



JUDICIAL DISTRICT 21
FORSYTH COUNTY

200 NORTH MAIN ST, WINSTON-SALEM, NC, 27101
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Date: June 11, 2020

To: Members of the Twenty First Judicial District Bar

From: L. Todd Burke, Senior Resident Superior Court Judge
David L. Hall, Resident Superior Court Judge
Eric C. Morgan, Resident Superior Court Judge
Richard S. Gottlieb, Resident Superior Court Judge

Re: *Expansion of Civil Superior Court Functions After June 1, 2020 (revised 06.11.2020)*

As you are aware, Chief Justice Beasley previously entered an order suspending most court sessions until June 1, 2020 due to the health risks associated with COVID 19 and mass gatherings. The Chief Justice recently has convened a working group of court leaders and members of the private Bar from across the State to outline best practices in reopening court. The Chief Justice's Orders dated May 21, 2020 outline a plan for an expansion of Court functions. Importantly, the Chief Justice has made clear that while court activities will expand slowly beginning in June, it will not be business as usual. For example, jury trials will not resume any earlier than August, 2020.

The below outlines plans for an expansion of civil Superior Court activities in a manner consistent with the Chief Justice's Orders. A primary factor for compliance is social distancing. Forsyth County officials have provided the Court with limits on the number of individuals who may be present in each of the courtrooms and the public areas of the Hall of Justice. We are asking for your participation in ensuring that social distancing practices are followed. We appreciate your cooperation and service during this unprecedented time for our courts and our community.

CIVIL SUPERIOR COURT

The information below is contingent upon directives of the Chief Justice and Governor and is subject to change at the discretion of the Senior Resident and Trial Court Administrator to protect the health of court personnel and of the public.

Civil Superior Jury Trials

- There will be no jury trials in June and July, 2020. All jury trials will be continued by the Court.
- If parties consent to waive a trial by jury, please notify the Trial Court Coordinator (Keenan.menefee-long@nccourts.org) so that she may set your matter for a bench trial to avoid further delays caused by the impacts of COVID-19 on the court system.



Civil Superior Motions

- Beginning May 4, 2020, Forsyth County Civil Superior Court commenced holding civil motions by WebEx. Hearings conducted remotely by WebEx will continue as an option in June and July.
- Beginning June 8, 2020, Forsyth County Civil Superior Court will schedule one civil motion calendar each week in June and July for the purpose of in-person hearings and WebEx hearings (details about each type appear on the following pages).
- The TCA's Office will publish a final weekly calendar to the NC Courts website at least 10 days in advance of the hearing week.
- The following calendar request deadlines apply and supersede deadlines previously published or as set out in the Local Rules.

Session Begins	Type	Deadline
June 8, 2020	WebEx Motions In-Court Motions	June 1, 2020 by 12:00 pm
June 15, 2020	Emergency hearings only	Contact TCA's office
June 22, 2020	WebEx Motions In-Court Motions	June 15, 2020 by 12:00 pm
June 29, 2020	WebEx Motions In-Court Motions	June 19, 2020 by 5:00 pm
July 6, 2020	WebEx Motions In-Court Motions	June 19, 2020 by 5:00 pm
July 13, 2020	WebEx Motions In-Court Motions	June 26, 2020 by 5:00 pm
July 20, 2020	WebEx Motions In-Court Motions	July 3, 2020 by 5:00 pm
July 27, 2010	WebEx Motions In-Court Motions	July 10, 2020 by 5:00 pm

WebEx Civil Superior Hearings

- WebEx Hearings will be scheduled Monday – Wednesday between 2:30 p.m. – 5:00 p.m. Calendar requests shall be submitted directly to Vicky Rogers (Vicky.D.Rogers@nccourts.org), indicating if the parties are requesting a WebEx or in-person hearing and the parties availability during the week





requested. Hard copies of the calendar request shall not be submitted. The time for hearings is subject to change in the discretion of the Court.

- If a hearing is held via WebEx, all parties and counsel must appear remotely (i.e., no hearings will be split between remote and in-person).
- *Consent of the parties to participate in the hearing via WebEx will be presumed.*
 - Parties who object, for good cause, to the hearing being conducted via WebEx must submit their written objection directly to Vicky Rogers within three (3) days of receipt of the calendar request.
 - Hard copies of the objection shall not be submitted.
 - If the objection to the remote hearing is granted, the matter will be scheduled for an in-person hearing during the same session requested, if time is available on the in-person hearing calendar.
 - The Court may determine in the exercise of its discretion that a matter is not appropriate for hearing via WebEx and the matter will be scheduled for an in-person hearing during the same session requested, if time is available on the in-person hearing calendar.
- The TCA's Office will schedule the hearings, issue WebEx invitations to participate, and serve as the WebEx host.
- Hearings will be audio-recorded by the courtroom clerk.
- If evidence is tendered and received, the offering party shall send a digital copy to the clerk at the conclusion of the hearing. *There will be no live testimony via WebEx.*
- Parties are expected to abide by the time estimates provided in the calendar request. *Additional time will not be permitted.*
- Briefs and memoranda shall be submitted electronically to the TCA's Office (Vicky.D.Rogers@nccourts.org and Jason.D.Adams@nccourts.org) no later than three business days prior to the hearing on the motion. Hard copies of briefs and memoranda shall not be submitted to the court or filed with the clerk, unless ordered by the presiding judge.
- Requests to observe hearings set on the WebEx calendar shall be submitted to Vicky Rogers (Vicky.D.Rogers@nccourts.org) by 3:00 p.m. on the day prior to the hearing. Observers will receive a WebEx link to join the hearing by telephone. Observers shall mute audio and video during the hearing and will be disconnected from the hearing if they cause disruptions to the court proceeding. Late requests to observe the hearing may not be honored.

In-person Civil Superior Hearings

- In-person hearings will be scheduled Monday – Thursday between 9:30 a.m. – 12:30 p.m. in Courtroom 6A of the Forsyth County Courthouse. Calendar requests shall be submitted directly to Vicky Rogers (Vicky.D.Rogers@nccourts.org), indicating if the parties are requesting a WebEx or in-person hearing. Hard copies of the calendar request shall not be submitted.





- There will not be a Monday morning calendar call. All parties and counsel are expected to report to courtroom 6A as directed by the TCA.
- If a hearing is held in-person, all parties and counsel who are necessary to the hearing must appear in-person (i.e., no hearings will be split between remote and in-person).
- Parties who object, for good cause, to the hearing being conducted in-person must submit their written objection directly to Vicky Rogers (Vicky.D.Rogers@nccourts.org) within three (3) days of receipt of the calendar request. Hard copies of the objection shall not be submitted.
- To minimize the number of individuals in the courtroom, the number of motions set and the number of people in the courtroom will be limited.
- The TCA's Office will schedule the hearings during the week requested based on the time estimate provided in the calendar request.
- Counsel and parties must consult with one another to determine their availability for a hearing. It will be difficult to reschedule a hearing once the calendar is set.
- Parties are expected to abide by the time estimates provided in the calendar request. *Additional time will not be permitted.*
- Briefs and memoranda shall be submitted to the TCA's Office (Vicky.D.Rogers@nccourts.org and Jason.D.Adams@nccourts.org) no later than three business days prior to the hearing on the motion.

This Memo is intended to offer guidance to the attorneys and parties with matters pending in Forsyth County. Please note that the current situation remains fluid and guidance is likely to change based on future Orders from the Chief Justice. Please contact the TCA's office if you have any questions.

