e. pre-trial/dispositive, suppression matters, bond issues, in camera reviews, etc.)</i></p> <hr/> <p>IX. Review & Issuance of Search Warrants if Completed via E-Mail</p> <p><i>Sworn by Web-Ex or FaceTime.</i></p>	<p>XI. Review & Issuance of Search Warrants if Completed in Person</p> <hr/> <p>XII. Review & Issuance of Law Enforcement Officer Recordings if Completed in Person</p> <hr/> <p>XII. Motions for Appropriate Relief / Evidentiary Hearings Conducted in Person</p> <p><i>If coming from DOC, additional exposure risk and several moving parts/personnel involvement required. Special care and PPE should be provided to any individual arriving from DOC facilities to local detention centers.</i></p> <hr/> <p>XIV. Civil Non-Jury Trials Conducted in Person</p> <p><i>WebEx Non-Jury civil trials are being reported as not favorable by many local attorneys; however, in some instances depending on the legal landscape of the issues involved, WebEx may be a viable option for bench trials.</i></p>	
--	--	--	--





	<p>X. Review & Issuance of Law Enforcement Officer Orders (Phone Orders) if Completed via E-Mail</p> <p><i>Sworn by Web-Ex or FaceTime.</i></p> <hr/> <p>XI. Settlement Approvals Conducted via WebEx</p> <hr/> <p>XII. Civil Motions Conducted via WebEx</p> <p>(i.e. emergency, contempt, TROs, BCR 9.3 case management conferences, BCR 10.9 discovery disputes, NCBC status conference, etc.)</p> <hr/> <p>XIII. Petitions for Release of Law Enforcement Agency Recordings Conducted via WebEx</p> <p><i>Statutory priority under NCGS 132-1.4A(f): petitions filed pursuant to this subsection shall be set for hearing as soon as practicable and shall be accorded priority by the court.</i></p>	<p>XV. Settlement Approvals Conducted in Person</p> <hr/> <p>XVI. Petitions for Release of Law Enforcement Agency Recordings Conducted in Person</p> <p><i>Statutory priority under N.C.G.S. 132-1.4A(f): petitions filed pursuant to this subsection shall be set down for hearing as soon as practicable and shall be accorded priority by the court.</i></p> <hr/> <p>XVII. Swearing-In of New Attorneys and Judges Conducted in Person</p> <hr/> <p>XVIII. Judicial Review of State Board Decisions Conducted in Person</p> <p>(i.e. Appeal of County Commission Decisions/Rulings, appeal of State Board of Elections decision, etc.)</p>	
--	---	--	--





	<p>XIV. Swearing-In of New Judges and Attorneys Conducted via WebEx</p> <p><i>SL 2020-3 permits swearing in of attorneys remotely.</i></p>		
--	--	--	--

