

Quick Reference Guide to Orders from the Chief Justice and the North Carolina Supreme Court Related to COVID-19

Since the start of the pandemic, the Chief Justice of the North Carolina Supreme Court and the North Carolina Supreme Court have issued a number of directives impacting the court system. Instead of doing a heavy substantive post today, I thought I would share a quick reference chart I've been using to keep track of these directives, their effect based on the most recent order issued, the dates of the order containing each directive, and their expiration date.

This chart is by no means intended to be a substitute for the orders. Please read the full text of the orders for guidance. The full text of the orders along with all of the other COVID-19 judicial branch updates may be found at <https://www.nccourts.gov/covid-19>.

The chart does not include executive orders issued by the Governor related to the pandemic. Those are available [here](#). It also does not include state legislation from the General Assembly, including two key pandemic-related session laws, [Session Law 2020-3](#) and [Session Law 2020-4](#), or related federal legislation, such as the [Coronavirus Aid, Relief, and Economic Security Act \("CARES Act"\)](#).

Directive #	Most Recent Effect	Order Date Order Issued ¹	Expiration
1	Proceedings must be scheduled or rescheduled for a date no sooner than January 14, 2021 unless an exception applies	2020 December 14 May 1 April 2 March 13	January 13, 2021
2	Clerk of superior court to post notices at courthouse door (Note, the October 15, 2020 order modified what must be included in the posted notice.)	2021 January 13 2020 December 14 November 16 October 15 September 15 August 24 July 29 June 29 May 30 May 1 April 2 March 13	February 12, 2021 January 13

¹ ~~The order issued on January 13, 2021 took effect on January 14, 2021. The order issued March 13, 2020 took effect on March 16, 2020.~~

Directive #	Most Recent Effect	Order Date Order Issued ¹	Expiration
3	<ul style="list-style-type: none"> • Authorization for judicial officials to conduct proceedings that include remote audio and video (A/V) transmissions • <u>Provides that a party may, for good cause, object to the use of remote A/V transmissions; if good cause is not shown, the court may conduct a proceeding that includes A/V transmissions</u> • Remote proceedings must safeguard constitutional rights, preserve integrity of the judicial process, and meet standards outlined in the order • Does not apply to proceedings in which the use of remote A/V transmissions is already permitted by law; those proceedings continue as provided by law 	<p>2021 January 13</p> <p>2020 December 14 November 16 October 15 September 15 August 24 July 29 June 29 May 30 May 1 April 2</p>	<p>February 12, 2021 January 13</p>
4	<ul style="list-style-type: none"> • Attorneys and others who do not have business in the courthouse should not enter the courthouse and should not prolong visits once business has concluded • Attorneys are strongly encouraged to submit filings by mail 	<p>2020 December 14 November 16 October 15 September 15 August 24 July 29 June 29 May 30 May 1 April 2</p>	<p>January 13, 2021</p>
5	<ul style="list-style-type: none"> • Documents that must be verified or that require an oath may be filed if the subscriber affirms the truth of the matter to be verified by affirmation or representation in substantially the form set out in the order • Does not apply to wills, real estate conveyances, or documents not filed with the court 	<p>2021 January 13</p> <p>2020 December 14 November 16 October 15 September 15 August 24 July 29 June 29 May 30 May 1 April 2</p>	<p>February 12, 2021 January 13</p>

Directive #	Most Recent Effect	Order Date Order Issued ¹	Expiration
6	<ul style="list-style-type: none"> Allows Rule 5 service to be made electronically on a party or party's attorney with written consent; email must be time-stamped before 5:00 PM on a regular business day to be considered served that day Does not modify electronic service in the NC Business Court, governed by Business Court Rule 3 	2020 September 15 August 24 July 29 June 29 May 30 May 1 April 2	September 30, 2020 ²
7	Monies owed pursuant to a judgment or order in a criminal or infraction case (Note, this directive was modified in the June 29, 2020 order. It was extended in the July 29, 2020 order to make clear it includes July 30 and 31, 2020. Although the directive expires on August 28, 2020 per the terms of the July 29, 2020 order, in effect, it does not extend beyond July 31, 2020. Refer to the order for details and additional guidance from NC AOC Office of General Counsel available here .)	2020 July 29 June 29 May 30 May 1 April 2	August 28, 2020
8	Magistrates required to continue to perform marriages	2021 January 13 2020 December 14 November 16 October 15 September 15 August 24 July 29 June 29 May 30 May 1 April 16	February 12, 2021 January 13
9	Social distancing in court sessions; encourages remote hearings; directive to limit large gatherings and face-to-face interactions between court personnel and the public	2020 December 14 November 16 October 15 September 15	January 13, 2021

² Although this emergency directive expired on September 30, 2020, [Session Law 2020-46](#) makes changes to Rule 5 to allow for electronic delivery of certain documents and applies to filings and service effected on or after October 1, 2020. The NC Supreme Court [modified Rule 5](#) of the General Rules of Practice for Superior and District Courts, effective October 1, 2020, to address electronic filing of pleadings and other documents.

