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BY: M. Gonzalez



24R001284-000

STATE OF NORTH CAROLINA  
17 JUDICIAL DISTRICT  
COUNTY OF ALAMANCE

IN THE GENERAL COURT OF JUSTICE  
TRIAL COURT DIVISIONS

ADMINISTRATIVE ORDER

Pursuant to Rule 2 and Rule 22 of the North Carolina General Rules of Practice for District and Superior Courts, the local rules regarding remote hearings for the 17 Judicial District, County of Alamance, are hereby ratified and remain in effect until further notice.

ENTERED in chambers on the 16 day of August, 2024.

Handwritten signature of D. Thomas Lambeth, Jr. in black ink.

D. Thomas Lambeth, Jr.  
Senior Resident Superior Court Judge

Handwritten signature of Kathryn Whitaker Overby in black ink.

Kathryn Whitaker Overby  
Chief District Court Judge

NOTE WELL: CIVIL MANAGEMENT PLANS AND ANY CRIMINAL CASE MANAGEMENT ORDERS/PLANS MAY NEED TO BE UPDATED TO INCORPORATE THIS ADMINISTRATIVE ORDER BY REFERENCE. PLEASE NOTE THAT THE EFFECTIVE DATE OF CASE MANAGEMENT PLANS AND ANY AMENDMENTS SHALL BE EITHER JANUARY 1 OR JULY 1, PURSUANT TO RULE 2 OF THE GENERAL RULES OF PRACTICE.







DISTRICT 17  
JUDICIAL DISTRICT REMOTE HEARING PROCEDURES  
July 1, 2024

*Pursuant to G.S. § 7A-49.6, Judicial Officials may conduct almost all types of proceedings (except jury trials) utilizing remote audio and video transmissions. The proceeding must allow the parties, the presiding Judicial Official, and all other participants to see and hear one another. Judicial Officials “must safeguard the constitutional rights of those persons involved in the proceeding and preserve the integrity of the judicial process.” G.S. § 7A-49.6(a). Each party to any proceeding involving audio and video transmission must be able to communicate fully and confidentially with his or her attorney if the party is represented by an attorney. G.S. § 7A-49.6 (b).*

*This order is not intended to limit the court’s authority to receive remote testimony pursuant to statutes that, otherwise permit it, including G.S. § 15A-1225.1, 15A-1225.2, 15A-1225.3, 20-139.1, 8C-1, Rule 616, 50A-111, and 52C-3-315(f). See G.S. 7A-49.6(i).*

*The Judicial Official has the discretionary authority to conduct the hearing by Remote Hearing without the need to find good cause. If a party objects to such a Remote Hearing, the following procedures shall apply pursuant to G.S. § 7A-49.6(c).*

*Each party objecting to a Remote Hearing shall provide a filed objection or motion to the court manager via email at least two days prior to the hearing and serving the other parties.*

*The default hearing method for all case types, unless otherwise specified in this order or determined by the presiding Judicial Official, shall be In-Person Hearings.*

*At any time prior to or during a Remote Hearing, the presiding Judicial Official retains the discretionary authority to convert the Remote Hearing to an In-Person Hearing by notifying the parties.*

*A criminal defendant has a right to be present and a constitutional right to confront witness during any material portion of the criminal proceeding.*

*Although In-Person Hearings are presumed, a party or parties may request a Remote Hearing by providing a motion to the court manager via email after filing with the clerk at least 5 days before the hearing and serving the other parties with the motion. The motion shall describe the reason for the request, and the physical location(s) of the individual(s) while participating.*

*A presiding Judicial official has discretionary authority to conduct Hybrid Hearings in accordance with G.S. § 7A-49.6 so long as (i) in Civil Proceedings, including Juvenile Delinquency Proceedings, any party has a right to object for good cause shown to the Hybrid Proceeding in accordance with the same procedures for objecting to Remote Hearings.*

*The clerk or presiding Judicial Official shall administer oaths to witnesses during a remote proceeding. Affirmation may be used in lieu of swearing a witness. The person administering the oath must be able to see and hear the witness.*







### **Scheduling**

Concurrent with the filing of a complaint, motion, or responsive pleading, attorneys and self-represented litigants must provide a valid email address to the clerk and court managers or certify that they do not have email access.

Consistent with G.S. §§ 7A-95(c) and 7A-198(c), the clerk or the clerk's designee shall schedule and host Webex proceedings in district and superior court. When scheduling the hearing, the Host shall follow the naming convention for the Webex hearing as stated in Rule 17.2 of the Rules of Record keeping promulgated by the Director of the North Carolina Administrative Office of the Courts (NCAOC).

The clerk may also designate one or more co-Host(s) for each proceeding scheduled, as provided by G.S. §7A-95(c) and 7A-198(c). The co-host is authorized to begin, conduct, and record the hearing if the Host is not available. Any recording made will automatically be saved in the Webex account of the Host. Each attorney or self-represented litigant is responsible for providing the Webex link to his or her client(s), witness(es), and other interested individuals, as applicable. The court may establish a public access link that is separate from the Webex link to be used by parties and witnesses. If a separate public access link is established spectators/media should access the hearing via the public access link.

