



COVID-19 & THE NC COURT SYSTEM

PUBLIC LAW FOR THE PUBLIC'S LAWYERS: OCTOBER 23, 2020

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THIS PRESENTATION WILL COVER:

1. JUDICIAL BRANCH COVID-19 TASK FORCE
2. CHIEF JUSTICE BEASLEY'S COVID-19 EMERGENCY DIRECTIVES
3. DAY-TO-DAY OPERATIONS OF THE COURTS DURING COVID-19
4. THE FUTURE: JUDICIAL BRANCH'S TRANSITION TO ECOURTS



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JUDICIAL BRANCH COVID-19 TASK FORCE



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JUDICIAL BRANCH COVID-19 TASK FORCE

- Chief Justice Cheri Beasley appointed in late April 2020
 - The Honorable F. Donald Bridges, Senior Resident Superior Court Judge, Co-Chair
 - The Honorable J.H. Corpening, II, Chief District Court Judge, Co-Chair
 - Superior court judges, district court judges, district attorneys, public defenders, clerks, magistrates, court managers (incl. Kellie Myers), and private bar (civil and criminal)
- 8 meetings between May 1 and June 24, 2020
- 3 working groups (incl. non-Task Force members):
 - **Best Safety Practices:** *Make recommendations about best safety practices that are evidence-based and appropriate for the courts*
 - **Technology and Innovations:** *Examine types of proceedings that can be conducted remotely, additional equipment needs, and innovations in court scheduling and operations*
 - **Virus Fatigue:** *Identify ways for Judicial Branch to support staff working with the public, and create materials and resources for front-line personnel*



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COVID-19 TASK FORCE RECOMMENDATIONS

- Two primary reports submitted to Chief Justice on June 12 and June 30, 2020:
 - Case management priorities as courts phased back to full operations
 - Resumption of civil and criminal jury trials
 - Best safety practices in courts generally and with respect to jury trials specifically
 - Technology and court innovations
 - Combatting virus fatigue in the courts
- Recommendations informed some of the Chief Justice's Emergency Directives (EDs), particularly those related to jury trials
- Reports available at: <https://www.nccourts.gov/commissions/judicial-branch-covid-19-task-force>



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NCAOC FIELD GUIDANCE



NCAOC
issued field
guidance
based on
Task Force
reports on
July 7, 2020

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CHIEF JUSTICE'S COVID-19 EMERGENCY DIRECTIVES



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CHIEF JUSTICE'S COVID-19 EDS

- G.S. 7A-39(b)(2):
 - Chief Justice's authority to issue EDS to ensure continuing operation of essential court functions when catastrophic conditions exist
 - EDS expire every 30 days, but may be extended in whole or in part
 - Authority has typically been exercised in specific counties in response to hurricanes
- Chief Justice Beasley entered first ED on March 13, 2020
- Since then, she has entered 22 different EDS, with 16 of them still in effect (and set to expire on November 14, 2020)
 - ED 6, which allowed for electronic service, expired on September 30, 2020
 - Effective October 1, S.L. 2020-46 amended Rules 3 and 5 of the NC Rules of Civil Procedure to allow for electronic filing and service



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COVID-19 NON-JURY TRIAL EDS (STILL IN EFFECT)

- ED 2 Clerks to post COVID notices at all facility entrances
- ED 3 Authorizes remote proceedings
- ED 4 Restricts courthouse access to those with business to conduct in facility
- ED 5 Allows documents to be filed and statements to be sworn without a notary
- ED 8 Magistrates to continue to perform marriage ceremonies
- ED 9 Judicial officials to ensure compliance with social distancing and other public health guidance
- ED 11 All senior residents to designate COVID-19 Facility Coordinators
- ED 12 Courts to enact certain precautions to protect against COVID-19 transmission



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COVID-19 NON-JURY TRIAL EDS (STILL IN EFFECT)

- ED 13 COVID-19 Coordinators to ensure that all court sessions do not collectively result in inability to socially distance and to provide face coverings to courtroom personnel
- ED 14 Clerks to ensure court filings are accepted and public records are accessible
- ED 15 Encourages filing by mail and deems documents timely filed if received by mail within five business days of due date
- ED 18 Requires landlords to file affidavit confirming compliance with Federal CARES Act in residential evictions for nonpayment of rent
- ED 20 Despite 7-day statutory time limit, gives clerks up to 30 days to schedule summary ejectment proceedings
- ED 21 With limited exceptions, requires face coverings to be worn in court facilities



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COVID-19 JURY TRIAL EDS (STILL IN EFFECT)

