20-R-1466

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STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

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MECKLENBURG CO., C.S.C

ADMINISTRATIVE ORDER

20 R 1466

IN RE: RESUMPTION OF JURY TRIALS PLAN FOR THE 26TH JUDICIAL DISTRICT PURSUANT TO CHIEF JUSTICE'S EMERGENCY DIRECTIVE 22

This matter came before the undersigned Senior Resident Superior Court Judge W. Robert Bell, in the exercise of the Court's in chambers jurisdiction, pursuant to Emergency Directive 22 promulgated by Cheri Beasley, Chief Justice of the Supreme Court of North Carolina on July 16, 2020 concerning the resumption of jury trials during the COVID-19 pandemic. The Court, pursuant to Emergency Directive 22, enters the following administrative order.

This plan details the minimum requirements for the safe resumption of civil and criminal jury trials in the 26th Judicial District superior courts. It is specifically designed to address public health concerns and provide guidance to safely operate during the COVID-19 State of Emergency in North Carolina. It is not intended to address the minutia of conducting a jury trial or every issue/concern that may arise during a trial.

It was developed after a review of all of the Chief Justice's Emergency Directives pertaining to COVID-19 and is in compliance with each of her emergency orders and in consultation with the Chief District Court Judge, the Public Defender, the District Attorney, the Clerk of Court, the Trial Court Administrator, the COVID-19 Coordinator for the 26th Judicial District, members of the local bar, and the Mecklenburg County Public Health Department.

OVERVIEW

Jury service is one of the cornerstones of our system of justice, expressly provided for in the U.S. Constitution and North Carolina Constitution. The Court has an obligation to uphold the constitutional rights of the citizens of this state, which includes the right to a jury trial. We are making every effort to take the necessary steps to keep reporting jurors safe and provide meaningful access to the courts.

Because of space limitations necessitated by social distancing requirements and staff availability, the 26th Judicial District will initially operate only two trial superior courtrooms upon the resumption of jury trials; courtrooms 5370 (criminal) and 6130 (civil).

Only courtroom 5370 will operate during the first week jury trials resume. The second week and thereafter both courtrooms 5370 and 6130 will operate.

Before jury trials resume there are minimum public health criteria/preconditions that must be met. The decision to resume jury trials is guided by science, medical advice and the rights of individuals appearing in court to due process and a fair and open adjudicatory process.

Before the first juror is summoned, specific key indicators, derived from Public Health data, must be considered. The Mecklenburg County Public Health Department has developed the following community public health indicators which provides a general framework[1] for decision-making and recommendations related to the resumption of jury trials.

Public Health Metrics *Community Transmission and Disease Trends*	**Minimal**	**Moderate**	**Substantial**
Case Rate per 100,000 persons (7 days)	**< 10 cases/100k**	**10-100 cases/100k**	**> 100 cases/100k**
Test Positivity % (7-day average)	**< 5%**	**5-10%**	**> 10%**

If both the case rate per 100,000 persons (7 days) and the test positivity % metrics are in the green for 14 days or more jury trials may be resumed/continued in compliance with State orders. If one or both metrics are in the yellow (and no metrics in red) for 14 days or more jury trials may be resumed/continued but only for specific prioritized types of trials and in collaboration with Mecklenburg County Public Health (MCPH). If one or more of the metrics are in red for 14 days or more jury trials may be suspended in collaboration with MCPH.

(See COVID-19 Data Dashboard for most current information at: https://www.mecknc.gov/news/Pages/COVID-19-Data-Dashboard.aspx)

The Mecklenburg County 26th Judicial District will rely upon and abide by the decision of the Director of the Mecklenburg County Department of Public Health concerning the key indicators and when jury trials may safely resume from a public health perspective. Once it is determined

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This framework does NOT include *all* data points or additional factors that will be considered when making specific recommendations and decisions by the MCPH Department. The values listed in the dashboard are only intended to provide general guidelines and may vary based on multiple factors, including data related to the number and percent of hospitalized cases, availability of hospital beds (both ICU and non-ICU), and availability of staffing and supplies (PPE, ventilators, etc.). It may be updated due to new guidance, current operational status of the courts, and/or other considerations.

that, from a public health perspective, trials may be safely resumed, the following protocols and procedures shall be employed and abided by.

