

# COVID-19 Update

LITIGATION SECTION



By **Martha J. Efirm**

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Formed by Chief Justice Beasley, the COVID-19 Judicial Task Force (Task Force) comprised of members of our judiciary, other court officials, and members of the bar has met twice to anticipate, identify, and discuss issues related to the transition of our courts back to full operations. The next meeting is scheduled for 2 p.m., May 13, 2020, and may be livestreamed. Additional Task Force information is [available \[https://www.nccourts.gov/commissions/judicial-branch-covid-19-task-force\]](https://www.nccourts.gov/commissions/judicial-branch-covid-19-task-force).

While the Task Force addresses issues statewide, our judicial districts are working tirelessly to develop plans and procedures for the resumption of local court functions in keeping with the directives of our Chief Justice, our Governor, and health care advisors. As judicial districts make information available, we will share it with this practice section. The statewide judicial conferences remain scheduled for the week of June 15, 2020.

On May 7, the Tenth Judicial District (Wake County) published a [memo \[https://www.nccourts.gov/assets/inline-files/Wake-County-Expansion-of-Superior-Court-5-7-2020.pdf?zp3gaAv3uSXWNtCQpUJ6S3LhBBfrP5rw\]](https://www.nccourts.gov/assets/inline-files/Wake-County-Expansion-of-Superior-Court-5-7-2020.pdf?zp3gaAv3uSXWNtCQpUJ6S3LhBBfrP5rw) to its bar detailing transition procedures applicable to Criminal and Civil Superior Courts. The memo is thorough and full of procedural detail for calendaring, submission of briefs, and more. All are encouraged to read the memo carefully and keep it available for reference. With that said, the following briefly summarizes the Tenth Judicial District's Civil Superior Court plans:

- Civil Motions – May 26, June 8, June 22, and June 29 sessions
  - In-person hearings – 9 a.m. to 1 p.m.
  - WebEx remote hearings – 2 p.m. to 5 p.m. Calendar requests, deadlines and procedures for brief submission, and other important details are set forth in the [memo \[https://www.nccourts.gov/assets/inline-files/Wake-County-Expansion-of-Superior-Court-5-7-2020.pdf?zp3gaAv3uSXWNtCQpUJ6S3LhBBfrP5rw\]](https://www.nccourts.gov/assets/inline-files/Wake-County-Expansion-of-Superior-Court-5-7-2020.pdf?zp3gaAv3uSXWNtCQpUJ6S3LhBBfrP5rw). Consent to the hearing method is presumed when the hearing is requested. Objections to either hearing method must be received within three days of receiving the calendar request. No hearing will allow mixing methods

of participation. Trial Court Administrator Kellie Myers, [Kellie.z.myers@nccourts.org](mailto:Kellie.z.myers@nccourts.org) [<mailto:Kellie.z.myers@nccourts.org>], and Trial Court Coordinator Lisa Tucker, [lisa.r.tucker@nccourts.org](mailto:lisa.r.tucker@nccourts.org) [<mailto:lisa.r.tucker@nccourts.org>], will manage calendaring and related acts for hearings. To the extent possible, hearings will be open to observers through WebEx for remote hearings, or in person for live hearings. Capacity limits and restrictions will be posted on courtroom doors for the in-person hearings.

- Civil Administrative Calendar – For trials continued from dates after March 16, 2020, counsel are encouraged to submit a proposed Amended Case Management Order to [lisa.r.tucker@nccourts.org](mailto:lisa.r.tucker@nccourts.org) [<mailto:lisa.r.tucker@nccourts.org>]. For cases where no proposed Amended CMO is submitted, counsel will be required to attend an administrative session (date to be determined) where a new trial date will be set. When setting trial dates, priority will be given based upon peremptory settings, statutory priorities, and age of cases.
- NCGS § 1-267.1 Three Judge Panel Cases – Hearing requests with a copy of the motion must be submitted electronically to [Kellie.z.myers@nccourts.org](mailto:Kellie.z.myers@nccourts.org) [<mailto:Kellie.z.myers@nccourts.org>] and [adam.h.steele@nccourts.org](mailto:adam.h.steele@nccourts.org) [<mailto:adam.h.steele@nccourts.org>].

The Tenth Judicial District has provided great detail and clarity for practitioners. We thank them always and especially during this critical time for our courts for their attention to detail to promote justice. We anticipate additional guidance for District Courts in Wake County will likely be forthcoming this week.

Practitioners with cases in other counties should periodically check the [county announcements page](https://www.nccourts.gov/covid-19-coronavirus-updates/covid-19-county-updates) [<https://www.nccourts.gov/covid-19-coronavirus-updates/covid-19-county-updates>] on the North Carolina Judicial Branch website for announcements, scheduling, and up-to-date information on how each court is operating.

MAY 11, 2020 /

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