

**ORDER OF THE CHIEF JUSTICE
OF THE SUPREME COURT OF NORTH CAROLINA**

On 16 July 2020, I issued [Emergency Directive 21](#) and [Emergency Directive 22](#) in response to the COVID-19 outbreak. Those emergency directives require persons in court facilities throughout our state to wear a face covering and call on local judicial officials to develop a plan for the eventual resumption of jury trials.

On 20 July 2020, I extended existing [Emergency Directives 9–15](#) and [Emergency Directive 20](#), which are crucial to ensuring that our court system continues to administer justice while protecting the health and safety of court officials, court personnel, and the public.

An extension of all these directives for an additional 30-day period is now necessary.

Accordingly, I hereby determine and declare under N.C.G.S. § 7A-39(b)(2) that catastrophic conditions resulting from the COVID-19 outbreak have existed and continue to exist in all counties of this state.

Emergency Directive 9

No session of court may be scheduled if doing so would result in members of the public sitting or standing in close proximity and/or for extended periods of time in contravention of current public health guidance.

Judicial officials should continue to make use of remote hearing technology to the greatest extent possible to limit in-person appearances.

All judicial officials should minimize large gatherings and face-to-face interactions between court personnel and the public to the greatest extent possible.

Emergency Directive 10

No jury trials shall be convened in the district or superior courts of this State for the next 30 days.

Although this emergency directive will expire in 30 days pursuant to N.C.G.S. § 7A-39(b)(2), it is my intention to extend this directive through at least the end of September, and judicial officials are directed to plan accordingly.

Emergency Directive 11

Each senior resident superior court judge shall, for each facility in his or her district, serve as or designate a COVID-19 Coordinator. In districts with more than one court facility, the same coordinator may be designated for multiple facilities.

Emergency Directive 12

Each senior resident superior court judge shall, for each facility in his or her district, ensure that:

1. intervals of at least six feet in every direction are marked with tape or other visible markers in all areas where the public is expected to congregate or wait in line;
2. the maximum allowable occupancy of each courtroom or meeting space is established such that all persons who must sit or stand in such space may observe social distancing of at least six feet in every direction;
3. the established maximum occupancy is prominently posted at the entrances to each courtroom or meeting space;
4. hand sanitizer is, at a minimum, available at the entry and exit of the facility and, preferably, at all high touch areas of the facility including doorways, service counters, stairwells, and elevators; and
5. all areas accessed by the public are cleaned daily with high touch areas cleaned periodically throughout the day (high touch areas include, but are not limited to doorknobs, water fountains, handrails, elevator walls and buttons, bathroom faucets and dispensers, and reception desks or counters).

Emergency Directive 13

Before any court calendar is published or distributed, the COVID-19 Coordinator must ensure that:

1. each session of court, either individually or when considered collectively with other planned sessions of court, will not result in members of the public sitting or standing in close proximity and/or for extended periods of time in contravention of current public health guidance; and
2. all judicial branch personnel assigned to a courtroom for more than 30 minutes will have a face covering made available prior to the session of court.

Emergency Directive 14

Clerks of superior court are directed to ensure that filings may be submitted during normal business hours and that access to public records is provided.

The clerk may, at his or her discretion, require that filings be submitted using a secure drop box to limit face-to-face interactions between staff and the public. The clerk may, at his or her discretion, require that access to public records be by appointment only and may limit the hours during which such access is available.

Emergency Directive 15

To further minimize foot traffic in the courthouses, attorneys and litigants are encouraged to submit filings by mail to the greatest extent possible. Beginning 1 June 2020, pleadings and other documents delivered by the United States Postal Service to the clerk of superior court shall be deemed timely filed if received within five business days of the date the filing is due.

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Emergency Directive 20

Notwithstanding the time limitation in N.C.G.S. § 42-28, when a plaintiff files a summary ejectment or small claim eviction complaint pursuant to Article 3 or Article 7 of Chapter 42 of the General Statutes and asks to be put in possession of the leased premises, the clerk of superior court shall issue a summons requiring the defendant to appear at a certain time and place not to exceed 30 days from the issuance of the summons to answer the complaint.

