

Office of General Counsel Legal Hot Topics

Corrine Lusic, Deputy Legal Counsel

District Court Judges Conference, October 2025



Agenda

- Overview of Office of General Counsel
- Legal Hot Topics
 - What to Do When You Get Sued
 - Office of Language Access Update (OLAS)
 - Disability Access
 - Remote Hearings
 - Orders to Pay Costs



OGC Overview

- NCAOC Office of General Counsel (OGC) provides full-service legal support to all N.C. Judicial Branch officials, employees, and entities

§ 7A-343.7. Legal services for the Judicial Branch.

(a) The Director may employ staff counsel or retain private counsel to provide legal services, including litigation services, to a current or former official or employee of the Judicial Branch in any action or matter arising in the scope and course of the official's or employee's official duties. The Director also may employ or retain counsel to provide legal services, including litigation services, to an agency, commission, conference, or other entity in the Judicial Branch. The Director shall supervise and manage counsel employed or retained under this section. The Director may use funds available to the Judicial Branch to employ or retain counsel authorized under this section.

(b) All of the following apply when the Director employs or retains counsel under this section to provide litigation services:



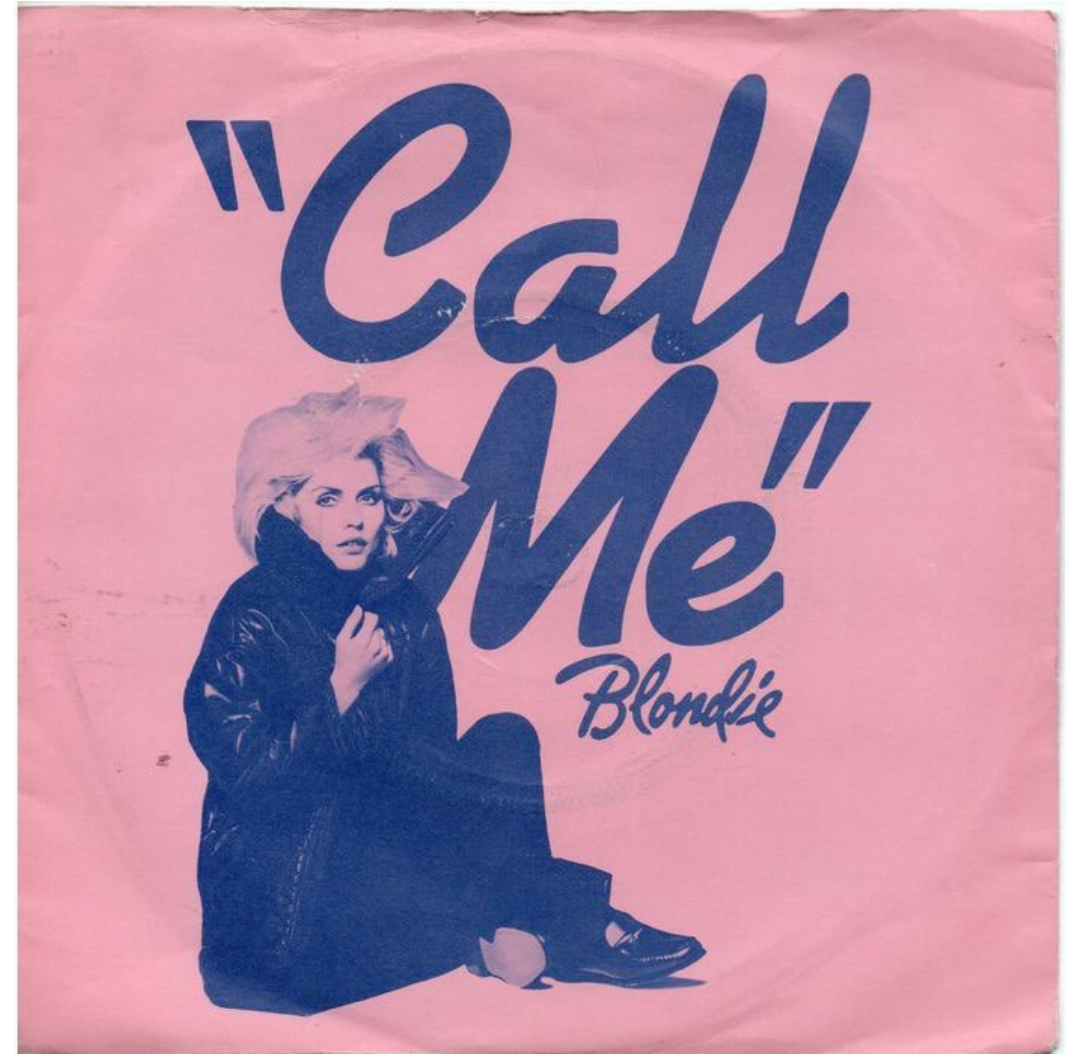
OGC Overview

OGC Services

- Legal Analysis for Presiding Officials
- Litigation & Subpoenas
- Judicial Administration
- Records Management & Retention
- Disability Access & Language Access
- Contracts/Grants
- And much more

Collaboration with School of Government

Collaboration with BAPM



Hot Topic 1: Lawsuits

- What to Do When You Get Sued
-or Subpoena'd
- June 2024 Memo: "What to Do When You Get Sued"
 - On JUNO; Update forthcoming
- Email or Call us!
 - Corrine Lusic; 919-890-1315; corrine.l.lusic@nccourts.org
 - ASAP! (Help Us Help You)



ADMINISTRATIVE OFFICE OF THE COURTS
OFFICE OF GENERAL COUNSEL
PO BOX 2448, RALEIGH, NC 27602
O 919-890-1300
F 919-890-1914

MEMORANDUM

TO: The North Carolina Judicial Branch
FROM: The NCAOC Office of General Counsel
DATE: June 4, 2024
SUBJECT: Legal Representation for Judicial Branch Officials and Personnel in civil lawsuits, subpoenas, bar complaints, removal actions, and false liens¹

A core responsibility of the Office of General Counsel ("OGC") in North Carolina Administrative Office of the Courts (the "NCAOC") is assisting Judicial Branch officials and employees when they become involved in litigation due to their service to the state. This can occur in several ways, such as:

