



March 20, 2020

To: Members of the Fifth Judicial District Bar

Fr: Hon. Phyllis Gorham, Senior Resident Superior Court Judge
Hon. J. Corpening, Chief District Court Judge
Hon. Ben David, District Attorney
Hon. Jan Kennedy, New Hanover County Clerk of Superior Court
Hon. Elizabeth Craver, Pender County Clerk of Superior Court
Ms. Tonya Gilley, Trial Court Administrator

Re: Fifth Judicial District Response to COVID-19 (Coronavirus)

On March 13, 2020 Chief Justice Cheri Beasley entered an order implementing measures designed to curb the spread of COVID-19 and minimize the risk of exposure caused by crowded sessions of court. Consistent with the Chief Justice's order, effective Monday, March 16, superior court and district court proceedings of the Fifth Judicial District will be rescheduled for at least 30 days, with limited exceptions, which appear on the following pages.

The emergency directive of the Chief Justice does not prohibit a judge or other judicial officer from exercising in chambers or *ex parte* jurisdiction conferred by law upon that judge or judicial officer, as provided by law.

On March 19, 2020 Chief Justice Cheri Beasley entered an order extending filing deadlines for most trial court and clerk cases, ordering that all other acts that were or are due to be done in any county of this state on or after 16 March 2020 and before the close of business on 17 April 2020 in civil actions, criminal actions, estates, and special proceedings shall be deemed to be timely done if they are done before the close of business on 17 April 2020.

Court offices in New Hanover and Pender Counties will remain open. However, unless you are required to appear in-person to conduct your business, attorneys and the public are strongly encouraged to use email and telephone to communicate with staff of the Fifth Judicial District. While filings are permitted, you are encouraged to use your discretion in delaying filings for the duration of this crisis.

On line services are available for handling some court business, including citation services, paying your ticket, court payments, signing up for court date notifications and reminders, and more.

Accurate and timely information may be obtained from the following resources:

- Information about the North Carolina Judicial Branch system-wide response to the COVID-19 virus is available on the [NCCourts.gov website](https://www.nccourts.gov).
- Information specific to New Hanover and Pender County will also be posted on this website.

- Information specific to the pandemic can be found at www.coronavirus.gov, www.health.nhc.gov.com, and www.pendercountync.gov/hhs/health-human-services/health-department.

CLERK OF SUPERIOR COURT

- Maintain normal office hours to accept filings, until further notice
- Guardianship, Involuntary Commitment, Estate, Special Proceedings and other hearings will be conducted as needed, subject to health precautions, including video testimony, as determined by the Clerk of Court.
- Hearings that are not time sensitive will be postponed for at least 30 days.
- Estate administration matters will be conducted only if necessary, given the order of the Chief Justice, although in-person meetings will be subject to health precautions as determined by the Clerk of Court.

MAGISTRATE AND SMALL CLAIMS

- The primary Magistrate's Office located at the New Hanover County Jail will be open 24 hours per day, 7 days per week and normal operations will continue.
- The Magistrate's Office located in the Wilmington Police Department will be open according to staffing availability.
- The Magistrate's Office located in the Carolina Beach Police Department will be open according to staffing availability.
- The Magistrate's Office located in the New Hanover County Courthouse will be open when the Courthouse is open.
- The Pender County Magistrate's Office will be open on a normal schedule.
- All Small Claims court proceedings are suspended, and pending matters will be continued and rescheduled.

DISTRICT COURT:

- Maintain normal office hours, until further notice

Civil Domestic Violence Court

- Applications for ex parte Domestic Violence Protective Orders and 50C No Contact Orders will be filed in the Clerk's Offices.
- Hearings on the applications for ex parte Domestic Violence Protective Orders and No Contact Orders will be conducted in Courtroom 300 daily in New Hanover County.
- Effective Monday March 23, 10-day hearings on ex parte Domestic Violence Protective Orders and No Contact Orders will be scheduled daily in Courtroom 300.
- Hearings on the applications for ex parte Domestic Violence Protective Orders and No Contact Orders in Pender County will be conducted in either the Baysden Annex or Dees Drug Store Courtrooms between 9:30am and 12:30pm.
- 10-day hearings on ex parte Domestic Violence Protective Orders and No Contact Orders will continue to be scheduled on Mondays in Pender County.
- DVPOs with no ex parte Order, 50C No Contact Order hearings with no ex parte order, Motions to Show Cause, Motions to Modify or Set Aside, and Motions for Return of Weapons may be continued beyond 30 days.