FACE COVERINGS

Pursuant to an order by the Chief Justice of the N.C. Supreme Court and Administrative Order issued by the Honorable Elizabeth Trosch and the Honorable W. Robert Bell beginning July 20, 2020, upon the opening of the Charlotte Mecklenburg County Courthouse, ***all persons who are in a court facility are required to wear a face covering while they are in common areas of the facility and when they are interacting with others.*** For purposes of this emergency directive, a "face covering" means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is simply wrapped around the lower face. This face-covering requirement does not apply to persons who cannot wear a face covering due to health or safety reasons, who are actively eating or drinking, who are communicating with someone who is hearing-impaired in a way that requires the mouth to be visible, who are temporarily removing their face covering to secure medical services or for identification purposes, or who are under five years of age.

Face coverings shall be available for distribution at each public entrance, in the Jury Assembly Room and in each courtroom.

JURY MANAGEMENT/SUMMONS

The following advisory shall be placed on the Mecklenburg County Jury Service Website:

COVID-19 SCREENING QUESTIONS

1. Within the past 14 days, have you had close contact with someone that you know had COVID-19 or had symptoms of COVID-19 (close contact=within 6 feet for 15 minutes or more)?
2. Are you waiting for test results from a COVID-19 test?
3. Within the past 14 days, have you tested positive for COVID-19 or been told to self-quarantine or self-isolate for any reason?
4. Do you have **or** have you had any of the following symptoms during the past 10 days?

- Fever (100.4oF or greater)
- Feeling feverish or chills
- Shortness of breath or difficulty breathing
- Cough
- Sore throat
- New loss of taste or smell
- New muscle pain/body aches (not due to injury or exercise)
- Nausea/vomiting or diarrhea

DO NOT REPORT TO THE COURTHOUSE FOR JURY SERVICE if any of the above apply. Instead, please notify the Jury Management Office immediately via eResponse (eresponse.mecknc.gov), email (jurymanagementoffice@mecklenburgcountync.gov), or by phone at 877-649-7133.

The following advisory shall be placed on the Mecklenburg County Jury Service Website:

"In the continued interest of the health and safety of the community and court personnel, the Mecklenburg County Courthouse is taking the necessary precautions in resuming jury trials during the health crisis that COVID-19 presents by implementing protective measures. The wearing of face masks will be mandatory in the courthouse. In the Jury Assembly Suite, enhanced cleaning will take place twice a day throughout the juror seating area. Hand sanitizer and sanitizing wipes will be made readily available throughout the suite, and there will be limitations on the number of jurors reporting to ensure social distancing."

The following advisory shall be placed on the Mecklenburg County Jury Service Website:

"Individuals at higher risk for complications should they contract the Coronavirus due to underlying conditions may seek to be excused from jury service or have their service deferred with documentation from their medical provider. A medical provider note is not necessary if the juror is seeking to be excused or deferred because they are age 65 or over."

Jury orientation shall be done remotely by video. Instructions shall be placed on the Mecklenburg County Jury Service Website, and added to the jury summons, that jurors are to watch the Jury Coordinator's orientation speech and the Administrative Offices of the Courts' (AOC) Juror Orientation Video prior to arriving at the courthouse for jury service. The Jury Coordinator's orientation speech shall be recorded and placed online at the Mecklenburg County Jury Service Website. It shall include a statement that jurors shall be required to wear masks and to socially distance while in the courthouse.

HTML links shall be placed on the Mecklenburg County Jury Service Website to the Jury Coordinator's orientation speech and the Administrative Offices of the Courts' (AOC) Juror Orientation Video.

Information shall be added to the Mecklenburg County Jury Service Website informing jurors of the safety precautions that have been taken to protect their health and safety while serving. (i.e. requirement that face coverings be worn, enhanced cleaning, provision of masks, hand sanitizer, spray sanitizer, sanitizing wipes, social distancing, limitations as to the number of persons present, etc.)

Information shall be added to the Mecklenburg County Jury Service Website informing jurors that the wearing of face coverings in the courthouse is mandatory.

Because Jurors will be sitting on the gallery benches and not the padded jury seats information shall be added to the Mecklenburg County Jury Service Website suggesting that jurors bring a pillow or seat cushion with them for jury service.

NUMBER OF JURORS TO BE SUMMONED

Jurors are summoned approximately four weeks prior to their time of service. Because of space limitations necessitated by social distancing requirements and staff availability, the 26th Judicial District will initially operate only two superior courtrooms. The Jury Coordinator will summon enough jurors to compose two (2) superior court juries.