- you are named as a defendant in a lawsuit, either in your individual or official capacity,
- you are subpoenaed for deposition testimony, documents, or both,
- someone files a false or fraudulent lien against you,
- someone files a removal petition against you, or
- someone files a bar complaint against you.

OGC stands ready to help you understand the legal process you face, develop and implement a strategy for responding, and coordinate and manage counsel to represent you, as appropriate. This memorandum describes the assistance that OGC provides in each of these situations. Being familiar with and following the guidance and procedures outlined in this memo will ensure that OGC is best able to help you protect the rights, interests, and goals of you and your office in these situations.

Because litigation often involves short deadlines, it is very important that you follow these procedures and contact OGC as soon as possible after you become aware of the legal issue. You may have as little as ten days to respond depending on the type of legal matter at issue. Informing OGC as soon as possible ensures that deadlines are not missed and that OGC can help you present the best possible defense for you and/or your office. If you have not received an acknowledgement from OGC within two business days after initiating contact under these procedures, please contact OGC via phone to follow up.

¹ A copy of this memo will be available on the Administrative Office of the Courts (NCAOC)'s Juno site for Judicial Branch users at <http://juno.nccourts.org/legal-memos>, under the memo list for Administrative Memos.



Hot Topic 1: Lawsuits



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MEMORANDUM

TO: The North Carolina Judicial Branch

Office of General Counsel

Information for Judicial Branch Officials and Personnel in civil lawsuits, complaints, removal actions, and false liens¹

The Office of General Counsel ("OGC") in North Carolina Administrative Office ("OCA") is assisting Judicial Branch officials and employees when they are named as defendants in lawsuits due to their service to the state. This can occur in several ways,

as a defendant in a lawsuit, either in your individual or official capacity, or as a witness in a lawsuit, by deposition testimony, documents, or both, or as a party to a fraudulent lien against you, or as a party to a civil petition against you, or as a party to a complaint against you.

