


STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE

IN THE GENERAL COURT OF JUSTICE  
TWENTY-EIGHTH JUDICIAL DISTRICT

FILED

2021 JUN 11 11:30  
ADMINISTRATIVE ORDER  
June 11, 2021

Re: Buncombe County Courthouse Covid-19 Mask Requirements

BUNCOMBE COUNTY, C.S.C.  
BY 

This matter comes on before the Senior Resident Superior Court Judge and Chief District Court Judge of the 28<sup>th</sup> Judicial District, in exercise of their in-chambers jurisdiction, through the “inherent power the court [having] the authority to do all things that are reasonably necessary for the proper administration of justice” (Beard v. North Carolina State Bar, 320 N.C. 126, 129 (1987)) and pursuant to authority delegated by the Chief Justice of the North Carolina Supreme Court. (This document is hereinafter referred to as this “Local Order of June 11, 2021”.)

On May 13, 2021 the U.S. Centers for Disease Control and Prevention issued new recommendations, noting that fully vaccinated people are less likely to transmit COVID-19.

Governor Cooper followed suit on May 14, 2021, issuing an Executive Order citing the improvements in the State’s key COVID-19 metrics and the progress in the State’s COVID-19 vaccinations. Noting the obstacles involved in distinguishing between vaccinated and unvaccinated North Carolinians, the Executive Order provides that the face covering requirement could be lifted in most settings, and the capacity restrictions and social distancing requirements could be lifted for all settings.

Pursuant to the May 10, 2021 Order of the Chief Justice of the Supreme Court of North Carolina, the Chief Justice directed adherence to Article I, Section 18 of the North Carolina Constitution providing that “[a]ll courts shall be open” and that “justice shall be administered without favor, denial, or delay.” The Order also required the Judicial Branch to fulfill this mandate in ways that prioritize and protect the health and safety of judicial officials and employees and the public.

The Chief Justice determined and declared under N.C.G.S. § 7A-39(b)(2) that catastrophic conditions resulting from the COVID-19 outbreak have existed and continue to exist in all counties of this state.

The Chief Justice recognized that “local courthouses are in the best position to address health and safety concerns” and emphasized that, “[g]iven the grave impact of further delaying justice, it is imperative that the Judicial Branch do its best to continue to move closer to fully opening courts.”

Pursuant to the June 7, 2021, Order of the Chief Justice, the Chief Justice “extend[ed] for an additional thirty-day period only those emergency directives that provide the necessary tools to effectively dispose of those accumulated cases and therefore administer justice without delay” (i.e Emergency Directives 3 and 5) (See attached).

Given recent statewide and local improvements in key COVID-19 metrics, including COVID-19 daily diagnoses, the percent of total COVID-19 tests that are positive, the number of emergency department visits that are due to COVID-like illnesses, and the number of COVID-19 associated hospitalizations, **the emergency directives of previous orders of the Chief Justice (with the exception of Emergency Directives 3 and 5) will not be extended and will not be in effect in Buncombe County after June 12, 2021. Each judicial officer will exercise his or her discretion in conducting proceedings in a manner so as to maintain the health and safety of court staff and the public.**

After June 12, 2021, face coverings will no longer be required for individuals admitted to Buncombe County court facilities unless otherwise directed by a judicial officer. Any individuals entering Buncombe County court facilities who have not been fully vaccinated against COVID-19 are strongly encouraged to wear CDC-compliant face coverings at all times while in said facilities.

**IT IS HEREBY ORDERED:**

I.

The Emergency Directives extended pursuant to the June 7, 2021, Order of the Chief Justice (Emergency Directives 3 and 5) and this Local Order of June 11, 2021 will expire July 4, 2021.

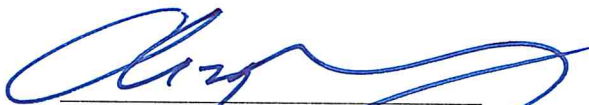
II.

Non-jury Superior Court, District Court and Clerk of Superior Court proceedings may be conducted through remote audio and video transmissions in the discretion of the judicial official with jurisdiction over an individual proceeding and in compliance with Emergency Directive 3 of the Order of the Chief Justice. In accordance with Section 18 of Article I of the Constitution of North Carolina these proceedings are open to the public and arrangements can be made with the appropriate administrative personnel of the court/Clerk hearing the matter to access the remote proceeding.

III.

All criminal and civil Superior Court jury trials will continue in-person. Existing spacing of jurors, witnesses, attorneys, judicial officers and court personnel as well as plexiglass barriers will continue as implemented pursuant to the 28<sup>th</sup> Judicial District Jury Trial Resumption Plan


This Order becomes effective immediately, this 11<sup>th</sup> day of June 2021.



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Honorable Alan Z. Thornburg  
Senior Resident Superior Court Judge



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Honorable J. Calvin Hill  
Chief District Court Judge



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Honorable Steven D. Cogburn  
Clerk of Superior Court