The number of jurors to summon for sessions of court should take into consideration historical response rates, the likelihood of lower response rates due to COVID-19, increased failures to appear, and increased requests for deferrals/excuses.

A panel of jurors will be summoned for the morning and a separate panel in the afternoon. The morning panel will be used for jury selection in courtroom 5370. The afternoon panel will be used for jury selection in courtroom 6130.

EXCUSAL, DEFERAL, AND FAILURE TO APPEAR

When deciding to excuse or defer a juror[2] the following considerations should be taken into account: the age of the individual (65 years of age or older) and, based on CDC guidance, whether the individual, regardless of age, is pregnant, has cancer, chronic kidney disease, COPD (chronic obstructive pulmonary disease), immunocompromised state (weakened immune system) from solid organ transplant, obesity (body mass index [BMI] of 30 or higher), serious heart conditions, such as heart failure, coronary artery disease, or cardiomyopathies, sickle cell disease or Type 2 diabetes mellitus and where the individual who lives with or is a caregiver to a person in the high-risk category. Jurors over the age of 65 with preexisting medical conditions can be excused for COVID-19 related reasons without a doctor's note, subject to the Jury Coordinator's discretion. Jurors under the age of 65 will be required to provide a doctor's note to be excused from jury service if they have a preexisting medical condition that prevents their service.

During the pendency of these rules, when a juror fails to appear in response to a jury service summons, rather than issue a show cause order, the Jury Coordinators will note the juror's record and will reschedule them to a future date in which there will be jury trials scheduled up to two times. A new summons will be issued for each rescheduled date.

A show cause order will issue only after a third failure to appear and the summoned juror has not contacted the Jury Coordinators informing them of their reason for not appearing.

JURY ASSEMBLY ROOM

[2] The same consideration should be given by the presiding judge to a similar request by an attorney or witness.

When checking in summoned jurors, the Jury Coordinators shall inquire of all jurors, using a standardized form/checklist, whether any one of them have, within the past 14 days, had close contact with someone that you know had COVID-19 or had symptoms of COVID-19 (close contact within 6 feet for 15 minutes or more), are waiting for test results from a COVID-19 test, have tested positive for COVID-19 or been told to self-quarantine or self-isolate for any reason, have **or** have had any of the following symptoms during the past 10 days: Fever (100.4oF or greater), feeling feverish or chills, shortness of breath or difficulty breathing, cough, sore throat, new loss of taste or smell, new muscle pain/body aches (not due to injury or exercise), nausea/vomiting or diarrhea.

If a potential juror answers affirmatively to any of these questions, they shall be immediately separated from the other members of the jury pool. The Jury Coordinator shall get their name and contact information, immediately send them home and notify the COVID-19 Coordinator who shall report to the Mecklenburg County Health Department (MCHD) requesting guidance/instructions as to next steps. (If the Jury Coordinator cannot immediately gather their contact information and send them home the juror shall be sent to room 5435 where they can be briefly isolated, and information can be gathered without risk of interacting with other people in the courthouse.)

The next steps will depend on multiple factors, including the specific symptoms the individual developed and the potential exposure of others in the Jury Assembly Room. The MCHD will evaluate the specifics of the scenario and provide guidance and recommendations including recommendations about cleaning, disinfection, identification of potentially high-risk close contacts, and other necessary modifications while the symptomatic individual is being evaluated/tested.

Based upon a walkthrough with the Mecklenburg County Health Department and applicable social distancing guidelines, there are 53 seats available for jurors in the jury assembly room. Those seats not for use have been taped off and marked as not to be used.

Jurors shall be instructed to use the same seat throughout their stay in the jury assembly room. Courtroom 5110 will be used as an "overflow room" should additional space be required for jury assembly purposes. (Should 5110 not be available or additional space required the TCA Training Room, 4510, located on the 4th floor will be used after consultation with the TCA.) The useable seating in courtroom 5110 shall be designated and marked with tape to assure social distancing. A staff member shall be present for communication purposes.

Building maintenance (LB&B) shall sanitize and clean the jury assembly room (and courtroom 5110 is utilized) twice a day; between 12:30 p.m. and 1:30 p.m. each day and again each evening, using a disinfectant that meets CDC recommendations. All common surfaces (i.e., tables, railings, doorknobs and handles, light switches, chairs, and microphones) shall be disinfected.

The lactation room shall be cleaned by LB&B on the same schedule.

