

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
GENERAL DIRECTIVE
March 13, 2020**

IN RE: CORONAVIRUS COVID-19

The Governor of the State of North Carolina has declared a public health emergency throughout the state in response to the spread of the coronavirus and COVID-19.

The North Carolina State Supreme Court has restricted state court matters for thirty days from March 13, 2020.

The Centers for Disease Control and Prevention and other public health authorities have advised the taking of precautions to reduce the possibility of exposure to the virus and slow the spread of the disease.

Accordingly, the Board of Judges of the Western District of North Carolina join in issuing this Directive.

NOW, THEREFORE, in order to protect public health, to promote social distancing, in order to reduce the number of people reporting to our courthouses by limiting public gatherings and reduce unnecessary travel, the United States District Court for the Western District of North Carolina hereby issues the following DIRECTIVE effective immediately:

1. All United States Courthouses in Charlotte, Statesville and Asheville, North Carolina will remain open for business, subject to the following limitations.

2. While each judicial officer maintains discretion to curtail their calendar they will be guided by the following:

- The directive by the U.S. Marshal's Service to ***immediately*** remove any ill detainees from the courthouse and back to the prison/jail medical unit will be followed.
- Judges will stagger their court hearings as much as possible to minimize the number of people coming into the courthouses.
- Magistrate Judge hearings are to be moved to the larger courtrooms in all locations immediately.
- Magistrate Judges are to continue to utilize the After Hours Warrants procedures we have in place and to continue to develop the use of SKYPE for initial appearances/arraignments.
- Settlement conferences and other non-evidentiary proceedings are to be conducted by telephone or SKYPE.

3. Criminal case proceedings will continue. The Court is cognizant of the right of criminal defendants to a speedy and public trial under the Sixth Amendment, and the application of that right in cases involving defendants who are detained pending trial. Individual judges presiding over criminal proceedings may take such actions consistent with this order as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties while balancing the welfare of the public, participants and employees.

- Due to the court's reduced ability to obtain an adequate spectrum of jurors and the effect of the public health recommendations on the availability of counsel and Court staff to be present in a courtroom, the time period of the continuances implemented as the result of this Directive will be excluded under the Speedy Trial Act, as the Court specifically finds that the ends of justice served by ordering the continuances outweigh the best interests of the public and defendant's right to a speedy trial, pursuant to 18 U.S.C. §3161(h)(7)(A).

4. All employees are to maximize our telework policy, using staggered shifts to assure all employees telework as much as possible. Supervisors are to maintain a minimum number of employees in each office, staggering hours of work and teleworking schedules.
5. All court hearings are to be held in the largest available courtroom, including moving grand jury proceedings into a courtroom in Charlotte. The courtroom in our Statesville facility is also available for any matters.
6. To maintain flexibility, the entry of teleworking in HRMIS is HEREBY SUSPENDED; only requests for official leave are to be entered. The court respects the maturity and sense of duty all court employees demonstrate and employees will therefore be treated as the professional and dedicated employees they are during this time.
7. Our court reporters have “Bridge” technology which allow them to cover any court hearing from their home. All parties can also remain at home or an office and participate in the hearing if they have access to the internet. Judges and courtroom deputies should discuss this ability with the court reporters assigned to their hearing.
8. Employees experiencing any symptoms are to remain home on leave or telework.

The Court may issue other directives or orders concerning future continuances as necessary and appropriate.

Frank D. Whitney, Chief
U.S. District Judge
March 13, 2020