### **Decorum and Etiquette in Remote and Hybrid Hearings**

The decorum of a Remote or Hybrid Hearing shall be the same decorum as an In-Person Hearing conducted in a courtroom (e.g., eating, drinking, smoking, profanity are prohibited). An attorney, party or witness participating remotely should have an appropriate background and a suitably quiet location. Attorneys are bound by the same rules of dress and decorum in Remote Hearings and Hybrid Hearings as they are for In-Person Hearings. Business attire shall be appropriate dress for parties and witnesses during Remote or Hybrid Hearings.

All attorneys and parties are encouraged to access the Remote Hearings or Hybrid Hearings at least 10 minutes prior to the scheduled start time of the hearing. The court shall have discretion to deny entry to the hearing if a party is not present at the appointed time.

Attorney's and self-represented litigants should identify themselves before speaking. During a Remote or Hybrid Hearing, attorneys and parties who are not testifying or speaking should mute their microphones. The Host or co-Host reserves the right to "mute" a party or attorney who fails to mute themselves if it causes feedback, echoing, or is otherwise noisy, disruptive, or distracting. If more than one person in the same location will be participating remotely in the Remote or Hybrid Hearing, they must (i) share a device, (ii) ensure proper muting to avoid audio malfunction, or (iii) participate from separate rooms to ensure audio quality.







### **Audio Visual Quality/Functionality**

The clerk can designate a Webex “key operator” pursuant to NCAOC Rules of Recordkeeping 19.3.

To ensure a quality recording and that all parties and the presiding Judicial Official can see and hear one another during the Webex hearing, the audio equipment should be tested prior to the scheduled hearing by the clerk or clerk’s designee. The presiding Judicial Official reserves the right to conduct a pre-trial conference as needed for the purpose of ensuring the quality of the Remote Hearing.

### **Confidential Attorney-Client Communications During Remote Hearings and Hybrid Hearings**

If an attorney and client are participating in a Remote or Hybrid Hearing from separate locations, they may communicate privately, for example via text message or email, during the hearing, provided however, parties may not communicate with counsel while they are testifying via any mechanism or medium other than the audio and video technology seen and heard by all other participants, unless specifically permitted by the court to communicate privately during testimony. If a party wishes to communicate confidentially with his or her attorney and cannot do so by text message or email, the presiding Judicial Official should be informed, and he or she shall permit such confidential communication, by enabling a breakout session through the Webex, taking a break to allow for telephonic communication, or such other appropriate means.

The Webex “chat” feature should be used with care for attorney-client communications because it is possible a user may privately chat with the wrong person or may inadvertently chat with “all” when attempting confidential communication. For this reason, attorneys are encouraged not to use the “private” chat feature of Webex, but rather to request a breakout session or use their own mobile phones, email, or some other method to ensure private communication.

### **Exhibits and Evidence**

Failure to comply with the provisions set out regarding exhibits and evidence may result in a proposed exhibit not being considered, a continuance of the hearing, or other action in the discretion of the residing Judicial Official.









## **Displaying Documents During Remote Hearings and Hybrid Hearings**

Attorney's and self-represented litigants may display digital exhibits during a Remote or Hybrid Hearing using the "Share" feature with permission of the residing Judicial Official. Prior to displaying confidential exhibits (e.g., juvenile case records or other information protected by law), the attorney or self-represented litigant shall inform the presiding Judicial Official, who will then ensure that only those individuals authorized to access the documents are allowed to observe the confidential exhibits. Presentation of confidential exhibits may require either exclusion of non-participants from the Remote or Hybrid Hearing or some other mechanism for exchanging those exhibits among the parties.

If the proceeding is one that is open to the public, then the presiding Judicial Official must facilitate access to the proceeding by the public and the media as nearly as practicable to the access that would be available were the proceeding conducted in person in accordance with G.S. §7A-49.6(g), while also protecting confidential information, such as juvenile case records, displayed during the Remote or Hybrid Hearing.

### **Record of Hearing/Official Transcript**

As provided in G.S. §§7A-95(c) and 7A-198(c), the clerk, the clerk's designee, or the court reporter will create a record of the court proceeding via the Liberty Recording system (operated by the clerk or clerk's designee), Webex recording (operated by the clerk or clerk's designee), and /or by one of several techniques employed by court reporters. The clerk, as the custodian of each of these types of recordings, shall maintain and preserve each recording made by the clerk, the clerk's designee, or the court reporter pursuant to G.S. §§7A-95(c) and 7A-198(c). During a Hybrid Hearing, it is especially important to ensure that all participants are being clearly recorded, which may require using a combination of the Liberty Recording system, the Webex recording, and/or court reporter technique (if applicable). The court reporter maintains the responsibility for preparing the official transcript from the recording(s) prepared by the court reporter, Liberty recording, and/or Webex recording. Only a person on the NCAOC Court Reporters and Approved Transcriptionist List may prepare the official transcript from the recording(s) prepared by the court reporter, Liberty recording, and/or the Webex recording.