Masks, hand sanitizer, sanitizing wipes, sanitizing spray solution and paper towels shall be provided in the Jury Assembly Room, business center, break area, lounge, mezzanine, and lactation room.

Jurors shall be instructed that they are to clean any equipment, desk or space after their use. Games on the mezzanine of the Jury Assembly Room shall be taped off so that they cannot be used.

Magazines shall be removed from the Jury Assembly Room.

To the extent possible Jury Assembly Room personnel shall limit the direct exchange of documents and other items with jurors and between jurors (e.g., photo identification, paperwork).

Pens and pencils will not be reused without proper cleaning between use.

JURY ORIENTATION

Jury Orientation includes three sections. The first section begins with the Jury Coordinator's orientation speech that takes about 20 minutes. Next, the 15-minute video prepared by the Administrative Offices of the Courts (AOC) is played for the jurors to educate them about the jury selection process. The entire orientation process takes about 35 to 45 minutes.

The Jury Coordinator's orientation speech shall be videotaped and placed on the Mecklenburg County Jury Service Website.

The Administrative Offices of the Courts' (AOC) Juror Orientation Video is located on the Mecklenburg County Jury Service website.

Instructions shall be added to the Mecklenburg County Jury Service Website directing persons who receive a summons to watch both the Jury Coordinator's orientation speech and the AOC Juror Orientation Video prior to their arrival at the courthouse.

The Jury Coordinators will ask the jurors as they check in if they watched the videos. If they have not, they will be given the link and instructed to watch them on their phone or other device.

Jurors shall be asked to report sufficiently (but not excessively) in advance of the time they will be needed in court, as determined by the Jury Coordinator, for the purpose of administering the COVID-19 screening questions during the check-in process.

Jury Coordinators will administer them their oath by affirmation rather on a religious text.

Each potential juror shall be given written instructions, including telephone number(s) and email address(es), detailing how to contact the Jury Coordinators. The instructions shall include symptoms of COVID-19. They shall instruct the juror that if they exhibit symptoms, have tested positive for COVID-19, have had contact with a person who has been exposed to or tested positive for COVID-19 within the previous fourteen (14) days, they should notify the Jury Coordinator(s) and not report for jury service until they have been told to appear.

The Jury Coordinator should immediately contact the COVID-19 Coordinator who shall report to the Mecklenburg County Health Department (MCHD) requesting guidance/instructions as to next steps.

The next steps will depend on multiple factors, including the specific symptoms the individual developed, the potential exposure of others involved in the trial, and the role of the individual who developed the symptoms. The MCHD will evaluate the specifics of the scenario and provide guidance and recommendations including recommendations about cleaning, disinfection, identification of potentially high-risk close contacts, and other necessary modifications while the symptomatic individual is being evaluated/tested.

COURTROOMS

Because of space limitations necessitated by social distancing requirements and staff availability, the 26th Judicial District will operate only two superior courtrooms upon the resumption of jury trials; courtrooms 5370 (criminal) and 6130 (civil).

During the first phase of jury trials, superior court civil matters will be prioritized over district courts civil jury matters. One or more jury trial sessions of civil district may be scheduled in the first quarter of 2021 according to the plan set forth herein.

Only courtroom 5370 will operate during the first week upon the resumption of jury trials. The second week and thereafter both courtrooms 5370 and 6130 will operate.

Jury selection in courtroom 5370 will begin at 9:30am and jury selection for courtroom 6130 will begin at 2:00pm.

The MCHD recommends against using the jury box. Jurors will be seated in marked spaces in the gallery. Juror seats in the gallery shall be numbered one (1) through twelve (12). Two seats shall be marked for alternates.

Courtroom furniture (e.g. counsel tables, witness stand, court reporter station) will be positioned consistent with the jury being in the courtroom gallery.

Courtroom 5370 has a maximum capacity of 44 people.

The gallery in courtroom 5370 can hold 19 persons allowing for six (6) feet of space between individuals, including the back row. Spaces where persons can and cannot sit shall be marked with tape.

Should courtroom 5370 "go down" during a session of court, it may be used for the trial of civil cases if the necessary personnel are available to staff it and there are civil cases on the civil calendar to be resolved.

Courtroom 6130 has a maximum capacity of 31 people.

The gallery in courtroom 6130 can accommodate 14 persons safely allowing for six (6) feet of space between individuals. Spaces where persons can and cannot sit are marked with tape.