To understand the legal process you face, develop and implement a strategy to coordinate and manage counsel to represent you, as appropriate. The assistance that OGC provides in each of these situations. Being aware of the guidance and procedures outlined in this memo will ensure that you protect the rights, interests, and goals of you and your office in these

When you have short deadlines, it is very important that you follow these deadlines as soon as possible after you become aware of the legal issue. You may need to respond depending on the type of legal matter at issue. OGC will ensure that deadlines are not missed and that OGC can help you develop a defense for you and/or your office. If you have not received an email from OGC within two business days after initiating contact under these procedures, please call OGC via phone to follow up.

Available on the Administrative Office of the Courts (NCAOC)'s June site for Judicial Branch Officials and Personnel: <http://www.ncaoc.org/legal-memos>, under the memo list for Administrative Memos.

III. Civil Lawsuits

If you receive documents indicating that you have been named as a defendant in a civil lawsuit in federal or state court or before an administrative body, please email the following information to OGC counsel Corrine Lusic (corrine.l.lusic@nccourts.org; 919-890-1315)³ as soon as possible:

1. A scanned copy of all documents served or otherwise received (e.g., summons, subpoena, complaint, exhibits, etc.),
2. The date you received the documents,
3. A description of how you received the documents (e.g., by Sheriff, certified mail, personal delivery),
4. A scanned copy of the envelope (if any) in which you received the documents,
5. Your contact information (office and cell phone numbers and email address for you, and
 - Note: You may wish to provide the contact information for your assistant or someone in your office who can reach you.
6. The following statement: "By copy of this email, I request that the state provide legal representation for me in this matter."
 - Note: The email and statement must come directly from individual making the request and not the individual's support staff.



Hot Topic 2: OLAS Update

- 2012-2022: USDOJ investigates complaints
- 2022: NCAOC enters MOA with USDOJ

Highlights

- Updated Language Access Standards
- Reconvened the Language Access Stakeholders Committee (LASC)
- Translating additional forms (ongoing)
- Updated initiating forms to identify language access needs
- Updated the Rules of Recordkeeping to require Clerks to identified interpreter needs in Enterprise Justice
- Engaged in outreach to stakeholders
- Established regular language access audits



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Hot Topic 2: OLAS Update

- April 2025: USDOJ issues closure letter
- Ongoing Efforts:
 - Expanded video remote interpreting options
 - Launched interpreter scheduling application on 9/29/25
 - Developing process to confirm interpreters are scheduled for upcoming hearings for all LEP parties/witnesses



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Hot Topic 2: OLAS Update

- How you can help!
 - Require your attorneys to read the *Standards*, which explain how (and who) is required to schedule interpreters.
 - Consider issuing the Template Administrative Order provided on JUNO, which requires attorneys in your district to read and comply with the *Standards*.
 - Proactively reach out to OLAS (Kara Mann, Kara.J.Mann@nccourts.org) with issues.

