

JUDICIAL BRANCH UPDATE RESPONSE TO COVID-19 EMERGENCY

4.7.20



OVERVIEW

- In response to the emergent needs presented by the COVID-19 pandemic, the Chief Justice and Judicial Branch have taken decisive and timely action aimed at protecting the public, judicial officials, and court staff, while also maintaining essential court functions and access to justice.



1. ACTIONS TAKEN THUS FAR
2. COORDINATION WITH STAKEHOLDERS
3. PROPOSED LEGISLATIVE ACTIONS



1. ACTIONS TAKEN THUS FAR



ACTIONS TAKEN THUS FAR- TIMELINE

- March 13- [order](#) postponing most superior and district court proceedings for 30 days and instructing local officials to take steps to limit the risk of exposure in courthouses.
- March 17- activated the Judicial Branch's new Public Health Emergency Policy.
- March 19- [order](#) extending deadlines in the trial courts until April 17.
- March 27- [order](#) pertaining to appellate courts which extended for 60 days all court deadlines that fall between March 27 and April 30, encouraged electronic filing, and credited back secure-leave scheduled in April and May.



ACTIONS TAKEN THUS FAR- TIMELINE

- (continued)
- April 2- [order](#) providing seven emergency directives:
 1. Postpones most court proceedings until June 1
 2. Directs clerks to post notices discouraging infected individuals from entering court facilities
 3. Authorizes court proceedings via remote audio and video transmission
 4. Directs those without business before the court to avoid court facilities
 5. Allows use of a sworn statement under penalty of perjury
 6. Allows service of court documents by email
 7. Extends the deadline for payment of most fines and fees by 90 days and directs clerks not to report failures to pay court debt to the DMV
- Additional emergency directives are contemplated



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COORDINATION WITH STAKEHOLDERS

- The Chief Justice's emergency orders have sought to provide the greatest possible discretion to local elected officials – judges, clerks, district attorneys, and others – so that local officials have flexibility to adapt their policies and operations to the unique needs of their local community, as well to respond appropriately as their situations change.



COORDINATION WITH STAKEHOLDERS

- Communication efforts have included the following stakeholders:
 - Judicial Branch leadership
 - DHHS
 - NC State Bar
 - NC Sheriff's Association
 - Domestic Violence Service Providers
 - NC Associations of County Commissioners and County Managers
 - The League of Municipalities



COORDINATION WITH STAKEHOLDERS

- Regular conference calls with Judicial Branch Leaders including:
 - Superior Court Judges
 - District Court Judges
 - District Attorneys
 - Clerks of Superior Court
 - Public Defenders
 - Indigent Defense Services
 - Magistrates
 - Court Managers



COORDINATION WITH STAKEHOLDERS

- Judicial Branch leadership calls have addressed, among other things:
 - matters being considered for CJ Orders
 - Practical and implementation challenges in implementing Orders



COORDINATION WITH STAKEHOLDERS

- Consultation with NC DHHS has addressed, among other things:
- efforts to ensure court system is adhering to public health guidance and implementing appropriate social distancing measures
- availability for remote hearings for involuntary commitments and child welfare emergency placements



COORDINATION WITH STAKEHOLDERS

- Consultation with the NC Bar has included:
 - regular email updates to all NC Bar Members
 - distribution of CJ Orders
 - seeking input from NC Bar Association divisions about the most pressing issues facing specific practice groups



COORDINATION WITH STAKEHOLDERS

- Regular consultation with the NC Sheriff's Association has addressed, among other things:
 - effect of CJ Orders on local service of process, writs of possession, etc.



COORDINATION WITH STAKEHOLDERS

- Weekly conference calls with domestic violence service providers have addressed, among other things:
 - availability of ex parte orders
 - expansion of e-filing availability in DV matters



COORDINATION WITH STAKEHOLDERS

- Coordination with the NC Associations of County Commissioners and County Managers, and the League of Municipalities has focused on:
 - cleaning court house facilities regularly
 - ensuring that court facilities remain open and accessible



COORDINATION WITH STAKEHOLDERS

- Consultation with child welfare advocates has addressed, among other things:
 - holding remote proceedings
 - permanency planning procedures
 - custody and visitation challenges



COORDINATION WITH STAKEHOLDERS

- Additionally, NCAOC has consulted with our General Counsel's Office and the Judicial College at UNC School of Government to identify state-wide and local issues courts are facing



COORDINATION WITH STAKEHOLDERS

- Throughout the process, the Judicial Branch continues to encourage each judicial district to issue local administrative orders, consistent with emergency directives, to provide guidance about plans for court operations which best meet the specific needs of the local courts



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IMMEDIATE NEEDS TO PRESERVE CONTINUITY OF OPERATIONS

- Funding for technology to allow court-related business to proceed remotely
 - Laptops needed for court personnel and legal staff
 - A/V equipped technology needed for remote proceedings
 - Funding to expand e-filing and online court services
- Full funding to pay all employees who are now having to take leave and are not capable of working remotely due to nature of job assignments
- Funding to provide PPE materials needed at local court facilities across the state



NEAR-TERM NEEDS FOR RESTORATION OF COURT SERVICES IN THE COMING MONTHS

- Remove limitation on the number of active emergency judges that may be appointed and serve at one time under N.C.G.S. § 7A-52 and provide additional funding to pay emergency judges
- Funding needed for temporary deputy clerks, legal assistants, ADA's, APD's, and TCC's



LONG-TERM/PERMANENT NEEDS FOR ONGOING OPERATIONS

- Fully fund eCourts and Integrated Case Management System expansion in North Carolina
- Fully fund demonstrated workload-based need for court personnel





THANK YOU

Follow-up questions and input can be directed to Andrew Simpson,
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