Should courtroom 6130 "go down" during a session of court, it may be used for the trial of criminal cases if the necessary personnel are available to staff it and there are criminal cases on the criminal calendar to be resolved.

The capacity limits shall be posted outside and inside each courtroom and it is the responsibility of the deputy and the presiding judge to enforce them.

The presiding judge shall require everyone in the courtroom to wear a face mask unless they have a medical reason for not doing so.

The presiding judge and courtroom deputy/deputies shall be responsible for enforcing social distancing requirements and maximum occupancy limits.

Masks, hand sanitizer, sanitizing wipes, sanitizing spray solution and paper towels shall be provided on the counsel tables, witness stand, the clerk's station, the court reporter's table, bench and jury deliberation room.

The jury shall be informed that if they need masks, hand sanitizer, sanitizing wipes, sanitizing spray solution and paper towels while seated in the courtroom they need only ask for it. Building maintenance (LB&B) shall sanitize and clean courtrooms 5370 and 6130 twice a day; between 12:30 p.m. and 2:00 p.m. each day and again each evening, using a disinfectant that meets CDC recommendations. All common surfaces (i.e., tables, plexiglass shields, railings, doorknobs and handles, light switches, chairs, and microphones) in the courtrooms shall be disinfected.

Plexiglass shields/barriers shall be placed at the front of the judge's bench, at the front of the clerk's desk, at the front of the witness stand, between the judge and witness, between the judge and clerk, at the front of each counsel table, on top of each counsel table between the parties, on the floor between the chairs at each counsel table, between the chairs in the jury box, and along the tops of the front and back rows of the jury box.

JURY SELECTION/VOIR DIRE

Prior to calling for a jury the presiding judge shall inquire of counsel in civil cases whether they will stipulate to some lesser number of jurors than 12.

During the course of jury selection the presiding judge shall instruct daily, all persons in the courtroom (i.e. jury, bailiffs, attorneys, litigants, clerk and court reporter) that if they become sick or develop symptoms of COVID-19, test positive for COVID-19 or have close contact with someone who has tested positive for COVID-19 they should notify the court immediately.

The courtroom gallery shall serve as the jury box. When jurors are escorted into the courtroom the deputy will have them stand at the rear of the courtroom and the clerk will call out the names of the first twelve (12) who will be directed to their assigned seat IN THE GALLERY. Those jurors not initially called into a seat will be seated along the back wall.

In both courtroom galleries seats shall be numbered 1 – 12 with signs taped to the back of the seat. Two seats shall be marked for alternates.

Once a case has been called for trial in courtroom 5370 and a jury requested, the jury coordinator shall send 19 prospective jurors to that courtroom.

Once a case has been called for trial in courtroom 6130 and a jury requested, the jury coordinator shall send 14 prospective jurors to that courtroom.

Because courtrooms are open to the public the number of jurors summoned may need to be reduced based on how many spectators[3] are in the courtroom. (i.e. family member(s) of victims/litigants, public observing court proceedings, members of the press) Regardless, the maximum capacity limit of the courtroom shall be observed. Courtroom 5370 has a maximum capacity of 44 people. Courtroom 6130 has a maximum capacity of 31 people.

It is suggested that spectators (up to five) be seated in the five jury box seats first before using gallery seating.

Jurors shall be oriented in compliance with N.C.G.S. § 15A-1213.

Additional jurors shall be called from the jury assembly room as needed.

Once a juror has been passed by both sides, they shall be sent to the jury deliberation room/space for that courtroom to await completion of jury selection. (i.e. Jurors in 5370 will use courtroom **5170** on Monday for deliberations and breaks. The **Grand Jury Room** shall be used for deliberations and breaks Tuesday through Friday. Jurors in courtroom 6130 will use courtroom **6150** for breaks and deliberations.) This will lessen the number of people in the courtroom and allow for greater social distancing.

The presiding judge and counsel should consider selecting more alternate jurors than normal in the event a juror(s) must be excused self-quarantine due to close contact with a positive COVID-19 individual outside the courtroom.

Once jurors have been empaneled on a case, the deputies should provide their contact information to the jurors with instructions on how to contact him/her.

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[3] N.C. G. S. § 15A-1034(a) The presiding judge **may impose reasonable limitations** on access to the courtroom when necessary to ensure the orderliness of courtroom proceedings **or the safety of persons present.**

TRIAL

To the extent allowed by this order the presiding trial judge can exercise his/her discretion in conducting jury trials during the COVID-19 pandemic consistent with health and safety protocols.