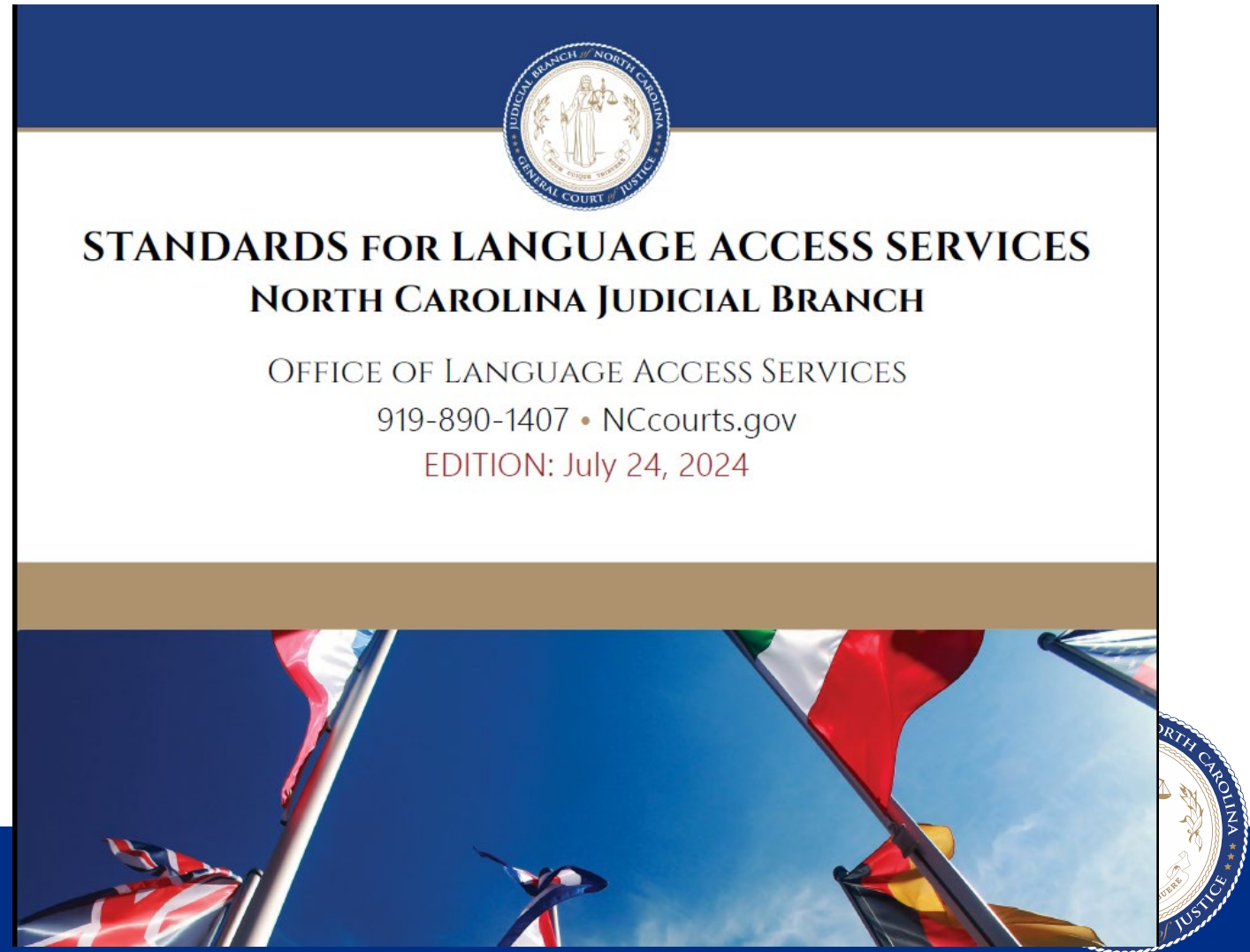


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Hot Topic 2: OLAS Update

- The *Standards* are online at:
<https://www.nccourts.gov/assets/documents/publications/NCAOC-Language-Access-Standards-07-2024.pdf>



Hot Topic 2: OLAS Update

- Template Administrative Order is on Juno:

- <https://www.nccourts.gov/documents/publications/spoken-foreign-language-interpreters>

