



# TECHNOLOGY AND INNOVATION WORKING GROUP RECOMMENDATIONS

May 27, 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. Encourage clerks to exercise their existing authority to enter judgment in absolute divorces and to enter judgment based on the pleadings, when possible.
2. Continue to authorize 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.
3. Continue to authorize/expand remote civil proceedings with or without consent of a party:
  - a. All motions
  - b. Minor settlements
  - c. Bench trials
  - d. Juvenile matters (Abuse/Neglect/Dependency and/or Delinquency)
  - e. All family law matters
4. Continue to authorize/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
5. Continue to authorize/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
6. Address logistical issues for conducting remote hearings in small claims matters.



7. Authorize district court ordered arbitration hearings to be held in a location other than the courthouse (This would require an amendment to the Rules of Court Ordered Arbitration for a long term change) and for arbitration hearings to be held remotely.
8. Require, absent a showing of good cause, remote mediations for superior court matters as well as district court family financial matters. (This may require a temporary change to the 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.
9. Recommend that the chief district court judges require/order that custody mediation orientations and custody mediation sessions be held remotely via Zoom technology. Safety concerns should continue to be considered for parties entering into mediation to discuss co-parenting. The parties retain the right to request waiver of mediation, pursuant to G.S. 50-13.1(c).
10. Recommend that the court conduct chambers conferences remotely (even absent consent of a party).
11. 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.
12. Recommend convening the chief district court judges to consider expanding the list of waivable offenses in criminal matters.
13. Highlight the use of G.S. 1A-1, Rule 53 reference for issues in civil cases.
14. Remind courts to ensure public access to court proceedings held remotely, which may be achieved by providing information on the calendar that interested parties contact the appropriate court personnel to receive a link to the live session (Live streaming video is an intermediate or long term recommendation.)
15. Require/request the defendant register for the Court Date Notification System on [www.nccourts.gov](http://www.nccourts.gov) as a condition of their release or when the defendant receives a summons or citation.
16. Recommend that judges, magistrates, clerks, and other court officials remind defendants and witnesses of the Court Date Notification System.
  - a. Encourage court staff to obtain the email addresses and phone numbers of defendants, if the defendant consents, for the purpose of contacting them if there is a change to the court schedule.
17. Recommend secure audio/visual communications from all jails and prisons to permit attorney/client communications, as well as remote hearings.
18. Attorneys and their clients need to be provided a private means of communication DURING court hearings.
19. 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.





20. 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.
21. Recommend the following changes to calendaring/docketing of court matters:
  - a. Limit the docket size 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 calendars.
    - i. District Attorney should consider attorneys that practice in multiple counties. Allow for attorney scheduling where attorneys may practice in multiple counties (e.g., Group cases by an attorney block).
  - 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.
22. Increase training on new technology for clerks, judges, and attorneys to facilitate transition to remote proceedings.
  - a. Training for court staff to ensure that hearings that are confidential remain so and do not appear on a public facing page.
  - b. Make training available for the general public on the technology associated with remote hearing proceedings.
23. Provide free or reduced cost access to ACIS and CJLEADS.
24. 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.
25. Allow depositions to preserve testimony in criminal cases, upon consent of the defendant.
26. Enable a system to allow for electronic receipt of large files (e.g., Dropbox or other platform) to receive exhibits, transcripts, etc.
27. Allow courtroom clerks to follow court proceedings remotely with the capability to ask questions or seek clarification in real time.