Because risk increases with the cumulative time of exposure trials should be kept as short as possible and every opportunity to disperse people taken (e.g. multiple breaks) taken. All public health protocols should be followed.

The presiding judge should consider the need for cautionary jury instructions that may be appropriate with respect to obvious changes in courtroom procedure to avoid prejudicial inferences by jurors to changes in the courtroom environment and procedures. (e.g. why the jury is seated in the gallery, plexiglass shields that have been placed in the courtroom, affirmation of jurors rather than being sworn on a religious text).

The presiding judge shall consider minimizing the number and duration of bench conferences and should consider holding them in a location outside the courtroom where social distancing requirements can be observed (e.g. an adjacent jury deliberation room).

The attorney calling a witness, or the witness shall be responsible for sanitizing the witness stand at the conclusion of each witness's testimony.

Disposable stickers / name tags shall be issued to jurors in lieu of reusable plastic juror badges. The disposable nametags shall be disposed of daily and new ones issued. The Trial Court Administrator's Office shall procure and distribute these to the courtrooms and make the courtroom deputies aware of their required use.

Witnesses shall wear either a clear face[4] mask or face shield.

Witnesses shall be affirmed by raising the right hand rather than having them swear on a religious text.

The presiding judge shall instruct daily all persons in the courtroom (i.e. jury, bailiffs, attorneys, litigants, clerk and court reporter) that if they become sick or develop symptoms of COVID-19, test positive for COVID-19 or have close contact with someone who has tested positive for COVID-19 they should notify the court immediately.

If A JUROR REPORTS SYMPTOMS OF COVID-19

If a juror (or other courtroom personnel) reports symptoms of COVID-19, the Court shall immediately separate the symptomatic juror from the other jurors and confirm their correct contact information, finding out what their symptoms are, how long they have been symptomatic and with whom they have had contact. They should be instructed to leave the building

[4] The Administrative Offices of the Courts (AOC) has provided a limited quantity of clear face masks for purpose of testing the feasibility of their use in jurisdictions and they will be placed in each trial courtroom alone with face shields.

immediately, avoiding any close contact with others while exiting, and contact their health care professional.

The presiding judge should immediately contact the COVID-19 Coordinator who shall report to the Mecklenburg County Health Department (MCHD) requesting guidance/instructions as to next steps.

The next steps will depend on multiple factors, including the specific symptoms the individual developed, the potential exposure of others involved in the trial, and the role of the individual who developed the symptoms. The MCHD will evaluate the specifics of the scenario and provide guidance and recommendations including recommendations about cleaning and disinfection, identification of potentially high-risk close contacts, and other necessary modifications while the symptomatic individual is being evaluated/tested.

IF A JUROR HAS CLOSE CONTACT WITH SOMEONE WHO HAS TESTED POSITIVE FOR COVID-19

The presiding judge shall instruct jurors or other individuals in the courtroom that if they are identified as a person who has had close contact (outside of courtroom setting) with someone who has tested positive for COVID-19 and the juror has been instructed to self-quarantine by a health care professional they should report this to the Court and follow the recommendation. No additional measures are needed for others involved in the trial (i.e. contacts of contacts) unless the individual who is self-quarantining subsequently tests positive and is deemed to have been potentially infectious while in the courtroom. Contact with that individual should be made daily by the Jury Coordinator until that determination is made.

If the juror subsequently tests positive, the Jury Coordinator shall immediately notify the COVID-19 Coordinator who shall report to the Mecklenburg County Health Department (MCHD) requesting guidance/instructions as to next steps.

The next steps will depend on multiple factors, including the specific symptoms the individual developed, the potential exposure of others involved in the trial, and the role of the individual who developed the symptoms. The MCHD will evaluate the specifics of the scenario and provide guidance and recommendations including recommendations about cleaning and disinfection, identification of potentially high-risk close contacts, and other necessary modifications while the symptomatic individual is being evaluated/tested.

If A JUROR TESTS POSITIVE FOR COVID-19

The Court shall instruct the jurors and all other persons in the courtroom that if they test positive during the trial, they shall notify the Court immediately. The Court shall immediately separate them from the others and confirm their correct contact information. They shall be instructed to leave the building immediately, avoiding any close contact with others while exiting and contact their health care professional.

The Court shall immediately contact the COVID-19 Coordinator who shall report to the Mecklenburg County Health Department (MCHD) requesting guidance/instructions as to next steps.

