



# TECHNOLOGY AND INNOVATION WORKING GROUP RECOMMENDATIONS

May 21, 2020

The Technology and Innovations Working Group was tasked with examining the types of proceedings that can be conducted remotely, whether legislative changes are needed to support that effort, whether there are additional equipment needs, and to identify innovations in court scheduling and operations based on technology. The Working Group makes the following recommendations to be considered for immediate implementation. *Other intermediate and longer term recommendations will be forthcoming.*

1. Continue to allow electronic signatures and remote affirmations for witnesses for issuance of search warrants, and on any judicial order issued following a court hearing conducted by remote audio or visual transmission in a civil or criminal case.
2. Continue to allow/expand remote civil proceedings with or without consent of a party:
  - a. All motions
  - b. Minor settlements
  - c. Bench trials
  - d. Juvenile matters (A/N/D and/or delinquency)
  - e. All family law matters
3. Continue to allow/expand remote criminal proceedings:
  - a. First appearances/address counsel
  - b. Bond hearings
  - c. Motions to continue
  - d. Pre-trial motions
  - e. Plea conferences (including rejections of pleas)
  - f. Pleas
  - g. Probation Violations
4. Continue to allow/expand remote hearing of all matters before the clerk of superior court, including but not limited to:
  - a. Incompetency and guardianships
  - b. Foreclosures
  - c. Private condemnations
  - d. Estate Matters
  - e. Partitions
  - f. Claim and Delivery hearings
5. Allow remote hearings for small claims matters and district court ordered arbitration. An opt out basis may be considered.



6. Allow district court ordered arbitration hearings to be held in a location other than the courthouse (may require an amendment to the Rules of Court Ordered Arbitration).
7. Require, absent a showing of good cause, remote mediations for superior court matters as well as family financial matters (may require temporary change to Dispute Resolution Commission rules). In-person mediations can be held if social distancing can be observed and upon consent of all parties or order of Court.
8. Suggest that the court conduct chambers conferences remotely (even absent consent of a party).
9. Consistent with existing statutes and case law, encourage courts to render orders without a hearing when they may be made based on affidavits, verified motions, and written argument.
10. Convene chief district court judges to consider expanding list of waivable offenses.
11. Highlight the use of G.S. 1A-1, Rule 53 reference for issues in civil cases.
12. Remind courts to ensure public access to court proceedings held remotely.
13. Require or request the defendant register for the Court Date Notification System on [www.nccourts.gov](http://www.nccourts.gov) as a condition of their release order or when the defendant receives a summons or citation.
14. Suggest that magistrates, clerks, and other court actors remind defendants and witnesses of the Court Date Notification System and encourage obtaining the email address and phone number of willing defendants for the purpose of contacting them if there is a change to the court schedule.
15. Recommend secure audio/visual communications from all jails and prisons to permit attorney/client communications, as well as remote hearings. (Note the need to ensure private communication between attorney/client DURING court hearings).
16. By June 15, 2020, require that a survey be completed in each county to determine which jails and correctional facilities have video conferencing capacity for attorney/client conferences. If such a capability is not already operational, determine when and if such a capability can be established.
17. Publish a list of audio/visual capabilities of each jail and prison statewide to permit attorneys to communicate with clients in custody in other jurisdictions and to allow counties to easily access defendants in other jurisdictions for remote hearings.
18. Recommend changes to calendaring/docketing of court matters:
  - a. Cap size of docket based on courtroom and/or courthouse capacity or ability to stage matters to meet social distancing requirements
    - i. Counties should work with local health and other county officials to determine social distancing capacities for each courtroom.
  - b. Use morning and afternoon calendars instead of single, day long calendar.
  - c. Use “time certain” scheduling.





- i. In a district court traffic setting, schedule only the number of defendants that can safely fit in a courtroom for social distancing at different intervals—e.g., 40 defendants at 9am, 40 at 11am, etc.
    - ii. If current technology does not permit this practice, we recommend exploring options for implementing this capability as soon as possible.
  - d. Stage larger volume courts in multiple courtrooms/use multiple judges.
  - e. Schedule cases by attorney/parties (e.g., Attorney Smith’s cases scheduled at 9am).
  - f. If remote hearings are not possible for “high risk” individuals, consider scheduling a block of time for “high risk” individuals to appear in court.
  - g. Consider remote screening for deferred prosecution/first offenders program.
19. Increase training on new technology for clerks, judges, and attorneys to facilitate transition to remote proceedings.
  20. Provide free or reduced cost access to ACIS and CJLEADS.
  21. Require, absent a showing of good cause, depositions to be taken remotely in civil cases. In-person depositions can be held if social distancing can be observed and upon consent of all parties or order of Court.
  22. Allow depositions to preserve testimony in criminal cases, upon consent of the defendant.
  23. Enable a system to allow for electronic receipt of large files (e.g., Dropbox or other platform) to receive exhibits, transcripts, etc.
  24. Allow courtroom clerks to follow court proceedings remotely with the capability to ask questions or seek clarification in real time.