- ED 22 Senior resident superior court judges required to submit plans for the resumption of jury trials for NCAOC approval (original deadline of September 30, 2020)
 - ▶ Plans required to confirm compliance with all EDs and address:
 - ▷ summoning and excusing jurors
 - ▷ socially distanced voir dire and trials
 - ▷ daily COVID-19 screening for all
 - ▷ face coverings for all participants
 - ▷ responding to positive tests or known exposures during trial
 - ▶ Plans must be approved by a number of local actors, unless senior resident states that such approval could not be obtained despite good faith efforts
- ED 10 No jury trials without jury trial resumption plan approved by NCAOC (previously provided for no jury trials until at least October 16, 2020)



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DAY-TO-DAY OPERATIONS OF THE COURTS DURING COVID-19



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DAY-TO-DAY OPERATIONS OF THE COURTS DURING COVID-19



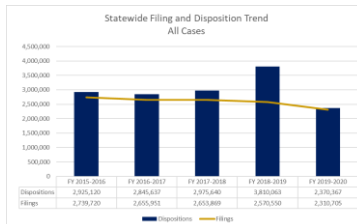
- District and superior court judges have authority to promulgate rules to promote effective administration of justice, but Chief Justice's EDs set minimum floor for health and safety requirements for operation of the courts
- 100 counties and 48 superior court districts, so lots of variability
- By statute, counties are responsible for provision and maintenance of court facilities



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STATEWIDE FILINGS AND DISPOSITIONS



Note: FY18-19 disposition numbers were higher than normal because district attorneys dismissed 1.2 million old low-level criminal cases in 72 counties as part of Data Integrity Initiative



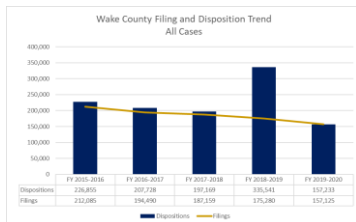
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WAKE COUNTY



Note: FY18-19 disposition numbers were higher than normal as result of Data Integrity Initiative

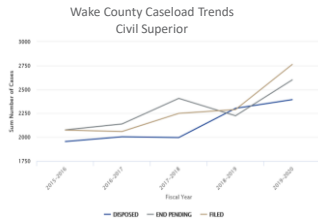


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WAKE COUNTY

Civil Superior filings increased ~20% (473 cases) between FY18-19 and FY19-20



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COVID-19 COURT UPDATES

- Diligence & RPC Rule 1.3
 - <https://www.nccourts.gov/covid-19>
 - Announcements and Orders
 - County Updates
 - General FAQs
 - Jury Service FAQs (general)
 - Webex Resources
- Local safety policies
 - Current information regarding court operations
 - Hours of operation
 - Alternate filing instructions
 - How to request a hearing
 - Administrative orders
 - COVID-19 & closing notifications



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REMOTE OPERATIONS

- Court Personnel
 - Adjusted work schedules – telework; rotation between telework and onsite work
 - Reduced accessibility to other divisions
 - Limited in-person interactions
- Online Court Services
 - Payments, citations, court notifications, Guide & File
 - County specific services such as:
 - Electronic submission of proposed orders
Wake.Civil.Superior.Orders@nccourts.org
 - E-mail requests for file access and copies
WakeCivilClerk.FileRequest@nccourts.org, WakeCriminalClerk.FileRequest@nccourts.org,
Wake.Estates.CopyRequest@nccourts.org, Wake.SP.CopyRequest@nccourts.org



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REMOTE OPERATIONS



- [Webex - Remote Proceedings for the Public \(training resource\) "NEW"](#)

Remote Court Proceedings

- Courtroom decorum – "All Rise!"
- All applicable laws, local rules, and rules of civil and criminal procedure apply
- Recording is done by the court as determined by the NC General Statutes – You are prohibited from recording or duplicating any audio or visual image of the proceeding without the permission of the court

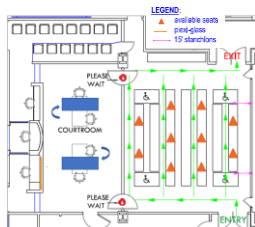
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COURT FACILITIES



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COURTROOMS



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COURTROOMS



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THE FUTURE: JUDICIAL BRANCH'S TRANSITION TO ECOURTS



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TRANSITION TO ECOURTS

- For the past 30 years, the NC court system has relied on siloed legacy systems that were developed in-house
- In 2018, NCAOC began working with the National Center for State Courts to develop a Request for Proposals for an Integrated Case Management System (ICMS)
- On June 7, 2019, NCAOC entered into a contract with Tyler Technologies for Odyssey (ICMS)
 - Subsequent contracts / amendments for
 - eCitation replacement (Brazos)
 - NCAWARE replacement (eWarrants for law enforcement and Odyssey NCAWARE for clerks and magistrates)

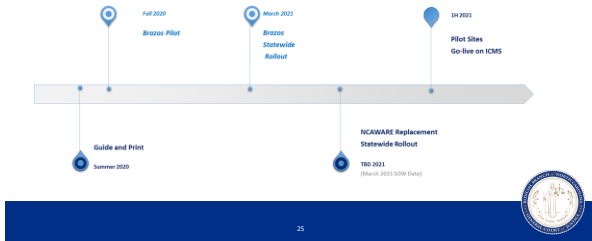
Imagine a world where all court case types are handled electronically from filing to disposition, where access to courts and court data are expanded, and paper is a thing of the past. The North Carolina court system is on that journey!