Civil District Court

- Motions for emergency relief including ex parte relief will be considered daily in New Hanover and Pender. In Pender County these applications can be made between 9:30am and 12:30pm on any day that District Court is open in Pender County.
- All other matters will be rescheduled beyond 30 days.
- All District Court Arbitrations will be rescheduled beyond 30 days.

Domestic Court

- All domestic courts will be closed, and cases will be rescheduled beyond 30 days.
- Emergency hearings will be scheduled with approval from the Chief District Court Judge.
- Child Custody Mediation Orientation will be conducted by video conferencing only.
- Child Custody Mediation may be scheduled by video conferencing only.
- Absolute divorce hearings are cancelled pending further notice.

Criminal District Court

- Courtroom 317 will be operating daily for morning sessions at 9:30am to hear guilty pleas and probation violation admissions for defendants in custody with a limited exception set out below. Domestic violence first appearances will be heard in this session.
 - The use of written waivers of appearance pursuant to NCGS 15A-1011 is encouraged. In the event a probationary judgment is entered, probation intake will need to be notified, and the release order sent to the jail will need to note "hold until probation intake completed." Intake will be completed that same day.
 - Guilty pleas by written waiver will also be accepted in non-jail cases at the request of counsel. Counsel are requested to give one day's notice to the Clerk's Office by email to jan.g.kennedy@nccourts.org, Leighann.laverdue@nccourts.org, Sandra.g.gerstenmier@cncourts.org. Please send the notice to all three due to floating schedules in the clerk's office. Counsel may set cases on dates other than scheduled court dates. Guilty pleas that involve supervised probation, incarceration as a result of the plea, or Marsy's Law issues cannot be considered under this subsection.
- Courtroom 100 will be operating daily at 2pm for 1st appearances and bond hearings. Domestic violence 1st appearances not heard in the morning session of 317 will be conducted by video.
- Felony Court will be conducted in New Hanover County each Thursday in Courtroom 302 at 9:30am. The only cases that will be considered are guilty pleas for defendants who are in custody that have been negotiated with the Assistant District Attorney and admissions to probation violations. All other cases will be continued.
- Criminal Court in Pender County, including Felony Court, will continue as regularly scheduled, but will only consider guilty pleas and admissions to probation violations by defendants who are in custody. All other cases will be rescheduled beyond 30 days. 1st appearances will continue to be conducted during scheduled sessions of Pender County Court.
- All other criminal and traffic courts will be closed, and cases will be rescheduled beyond 30 days.
- No orders for arrest for failure to appear, orders for arrest for failure to comply, or failure to appear will issue pending further order.

Juvenile Court

- Hearings on the need for continued non-secure and secure custody will be heard in Courtroom 100 at 9:30am each Wednesday. Secure custody hearings will be scheduled at 9:30am, and non-secure custody hearings will be scheduled at 10:00am.
- Hearings on the need for continued non-secure and secure custody in Pender County will be conducted on a as-needed basis during sessions of Pender County Court.
- All other proceedings in Juvenile Court will be rescheduled beyond 30 days. Other emergency matters may be scheduled through the Chief District Court Judge and will be scheduled on Wednesday mornings.

Child Support Enforcement Court

- Jail reviews will be heard at 9:30am each Tuesday in Courtroom 302 in New Hanover County.
- Jail reviews will be heard at 9:30am on the regularly scheduled day for Child Support Court in Pender County.
- All other child support matters in both counties will be rescheduled beyond 30 days.

SUPERIOR COURT:

- Superior Court Trial Court Coordinator, Valerie Jordan and Trial Court Administrator, Tonya Gilley will be working remotely. For any assistance please email Valerie.jordan@nccourts.org or tonya.m.gilley@nccourts.org. If you do not have access to email you may leave a message on Valerie's voicemail at 910-772-6616, option 1.

Criminal Superior Court

- No new jury trials; no jurors are to report
- There will be no grand jury pending further notice.
- Criminal court sessions will commence on March 16, 2020 for:
 - Taking of pleas for defendants in custody, where feasible, as scheduled by the District Attorney after consultation with defense counsel; and
 - Probation violations for persons in custody as follows: first appearances, bond hearings, probable cause hearings, and dispositive hearings will commence March 16.
 - All other matters will be rescheduled beyond 30 days.
 - Video conferencing will be used when appropriate and permitted by rule.

Civil Superior Court

- No new jury trials; no jurors are to report.
- All Civil Superior Court matters will be rescheduled beyond 30 days.
- Any emergency hearings or hearings that are required by rule will be scheduled through the Trial Court Administrator via email at Tonya.M.Gilley@nccourts.org.