Directive #	Most Recent Effect	Order Date Order Issued ¹	Expiration
		August 15 July 20 June 20 May 21	
10	No jury trials shall be conducted in superior or district court of any county for the next thirty days unless a jury has already been empaneled	2020 December 14 November 16 October 15 September 15 August 15 July 20 June 20 May 21	January 13, 2021
11	<ul style="list-style-type: none"> • <u>Senior resident superior court judge to serve as or designate a COVID 19 Coordinator</u> • <u>COVID-19 Coordinator must ensure relevant safety protocols and mandates are being followed within court facilities</u> 	2021 January 13 2020 December 14 November 16 October 15 September 15 August 15 July 20 June 20 May 21	February 12, 2021 January 13
12	Senior resident superior court judge shall ensure social distancing markings throughout the courthouse, establish maximum occupancy in courtroom to allow for social distancing, post notices regarding maximum occupancy, make sanitizer available, and ensure daily/periodic cleaning	2021 January 13 2020 December 14 November 16 October 15 September 15 August 15 July 20 June 20 May 21	February 12, 2021 January 13

Directive #	Most Recent Effect	Order Date Order Issued ¹	Expiration
13	Before publishing or distributing court calendar, the COVID 19 Coordinator to coordinate social distancing for court sessions and ensure facemasks for courtroom staff made available	2020 December 14 November 16 October 15 September 15 August 15 July 20 June 20 May 21	January 13, 2021
14	<ul style="list-style-type: none"> • Clerks directed to ensure filings may be submitted during normal business hours and access to public records • Clerks may allow use of secure drop box; may require access to public records by appointment only and limit hours of access 	2021 January 13 2020 December 14 November 16 October 15 September 15 August 15 July 20 June 20 May 21	February 12, 2021 January 13
15	<ul style="list-style-type: none"> • Attorneys and litigants encouraged to submit filings by mail • <u>Beginning June 1, 2020, pleadings and other documents delivered by the United States Postal Service to the clerk are deemed timely filed if received within 5 business days of the date the filing is due</u> • <u>The extension of filing deadlines in Directive 15 does not apply to pleadings and other documents filed in bail bond forfeiture proceedings under G.S. Chapter 15A, Article 26, Part 2 (exclusion added in order issued on January 13, 2021, effective January 14, 2021)</u> 	2021 January 13 2020 December 14 November 16 October 15 September 15 August 15 July 20 June 20 May 21	February 12, 2021 January 13
16	<ul style="list-style-type: none"> • COVID 19 Coordinator to make determinations about possibility for jury trials that adhere to social distancing and spacing in courtroom and deliberation room • COVID 19 Task Force to recommend best practices and minimum requirements for jury trials 	2020 June 20 May 21	July 20, 2020

Directive #	Most Recent Effect	Order Date Order Issued ¹	Expiration
17	<ul style="list-style-type: none"> All evictions pending in the trial division stayed until June 21, 2020 Sheriff not required to execute or return pending writs of possession of real property until June 30, 2020 	2020 May 30	June 29, 2020
18	<ul style="list-style-type: none"> This directive applies only in summary ejectment actions commenced pursuant to G.S. Chapter 42, Article 3 for nonpayment of rent or other fees or charges In actions commenced on or after March 27, 2020, no writ of possession for real property shall be issued unless the magistrate or judge concludes that either (i) the property is not an “applicable property” as defined by Section 4023(f)(1) of the CARES Act, or (ii) the property is an “applicable property” and the mortgage loan on that property is not currently in forbearance and, if a prior forbearance period has expired, the tenant had 30 days’ notice to vacate under Section 4023(e) of the CARES Act The NC Administrative Office of the Courts promulgated a form affidavit to be completed by the plaintiff in these actions For actions commenced <ul style="list-style-type: none"> On or after March 27, 2020 and before June 4, 2020, the plaintiff must file the affidavit with the court before the magistrate or judge enters final judgment On or after June 4, 2020, the plaintiff must file affidavit with the complaint and the affidavit must be served on the defendant with the summons and complaint 	2020 December 14 November 16 October 15 September 15 August 24 July 24 June 29 May 30	January 13, 2021
19	Establishes a voluntary mediation program for summary ejectment actions	2020 May 30	June 29, 2020
20	Notwithstanding the time limits in G.S. 42-28, when plaintiff files a summary ejectment or small claims eviction complaint pursuant to Article 3 or Article 7 of G.S Chapter 42 and asks to be put in possession of the leased premises, the clerk shall issue a summons requiring the defendant to appear at a certain time and place not to exceed 30 days from the issuance of the summons to answer the complaint.	2020 December 14 November 16 October 15 September 15 August 15 July 20 June 20	January 13, 2021

