

**7 JUNE 2021**  
**ORDER OF THE CHIEF JUSTICE**  
**OF THE SUPREME COURT OF NORTH CAROLINA**

Article I, Section 18 of the North Carolina Constitution provides that “[a]ll courts shall be open” and that “justice shall be administered without favor, denial, or delay.” The Judicial Branch is committed to this constitutional mandate. Over the past year, the Judicial Branch has faced the challenge of fulfilling this mandate while prioritizing and protecting the health and safety of judicial officials and employees and the public.

I 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. Those conditions created health and safety concerns that have contributed to an accumulation of pending cases in our judicial system. I hereby extend for an additional thirty-day period only those emergency directives that provide the necessary tools to effectively dispose of those accumulated cases and therefore administer justice without delay.

Given the grave impact of further delaying justice, it is imperative that the Judicial Branch do its best to continue to move toward fully opening the courts. Senior resident superior court judges are strongly encouraged to do whatever they can to resume jury trials without delay.

**Emergency Directive 3**

Judicial officials throughout the state are hereby authorized to conduct proceedings that include remote audio and video transmissions.

Judicial officials who conduct a proceeding that includes remote audio and video transmissions pursuant to this emergency directive must safeguard the constitutional rights of those persons involved in the proceeding and preserve the integrity of the judicial process. To this end:

- a. A party may, for good cause, object to the use of remote audio and video transmissions. If good cause is not shown, the court may conduct a proceeding that includes audio and video transmissions.
- b. If a criminal defendant’s right to confront witnesses or to be present is implicated by the proceeding that is to be conducted, then the defendant must waive any right to in-person confrontation or presence before remote audio and video transmissions may be used.

- c. If the proceeding is required by law to be conducted in a way that maintains confidentiality, then confidentiality must be maintained notwithstanding the use of remote audio and video transmissions.
- d. If the proceeding is required by law to be recorded, then any remote audio and video transmissions that are used must be recorded.
- e. Each party to a proceeding that includes remote audio and video transmissions must be able to communicate fully and confidentially with his or her attorney if the party is represented by an attorney.

The authorization in this emergency directive does not extend to proceedings that involve a jury.

This emergency directive does not apply to proceedings in which the use of remote audio and video transmissions is already permitted by law. Those proceedings should continue as provided by law.

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### **Emergency Directive 5**

When it is required that any pleading, motion, petition, supporting affidavit, or other document of any kind to be filed in the General Court of Justice be verified, or that an oath be taken, it shall be sufficient if the subscriber affirms the truth of the matter to be verified by an affirmation or representation in substantially the following language:

“I (we) affirm, under the penalties for perjury, that the foregoing representation(s) is (are) true.

(Signed) \_\_\_\_\_”

This emergency directive does not apply to wills to be probated, conveyances of real estate, or any document that is not to be filed in the General Court of Justice.

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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 4 July 2021.

I urge local judicial officials to exercise their own authority to grant additional relief and accommodations as necessary to protect courthouse personnel and the public while honoring the Judicial Branch’s commitment to open courts and the prompt administration of impartial justice. Additional information about the Judicial Branch’s response to the COVID-19 outbreak is available at <https://www.nccourts.gov/covid-19>.

This order becomes effective on 7 June 2021. Issued this the 4th day of June, 2021.



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Paul Newby  
Chief Justice  
Supreme Court of North Carolina