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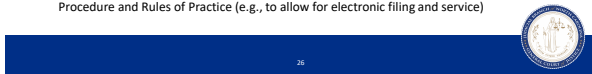
ECOURTS TENTATIVE TIMELINE



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HIGHLIGHTS OF ODYSSEY (ICMS) CONTRACT

- Case management and eFiling for all case types
- Software hosting in the cloud; NCAOC mainframe to be retired
- Configuration of system to meet NC's specific needs over approximately 21 months (started in June 2019 and is ongoing now)
- Configuration and statewide rollout will take approximately 5 years (contract is for 10 years)
- Total of 12 tracks / phases for statewide rollout between June 2021 and June 2024
 - "Big bang" rollouts of all case types at the same time
- **NOTE:** NC Rules Commission is making all necessary amendments to NC Rules of Civil Procedure and Rules of Practice (e.g., to allow for electronic filing and service)



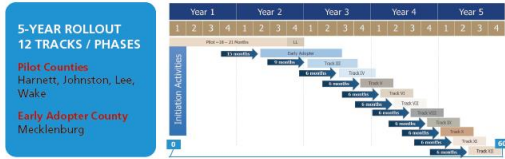
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ODYSSEY (ICMS) PILOT & EARLY ADOPTER COUNTIES



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12 ODYSSEY (ICMS) TRACKS / PHASES



- Initial rollout planned in pilot counties in June 2021, followed by early adopter county in spring of 2022
- About 10 new counties will be rolled out every 3-4 months thereafter through June 2024



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ODYSSEY (ICMS) TO REPLACE ALL NCAOC LEGACY SYSTEMS FOR ALL CASE TYPES

- ACIS Automated Criminal/Infractions System
- CCIS-CC Criminal Court Information System—Clerks' Component
- CCIS-DA Criminal Court Information System—District Attorney
- CCIS-PD Criminal Court Information System—Public Defender
- CIPRS Criminal & Infraction Public Records Search
- JWise Juvenile Court Information Database (A/N/D, TPR, Delinquency)
- VCAP Civil Case Processing System
- CaseWise Civil Case Management Tool
- FMS Financial Management System

Odyssey will integrate all systems into one case management solution, including eFiling, document management, and financial management



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ECOURTS GUIDE & PRINT / FILE

- First eCourts product to launch
 - Internally on 8/24/2020
 - To the bar and public on 8/31/2020
- Prime example of access to justice fueled by technology
- Print completed forms ready for filing
- Precursor to eFiling: Guide & Print will become Guide & File as counties go live with Odyssey



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ECOURTS GUIDE & FILE – AN ONLINE SERVICE

- Self-help resource for North Carolinians – Attorneys and non-attorneys
- Free and convenient interactive online tool
- Step-by-step interviews developed by licensed attorneys who practice in the relevant areas
- Provides information about next steps for litigants
- Immediate benefit to court staff
 - Reduced time answering questions
 - Manages expectations about legal information vs. legal advice
 - Printed forms are complete, legible, and ready to file
 - Reduced foot traffic in the courthouse if filing is accomplished in one visit



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PREPARE YOUR COURT DOCUMENTS ONLINE TO FILE CASES IN THREE STEPS

CERTAIN CASE TYPES AVAILABLE

NCCOURTS.GOV/SERVICES

- 1**
 Answer online questions to prepare the case filing
- 2**
 Automatically create legal documents for free
- 3**
 Print documents to file with the clerk of court
(Using Scan Station or eFiling Station)

NCCOURTS.GOV/SERVICES

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ECOURTS GUIDE & FILE – GO-LIVE INTERVIEWS

- Absolute Divorce
- Petition to Proceed as an Indigent
- Domestic Violence Protective Order
- Motion to Claim Exempt Property
- Adult Name Change
- Probate
 - Year's Allowance
 - Summary Administration
 - Small Estate Administration
- Small Claims
 - Money Owed
 - Repossession of Personal Property
- Summary Ejectment
 - Complaint
 - Answer and Counterclaims
 - Appeal to District Court
- More to come...



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QUESTIONS?



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THANK YOU

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