

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	June 29 May 30 May 1 April 2 March 13	June-July 29
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 	June 29 May 30 May 1 April 2	June-July 29
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 	June 29 May 30 May 1 April 2	June-July 29

Directive #	Most Recent Effect	Order Date	Expiration
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 	June 29 May 30 May 1 April 2	June-July 29
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 	June 29 May 30 May 1 April 2	June-July 29
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; refer to the order for details and additional guidance from NC AOC Office of General Counsel available here.)</p>	June 29 May 30 May 1 April 2	June-July 29
8	Magistrates required to continue to perform marriages	June 29 May 30 May 1 April 16	June-July 29
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	June 20 May 21	July 20
10	No jury trials for 30 days; intention to extend prohibition through end of July	June 20 May 21	July 20
11	Senior resident superior court judge to serve as or designate a COVID 19 Coordinator	June 20 May 21	July 20
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	June 20 May 21	July 20
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	June 20 May 21	July 20

Directive #	Most Recent Effect	Order Date	Expiration
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 	June 20 May 21	July 20
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 	June 20 May 21	July 20
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 a summary ejectment proceeding actions filed commenced pursuant to Article 3, G.S. Chapter 42 on or after March 27, no writ of possession for real property shall issue be issued unless a magistrate or judge concludes the property is not a “covered dwelling” as finding made that the property is not a covered property as defined in Section 4024(a)(1) of the CARES Act • The NC Administrative Office of the Courts to published a form to be completed by the plaintiff in these actions • For actions for use in any summary ejectment action filed commenced <ul style="list-style-type: none"> ○ On or after March 27 and before June 41, the plaintiff must file the affidavit with the court before (submitted the magistrate or judge before final judgment) enters final judgment 	June 29 May 30	June-July 2020

Directive #	Most Recent Effect	Order Date	Expiration
	<ul style="list-style-type: none"> ○ On and June 1 or after <u>June 4</u>, the {plaintiff must file affidavit with the complaint and the affidavit must be served on the defendant with the summons and filed with complaint} 		
19	Establishes a voluntary mediation program for summary ejection actions	May 30	June 29
20	Notwithstanding the time limits in G.S. 42-28, when plaintiff files a summary ejection 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.	June 20	July 20
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 	May 21 April 13	

Directive #	Most Recent Effect	Order Date	Expiration
	<ul style="list-style-type: none"> Presiding judicial officials retain authority under law to grant further extensions they deem appropriate 		
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 forfeiture proceedings April 14 through (and including) September 29	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 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	