STATE OF NORTH CAROLINA COUNTY OF _____		____ R _____ IN THE GENERAL COURT OF JUSTICE DISTRICT COURT DIVISION
JOINT DISTRICT AND SUPERIOR COURT		
NOW, THEREFORE, it is hereby ORDERED, effective _____, 2024: 1. All attorneys practicing in the <ENTER DISTRICT NUMBER> Judicial District shall read the Standards, including any periodic revisions to the Standards, and become familiar with the procedures for requesting interpreters. The Standards can be found at: https://www.nccourts.gov/documents/publications/spoken-foreign-language-interpreters. 2. All attorneys practicing in the <ENTER DISTRICT NUMBER> Judicial District shall follow the Standards to ensure that interpreters are requested for each calendared event before the Court.		
WHEREAS, as of July 1, 2024, NCAOC's initiating forms have fields to indicate if a LEP party needs interpreter services, which are used to add an indicator flag to the case in NCAOC's Legacy (e.g., ACIS, VCAP, CCIS-CC, CCIS-DA) and Enterprise Justice systems; WHEREAS, the indicator flags in NCAOC's Legacy and Enterprise Justice systems are currently intended to track LEP needs across the entire court system and do not have the functionality to automatically schedule interpreters for LEP parties; WHEREAS, pursuant to the Standards, for each calendared court event (e.g., hearing, administrative session) an interpreter request form must be submitted to the Local Access		

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Hot Topic 3: Disability Access

- Title II of the Americans with Disabilities Act (ADA) requires state governments to provide reasonable accommodations to individuals with disabilities to ensure that they can fully benefit from the service or program.
- Not required to provide accommodations that fundamentally alter the nature of our service, program, or activity.
- Recent concerns over the timeliness of responses to accommodations requests, particularly when made by motion.



Hot Topic 3: Disability Access

Current accommodation request process:

- Local disability access coordinators (DACs) will receive requests for accommodations and grant/deny the request or direct request to individual with authority to grant/deny.
- When requests involve the judicial balancing of the rights of the parties or a judge's inherent power to manage the proceeding, individuals are directed to make motions for accommodations. Examples:
 - ▷ extension of time
 - ▷ change of venue
 - ▷ remote or telephonic hearings
 - ▷ modifications in the way testimony is to be given.

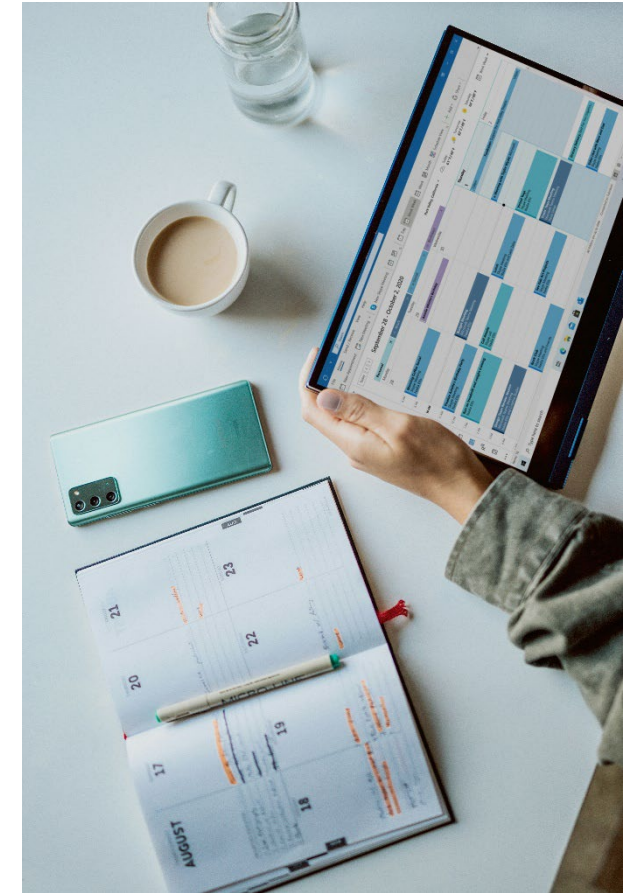


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Hot Topic 3: Disability Access

- Difficulties with the motion process:
 - Pro se individuals lack knowledge for calendaring motions.
 - Sometimes motions are not considered until the day of the hearing for which accommodations are sought, requiring the individual to go to court without knowing what accommodations can or will be provided.
 - Doesn't leave room for exploring alternative accommodations (interactive process).
- OGC is exploring options for court processes that would ensure timely responses.