Directive #	Most Recent Effect	Order Date Order Issued ¹	Expiration
21	<ul style="list-style-type: none"> Establishes requirements regarding face coverings while in a court facility (January 13, 2021 order (requirements modified by the October 15 order) adds a person who is “complying with a directive from ...courthouse personnel” to the list of persons excluded from the face-covering requirement) Directs clerks to post notices of the general face covering requirement at the entrance to every court facility in their counties Establishes requirements regarding removal of face coverings during a trial or proceeding (January 13, 2021 order expands the authority of a judicial official to order the removal of a face covering so that facial expressions may be observed beyond jury trials to include any trial or proceeding; adds “an affiant” to the list of persons who may be ordered to remove a face covering during a trial or proceeding)a jury trial 	<p>2021 January 13</p> <p>2020 December 14 November 16 October 15 September 15 August 15 July 16</p>	<p>January February 12, 2021</p>
22	<p>Each senior resident superior court judge must craft a plan for resumption of jury trials in his or her judicial district; if the chief district court judge determines a separate plan for district court is warranted, the chief must craft a plan for the resumption of district court jury trials</p> <p>The directive also:</p> <ul style="list-style-type: none"> Sets out the minimum requirements of each plan Establishes which officials must approve each plan (if approval of one or more officials cannot be obtained, the senior resident superior court judge may submit the plan with a statement indicating despite good faith efforts approval could not be obtained) States that the plan must be submitted to the Administrative Office of the Courts and the Chief Justice 	<p>2020 December 14 November 16 October 15 September 15 August 24 August 15 July 16</p>	<p>January 13, 2021</p>
Other	<ul style="list-style-type: none"> In any matter in which deadline to file notice of appeal fell between March 13, 2020 and June 1, 2020 the deadline for filing the appeal and making 	<p>2020 May 30</p>	

Directive #	Most Recent Effect	Order Date Order Issued ¹	Expiration
	any required payment or bond is extended to June 30, 2020 <ul style="list-style-type: none"> Presiding judicial officials retain authority under law to grant further extensions they deem appropriate 		
Other	Civil, Estates, and Special Proceedings: <ul style="list-style-type: none"> Deadlines for filing documents and for acts to be done between March 16, 2020 and June 1, 2020 (inclusive of those dates) remains June 1, 2020 in accordance with the April 13, 2020 order Periods of limitation set to expire between March 16, 2020 to July 31, 2020 (inclusive of those dates) extended to close of business on July 31, 2020 Criminal: <ul style="list-style-type: none"> Deadlines for filing documents and for acts to be done between March 16, 2020 and July 31, 2020 (inclusive of those dates) extended to July 31, 2020 Other: <ul style="list-style-type: none"> Order does not change criminal monies owed (Directive 7) Order does not apply to documents and papers due to be filed or acts to be done in the appellate courts Bail bond forfeiture (Ch. 15A, Art. 26) proceedings continue to be governed by the April 13, 2020 order Presiding judicial officials retain authority under law to grant further extensions they deem appropriate 	2020 May 21 April 13 March 19	
Other	In proceedings for forfeiture of bail bonds under G.S. Chapter 15A, Article 26, Part 2 for which disposition by entry of final judgment or by grant of a motion to set aside is due on or after April 14, 2020 and before or on January 30, 2021, any motion to set aside or objection to a motion is timely filed if it is filed before the close of business on January 31, 2021; the entry of final judgment or grant of a motion to set aside due to occur by operation of law on or after April 14, 2020 through (and including) January 30, 2021 is stayed until after the close of business on January 31, 2021	2020 December 31 November 30 September 30 May 21 April 13	
Other	NC Supreme Court order <ul style="list-style-type: none"> Clerk duties related to the publication and distribution of the calendar 	2020 May 14	

Directive #	Most Recent Effect	Order Date Order Issued ¹	Expiration
	<ul style="list-style-type: none"> • Temporary modification of secure leave • Continuing Judicial Education allowed remotely for judges and justices 		
Other	NC Supreme Court order <ul style="list-style-type: none"> • Deadlines imposed by the Rules of Appellate Procedure that fall between March 27, 2020 to April 30, 2020 (inclusive of those dates) extended for 60 days • Electronic filing encouraged by all parties • Credit for secure-leave periods 	2020 March 27	