The MCHD will perform an appropriate case investigation, which includes identifying the timeframe in which the positive individual is considered to be infectious, identifying close contacts at increased risk of exposure, and evaluating the specifics of the positive individual's interactions with others during the trial period (including duration, intensity, and frequency) to make specific recommendations re: quarantine, cleaning and disinfection, whether to pause or continue the trial, and any other necessary response measures.

If a seated juror (or other courtroom personnel) reports a positive COVID-19 test, symptoms consistent with exposure to COVID-19, or an exposure to COVID-19, the Court should consider having a conversation with the other jurors as it relates to their ability to continue to serve, e.g., are they going to be too concerned, does the Court need to take further steps, etc. This will be judge-specific, case-specific, and jury-specific, based on the information that is provided.

EXHIBITS

Both courtrooms 5370 and 6130 have technology available to use to present evidence to jurors. It should be used.

All documents, if published to the jury, shall be published by electronic means (i.e. projector, computer screen).

If electronic publication is not possible, counsel shall have prepared enough copies of the document/exhibit so that opposing counsel, each member of the jury, the Court and the court reporter have a copy.

Should counsel seek to publish any exhibit, other than a document, it should be published using an overhead projector, if one is available in the courtroom, or by placing on a table in the courtroom and have the jury walk past the table rather than handling the exhibit.

If pencils/pens are provided to jurors, they should be properly cleaned using sanitizing wipes prior to a juror's use and placed in zip-lock bags. The Court should instruct the jury that at each break, lunch and the end of the day they are to place their notebook and pen in the zip-lock bag for storage to prevent cross contamination.

JURY DELIBERATION ROOMS/SPACES

There are no jury deliberation rooms in the Mecklenburg County Courthouse large enough to allow for six (6) feet of social distancing between 12 jurors.

Jurors in courtroom 5370 (primarily criminal cases) shall use the Grand Jury Room for deliberations and breaks Tuesday through Friday. They will use courtroom 5170 as their jury

deliberation space on Mondays. Juror seating in courtroom 5170 will be marked with juror numbers taking into account the six (6) foot social distancing requirement.

Jurors deliberating in courtroom 5170 shall use the restrooms located in jury deliberation room 5170 or the "public" restrooms on the back hall.

Jurors in courtroom 6130 shall use courtroom 6150 for their deliberations and breaks. Juror seating in courtroom 6150 will be marked with juror numbers taking into account the six (6) foot social distancing requirement.

Jurors deliberating in courtroom 6130 shall use the restrooms located in jury deliberation room 6150 or the "public" restrooms on the back hall.

A cardinal principle of jury deliberations is that they shall remain private and secret to protect deliberations from improper influence. The security cameras in courtroom 5170 and 6150 shall be turned off or otherwise disabled.

The presiding judge should remind jurors prior to deliberation (perhaps as part of jury instructions) that they may need to speak louder than usual due to mask and social distancing.

The presiding judge shall remind jurors that they should maintain appropriate social distance, not remove their masks, and return to their same seats after breaks throughout jury deliberation.

The presiding judge should consider taking more breaks than is customary. The gallery benches are hard. Allowing jurors to stand, stretch, move about, go outside, breathe fresh air, remove masks (outside the building) and wash their hands will alleviate fatigue and increase alertness.

Masks, hand sanitizer, sanitizing wipes, sanitizing spray solution and paper towels shall be provided in the jury deliberation rooms.

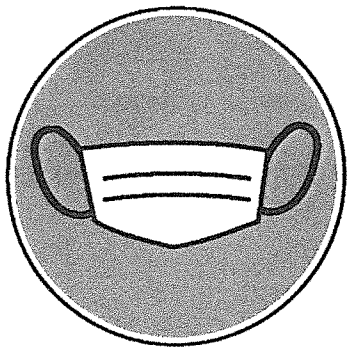
Building maintenance (LB&B) shall sanitize and clean the Jury Deliberation Spaces (i.e. courtrooms 5170 and 6150) and their associated restrooms twice a day when in use; between 12:30 p.m. and 2:00 p.m. and again each evening, using a disinfectant that meets CDC recommendations. All common surfaces (i.e., tables, railings, doorknobs and handles, light switches, chairs, microphones and plexiglass shields) in the courtrooms shall be disinfected.