Hot Topic 4: Remote Proceedings

- NCAOC has heavily invested in and supports the use of remote Webex hearings where appropriate.
 - CRAVE systems
 - WebEx support
(<https://juno.nccourts.org/resources/references/webex-resources-ncaoc-supported-online-audio-video-technology>)
 - Model order and forms
(<https://juno.nccourts.org/news/memorandum-model-webex-administrative-order-and-forms>)



Hot Topic 4: Remote Proceedings

- Chief Justice Newby's Remote Proceedings Task Force focused on hybrid hearings (defendants in jail or prison and testimony from State Crime Lab employees).

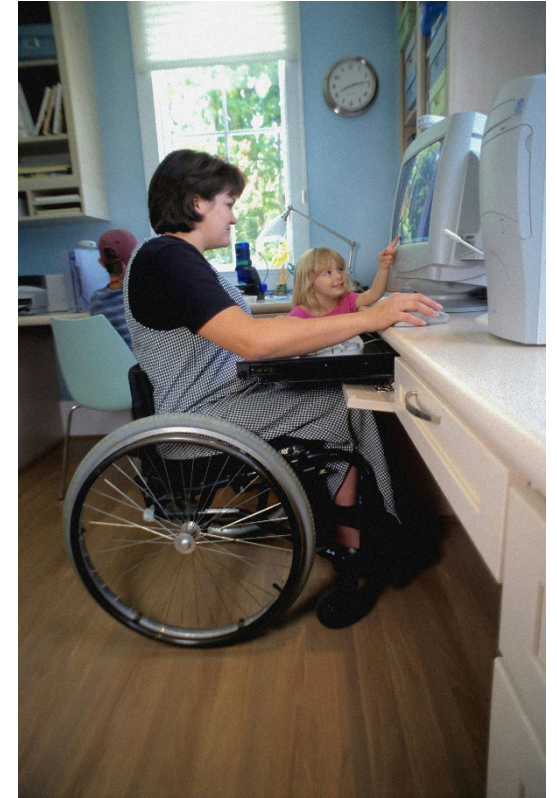
Many other opportunities
for the expansion of
hybrid or fully remote
proceedings.



Hot Topic 4: Remote Proceedings

Disability Access

- We are seeing an increase in accommodation requests for remote *civil* proceedings.
- G.S. § 7A-49.6 still applies to the evaluation—is there good cause to deny the motion?
- ADA weighs in favor of granting the request unless there is good cause shown pursuant to G.S. § 7A-49.6.
- Remember—the ADA requires that courts provide an accommodation unless the request would fundamentally alter the nature of the program and service.



Hot Topic 4: Remote Proceedings

Benefits to out of district parties or non-parties

- Reduced costs = increased access to justice
 - Reduces travel costs for client and attorneys
 - Reduces attorney's fees charged for travel
- The Rules of Civil Procedure recognize that it is appropriate to reduce the expense and burden on non-parties. (e.g., Rule 45(c)(1)).
- For example: AG attorneys who represent Judicial Branch personnel are seeking more remote hearings, especially on minor third-party motions.
 - Allows our State attorneys to more efficiently use their time.
 - Reduces travel costs paid by the State (including NCAOC).



Hot Topic 5: Orders to Pay Costs

- NCAOC administers the Judicial Branch's budget.
 - G.S. 7A-343(4): "Prepare and submit budget estimates of State appropriations necessary for the maintenance and operation of the Judicial Department, and authorize expenditures from funds appropriated for these purposes."
- If NCAOC is not a party to the case and otherwise has no notice of the matter, it cannot pay costs ordered by the court, especially if those costs are inconsistent with appropriations and statute.



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Questions?





Thank You

Corrine Lusic, Deputy Legal Counsel

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