Emergency Directive 21

All persons who are in a court facility are required to wear a face covering while they are in common areas of the facility and when they are interacting with others.

For purposes of this emergency directive, a “face covering” means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is simply wrapped around the lower face.

This face-covering requirement does not apply to persons who cannot wear a face covering due to health or safety reasons, who are actively eating or drinking, who are communicating with someone who is hearing-impaired in a way that requires the mouth to be visible, who are temporarily removing their face covering to secure medical services or for identification purposes, or who are under eleven years of age.

The clerks of superior court shall post a notice of this requirement at the entrance to every court facility in their counties.

Emergency Directive 22

Each senior resident superior court judge shall, in consultation with other local officials, craft a plan for the resumption of jury trials in his or her judicial district. In the event that the chief district court judge determines that a separate plan for the district court is warranted, the chief district court judge shall, in consultation with other local officials, craft a plan for the resumption of district court jury trials in his or her judicial district.

The Jury Trial Resumption Plan shall ensure that all court operations are in compliance with each of the Chief Justice's emergency directives and shall be informed by the Best Safety Practices distributed by the North Carolina Administrative Office of the Courts.

The plan shall, at a minimum, include the following:

- a. a confirmation that each court facility and any alternate facility to be used for court operations is in compliance with each of the Chief Justice's emergency orders in response to the COVID-19 outbreak;
- b. a plan for summoning and excusing jurors, which allows for as much of the process to be handled remotely as possible;
- c. a plan for conducting voir dire with social distancing;
- d. a plan for conducting trials with social distancing in the courtroom for all court participants, including the jury, and in the deliberation room;
- e. a plan for daily screening of jurors, court personnel, attorneys, witnesses, and parties for COVID-19 exposure or infection;
- f. a plan for making face coverings available to jurors, court personnel, attorneys, witnesses, and parties; and
- g. a plan for responding in the event that a juror, defendant, attorney, witness, judge, or other courtroom personnel becomes symptomatic, tests positive for COVID-19, or has a known exposure to someone who has tested positive for COVID-19 during the trial.

Before jury summonses are issued, and before promulgating the plan to the public, the senior resident superior court judge shall submit a copy of the Jury Trial Resumption Plan to the Chief Justice, which shall bear a signature indicating approval of the plan by each of the following officials in the county in which jury trials are to be conducted:

- a. the chief district court judge;
- b. the clerk of superior court;
- c. the district attorney;
- d. the public defender, or a criminal defense attorney chosen by the senior resident superior court judge in districts without a public defender;
- e. the sheriff; and
- f. the public health director.

The Jury Trial Resumption Plan shall be promulgated either by local rule or administrative order no later than 1 September 2020 and may become effective after the date on which Emergency Directive 10 expires. The local rule or administrative

order shall be submitted to North Carolina Administrative Office of the Courts and thereafter posted to the NCCourts.gov website.

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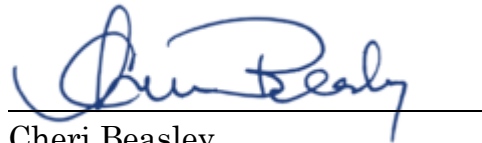
**Expiration of this Emergency Order and
Guidance to Judicial System Stakeholders**

Pursuant to N.C.G.S. § 7A-39(b)(2), the emergency directives contained in this order expire on 14 September 2020.

Additional emergency orders or directives under N.C.G.S. § 7A-39(b) may be entered as necessary to support the continuing operation of essential court functions.

Additional information about the Judicial Branch’s response to the COVID-19 outbreak is available at <https://www.nccourts.gov/covid-19>.

Issued this the 15th day of August, 2020.



Cheri Beasley
Chief Justice
Supreme Court of North Carolina