COURTHOUSE SIGNAGE

REQUIRED
FACE MASKS / COVERINGS

BY ORDER OF THE CHIEF JUSTICE, EVERYONE IN THIS FACILITY MUST WEAR A COVERING ON THEIR MOUTH AND NOSE IN ALL COMMON AREAS AND WHEN INTERACTING WITH OTHERS, UNLESS:

- YOU CANNOT WEAR A FACE COVERING FOR HEALTH OR SAFETY REASONS
- YOU ARE EATING OR DRINKING
- YOU ARE COMMUNICATING WITH SOMEONE WHO IS HEARING-IMPAIRED
- YOU ARE TEMPORARILY REMOVING YOUR COVERING TO SECURE MEDICAL SERVICES OR FOR IDENTIFICATION PURPOSES
- YOU ARE UNDER ELEVEN YEARS OF AGE



Some court matters can be processed online:* **WWW.NCCOURTS.GOV/SERVICES

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For courthouse updates and more information, please stay connected to the North Carolina Judicial Branch.

WWW.NCCOURTS.GOV/COVID-19

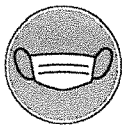
NCcourts | North Carolina Administrative Office of the Courts | @NCcourts | NC Courts

HELP KEEP YOUR COURTHOUSE SAFE

SOCIAL DISTANCING GUIDELINES

BY ORDER OF THE CHIEF JUSTICE, ONLY PEOPLE WITH BUSINESS AT THE COURTHOUSE WILL BE ALLOWED TO ENTER. BY ENTERING OUR FACILITY, YOU CONFIRM THAT YOU ARE WELL AND HAVE NO SYMPTOMS OF COVID-19.

- **WEAR A FACE MASK**



- **WAIT 6 FEET APART**



- **WASH YOUR HANDS**



ADDITIONAL FACILITY UPDATES / FILING INSTRUCTIONS:

Some court matters can be processed online:* **WWW.NCCOURTS.GOV/SERVICES

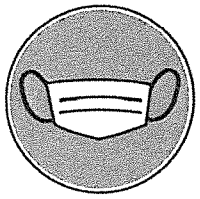
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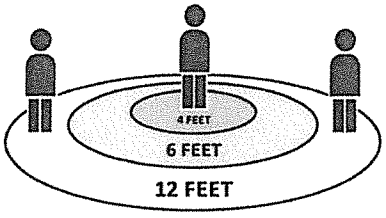
WWW.NCCOURTS.GOV/COVID-19

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KEEP SAFE & WELL!



WEAR
A CLOTH FACE COVERING.



WAIT
AT LEAST 6 FEET APART.
AVOID CLOSE CONTACT.



WASH
YOUR HANDS OFTEN OR
USE HAND SANITIZER.

KEEP UPDATED @NCCOURTS:

NCCOURTS.GOV/COVID-19

This the 29th day of September 2020.

W. Robert Bell
Senior Resident Superior Court Judge

Elizabeth T. Trosch
Chief District Court Judge

Elisa Chin-Gary
Clerk of Superior Court

Spencer Merriweather
District Attorney

Kevin Tully
Public Defender

Dr. Megan Sullivan, MD, MPH
Mecklenburg County Public Health Department

Heath Gilbert
President Mecklenburg County Bar

Charleston L. Carter
Charleston Carter
Trial Court Administrator

Signature: [signature]

Email: william.r.bell@nccourts.org

Signature: Elisa Chinn Gary
Elisa Chinn Gary (Sep 28, 2020 14:01 EDT)

Email: elisa.a.chinn-gary@nccourts.org

Signature: [signature]
Kevin Tully (Sep 29, 2020 07:55 EDT)

Email: kevin.tully@mecklenburgcountync.gov

Signature: M. Heath Gilbert, Jr.
M. Heath Gilbert, Jr. (Sep 29, 2020 11:32 EDT)

Email: hgilbert@baucomclaytor.com

Signature: [signature]
Elizabeth Trosch (Sep 28, 2020 09:07 EDT)

Email: elizabeth.t.trosch@nccourts.org

Signature: Spencer B. Merriweather III

Email: spencer.merriweather@nccourts.org

Signature: Meg Sullivan
Meg Sullivan (Sep 29, 2020 11:05 EDT)

Email: meg.sullivan@mecklenburgcountync.gov

Signature: Charleston L. Carter

Email: Charleston.l.carter@nccourts.org

Garry McFadden
Mecklenburg County Sheriff