



## WAIVER OF APPEARANCE FORM

April 13, 2020

NCAOC's Office of General Counsel (OGC) provides legal advice and guidance to court officials around the State. OGC guidance to court officials concerning the court system's response to the COVID-19 pandemic is posted below for informational purposes only. It is not intended and should not be interpreted as legal advice or guidance to parties to individual proceedings before the courts. **OGC cannot give legal advice or guidance to attorneys or members of the public and cannot respond to inquiries about this guidance from anyone who is not a court official.** Parties with questions about how their individual rights or obligations may be affected by the current changes to court operations pursuant to the emergency orders of the Chief Justice and any guidance posted here should consult an attorney for assistance.

---

**From:** Osborne, Matt E.

**Sent:** Monday, April 13, 2020 9:34 AM

**To:** Judicial.Clerks of Superior Court

**Cc:** Judicial.Assistant Clerks of Superior Court; Judicial.Deputy Clerks of Superior Court; Lassiter, Jamie L.; Vernon, Shellie L.; Baker, David J.; Sheppard, Brent; Wynter-Mitchell El, Dorinda G.; Havenook, Scott; Blue, Deidra T.; Tarleton, Kristy S.; Tart, Krystal G.; Whitfield, Kimberly Y.; Melton, Nichole L.; Tyson, Takeeta R.; Rackley, Sherry; McLamb, Tamela L.; Hicks, Meredith S.; Brendle, Rebecca T.; Hilliard, Amber E.; Wooten, McKinley; Carman, Danielle M.; Robertson, Laurin; Graves, Barbara; Smith, Lisa; Lachance, Paul K.; Taylor, Faith; Hair, Kathryn W.; Jackson, Melissa S.; Hudson, Bill; Brinkley, Nicole N.; Croom, Elizabeth B.; Holloway, Antares S.; Krasner, Tina A.; Kraus, Matthew R.; Lusic, Corrine L.; Page, Troy D.; Powell, LaToya B.; Denning, Shea R.

**Subject:** FW: Waiver of appearance forms

Dear Clerks:

FYI regarding the notice that Professor Shea Denning at the School of Government sent out to the judges late on Thursday afternoon regarding waiver of personal appearance templates for remote audio-video criminal proceedings. We also have shared this with the IDS Office and the Conference of District Attorneys so that they can pass this along to defense counsel and DAs' Offices, respectively, as they deem appropriate.

These templates are intended for use with remote criminal proceedings that local districts decide to hold pursuant to the 2 April 2020 order of the Chief Justice. They are not intended for criminal matters for which the General Assembly already has expressly authorized the use of remote audio-video transmission.





There are districts that went ahead and developed their own local colloquies and forms before Shea sent out these templates, so the judges may choose to use something different in your particular county.

I hope you are doing well.

**Matt Osborne**  
North Carolina Judicial Branch

---

**From:** Denning, Shea R.  
**Sent:** Thursday, April 09, 2020 5:55 PM  
**To:** district court judges; superior court judges; chief district court judges; senior resident superior court judges  
**Subject:** Waiver of appearance forms

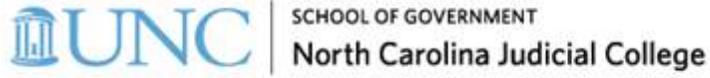
Hello, everyone. I hope you have already embarked on a healthy and safe three-day weekend. I wanted to let you know about a new resource that will be available to you as you seek to implement additional remote hearings in criminal cases in your districts.

We have worked with the Office of General Counsel for the Administrative Office of the Courts to develop a waiver of personal appearance colloquy and a form waiver of personal appearance, which are attached. The colloquy and waiver also are available [here](#) under the entry for **Remote Proceedings in Criminal Cases**. Both documents are written to apply generically to all types of remote criminal proceedings in which a defendant has the right to be present. While the colloquy addresses all of the necessary items that we identified, variations from this language may be appropriate for certain types of proceedings and circumstances.

If you visit the page on our website where these forms are linked, you will also see a listing for **Local Forms**. I would like to compile here the sample colloquies and forms that you have developed locally and that might be helpful to others. If you have documents of this nature that you are willing to share, please email them to me.

Shea Riggsbee Denning  
Robert W. Bradshaw Jr. Term Professor for Faculty Excellence  
Director of the North Carolina Judicial College  
UNC School of Government  
Campus Box 3330  
Chapel Hill, NC 27599-3330





E-mails sent to or from this e-mail address that relate to the School of Government's work are public records and may be subject to public access under the North Carolina public records law.

