

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	Expiration
1	Proceedings must be scheduled or rescheduled until after June 1 unless an exception applies	May 1 April 2 March 13	May 30
2	Clerk of superior court to post notices at courthouse door	September 15 August 24 July 29 June 29 May 30 May 1 April 2 March 13	September 22 October 15
3	<ul style="list-style-type: none"> Authorization for judicial officials to conduct proceedings that include remote audio and video transmissions Remote proceedings must safeguard constitutional rights, preserve integrity of the judicial process, and meet standards outlined in the order 	September 15 August 24 July 29 June 29 May 30 May 1 April 2	October 15 September 22

Directive #	Most Recent Effect	Order Date	Expiration
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 	September 15 August 24 July 29 June 29 May 30 May 1 April 2	October 15 September 22
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 	September 15 August 24 July 29 June 29 May 30 May 1 April 2	October 15 September 22
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 	September 15 August 24 July 29 June 29 May 30 May 1 April 2	September 22 ³⁰ ¹
7	<p>Monies owed pursuant to a judgment or order in a criminal or infraction case (Note, this directive was modified in the June 29 order. It was extended in the July 29 order to make clear it includes July 30 and 31. Although the directive expires on August 28 per the terms of the July 29 order, in effect, it does not extend beyond July 31. Refer to the order for details and additional guidance from NC AOC Office of General Counsel available here.)</p>	July 29 June 29 May 30 May 1 April 2	August 28
8	<p>Magistrates required to continue to perform marriages</p>	September 15 August 24 July 29 June 29 May 30	October 15 September 22

¹ Although this emergency directive expires 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.

Directive #	Most Recent Effect	Order Date	Expiration
		May 1 April 16	
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	September 15 August 15 July 20 June 20 May 21	October 15 September 14
10	No jury trials for 30 days; intention to extend prohibition through end of September	September 15 August 15 July 20 June 20 May 21	October 15 September 14
11	Senior resident superior court judge to serve as or designate a COVID 19 Coordinator	September 15 August 15 July 20 June 20 May 21	October 15 September 14
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	September 15 August 15 July 20 June 20 May 21	October 15 September 14
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	September 15 August 15 July 20 June 20 May 21	October 15 September 14
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 	September 15 August 15 July 20 June 20 May 21	October 15 September 14

Directive #	Most Recent Effect	Order Date	Expiration
15	<ul style="list-style-type: none"> Attorneys and litigants encouraged to submit filings by mail Beginning June 1, 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 	September 15 August 15 July 20 June 20 May 21	October 15 September 14
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 	June 20 May 21	July 20
17	<ul style="list-style-type: none"> All evictions pending in the trial division stayed until June 21 Sheriff not required to execute or return pending writs of possession of real property until June 30 	May 30	June 29
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, no writ of possession for real property shall be issued unless the magistrate or judge concludes either (i) the property is not a “covered dwelling” as defined in Section 4024(a)(1) of the CARES Act or (ii) the property is a “covered dwelling” and the tenant had 30 days’ notice to vacate as required by Section 4024(c) of the CARES Act 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 	September 15 August 24 July 24 June 29 May 30	October 15 September 22

Directive #	Most Recent Effect	Order Date	Expiration
	<ul style="list-style-type: none"> • For actions commenced <ul style="list-style-type: none"> ○ On or after March 27 and before June 4, the plaintiff must file the affidavit with the court before the magistrate or judge enters final judgment ○ On or after June 4, the plaintiff must file affidavit with the complaint and the affidavit must be served on the defendant with the summons and complaint 		
19	Establishes a voluntary mediation program for summary ejectment actions	May 30	June 29
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.	September 15 August 15 July 20 June 20	October 15 September 14
21	<ul style="list-style-type: none"> • Requirement regarding face coverings while in a court facility • Clerks to post notices of this requirement at the entrance to every court facility in their counties 	September 15 August 15 July 16	October 15 September 14
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 <u>(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)</u> 	September 15 August 24 August 15 July 16	October 15 September 22

Directive #	Most Recent Effect	Order Date	Expiration
	<ul style="list-style-type: none"> States that the plan must be submitted to the Administrative Office of the Courts and the Chief Justice no later than September 30, 2020 		
Other	<ul style="list-style-type: none"> In any matter in which deadline to file notice of appeal fell between March 13 and June 1, the deadline for filing the appeal and making any required payment or bond is extended to June 30 Presiding judicial officials retain authority under law to grant further extensions they deem appropriate 	May 30	
Other	<p>Civil, Estates, and Special Proceedings:</p> <ul style="list-style-type: none"> Deadlines for filing documents and for acts to be done between March 16 and June 1 (inclusive of those dates) remains June 1 in accordance with the April 13 order Periods of limitation set to expire between March 16 to July 31 (inclusive of those dates) extended to close of business on July 31 <p>Criminal:</p> <ul style="list-style-type: none"> Deadlines for filing documents and for acts to be done between March 16 and July 31 (inclusive of those dates) extended to July 31 <p>Other:</p> <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 order Presiding judicial officials retain authority under law to grant further extensions they deem appropriate 	May 21 April 13	
Other	Extension of time in bail bond forfeiture (Ch. 15A, Art. 26) proceedings for dispositions due on or after April 14 and before or on September 29 to close of business on September 30, 2020; stays the automatic disposition of	May 21 April 13	

Directive #	Most Recent Effect	Order Date	Expiration
	forfeiture proceedings April 14 through (and including) September 29		
Other	NC Supreme Court order <ul style="list-style-type: none"> • Clerk duties related to the publication and distribution of the calendar • Temporary modification of secure leave • Continuing Judicial Education allowed remotely for judges and justices 	May 14	
Other	NC Supreme Court order <ul style="list-style-type: none"> • Deadlines imposed by the Rules of Appellate Procedure that fall between March 27 to April 30 (inclusive of those dates) extended for 60 days • Electronic filing encouraged by all parties • Credit for secure-leave periods 	March 27	