Each individual Confidential Hearing must be a separate recording in Webex.

### **Access to Webex Recordings**

Webex recordings of proceedings are public record unless the recordings are sealed by the court or confidential by law (e.g., involuntary commitment hearings, juvenile abuse, neglect, and dependency proceedings, and Juvenile Delinquency Proceedings). Webex recordings include the recorded audio, video, chats, and other information. Presiding Judicial Officials should keep in mind that most Webex recordings are public record when considering whether to allow Remote or Hybrid Hearings involving police informants, minor children, jurors, sensitive family matters, etc.

Confidential Webex recordings may only be provided to a requesting party as permitted by law. Sealed Webex recordings may only be provided to a requesting party as permitted by order of the court.







### **Public Access**

The public has a right to attend court proceedings unless a proceeding is confidential by law or the presiding Judicial Official has closed the proceeding. If the proceeding is one that is open to the public, access to a remote Hearing or Hybrid Hearing must be provided as nearly as practicable to the access that would be available were the proceeding conducted in person pursuant to G.S. §7A-49.6(g).

Absent approval by the presiding Judicial Official under Rule 15 of the General Rules of Practice, the parties, attorneys, witnesses, spectators, public and media shall refrain from making any recordings, videos, or photographs of any hearing, including Remote and Hybrid Hearings. The presiding Judicial Official may permit or prohibit “electronic coverage” and “electronic media coverage” as provided in Rule 15 of the General Rules of Practice. Failure to comply with a Judicial Official’s prohibition of electronic coverage or electronic media coverage may result in ejection from the hearing and appropriate sanctions to include contempt. Rule 15(i) of the General Rules of Practice provides that recordings by the media or the public permitted by the court, if any, including film, video, tape, still photographs or audio reproductions, shall not be admissible as evidence in the proceeding out of which it arose, any proceeding subsequent and collateral thereto, or upon any retrial or appeal of such proceedings.

Any spectator, witness, or participant who violates orders given by the presiding Judicial Official pertaining to the use of Webex, who contacts testifying witnesses or parties, who photographs, records or videos the proceeding (without permission of the presiding Judicial Official), or who disrupts the proceeding is subject to being ejected from the hearing and may not be allowed to rejoin the hearing in the presiding Judicial Official’s discretion. They are also subject to appropriate sanctions to include contempt.

These limitations on spectator access are necessary to protect the integrity of the hearing and to ensure the hearing can proceed without unreasonable interruption or delay. Further, the limitations protect the ability of the Court and the parties to remotely conduct hearings without undue delay, interruption, or disruption while still granting the public’s ability to attend the hearing.







**Spoken Foreign Language Interpreters**

The court shall ensure the rights of a person who needs a foreign language interpreter are protected prior to initiating a hearing. Requests for spoken foreign language court interpreters should be submitted to the Language Access Coordinator using the online request form at <https://www.nccourts.gov/request-for-spoken-foreign-language-court-interpreter>. Such requests should be submitted as soon as the attorney/party is aware of the need for an interpreter to allow sufficient time to schedule the interpreter.

If the interpreter cannot be adequately accommodated in the Remote or Hybrid Hearing, the proceeding shall be held in-person. If, at any time during a Remote or Hybrid Hearing, the interpretation cannot be conveyed to either the court or the party, the hearing shall be delayed to address interpretation or continued to another court session. Note: Sign Language interpreters are not spoke foreign language interpreters and instead are addressed in Section 14.

**Requests for Accommodations Under the Americans with Disabilities Act**

The court shall ensure the rights of any individuals that require a reasonable accommodation under the Americans with Disabilities Act. Reasonable accommodations are determined on a case-by-case basis and may include, but are not limited to, the use of licensed interpreters (e.g., sign language interpreters, deaf blind interpreters), periodic breaks or captioning. Reasonable accommodation requests should be submitted to the county Disability Access Coordinator either in person, at 336-570-5200, by email at [Kristie.M.Culler@nccourts.org](mailto:Kristie.M.Culler@nccourts.org) or via the online request at <https://www.nccourts.gov/form/disability-access-request>. Such requests should be submitted as soon as the attorney/party is aware of the need for an accommodation to allow sufficient time to review the request and arrange for a reasonable accommodation.

If a reasonable accommodation cannot be provided in a Remote or Hybrid Hearing, the proceeding shall be held in-person. If, any time during a Remote or Hybrid Hearing, the reasonable accommodation can no longer be provided, the hearing shall be delayed to address the reasonable accommodation or continued to another court session.





STATE OF NORTH CAROLINA  
COUNTY OF ALAMANCE

FILE NO.

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

Name of Plaintiff

VS.

Name of Defendant

**NOTICE OF REMOTE HEARING  
Conducted by Remote  
Audio/Video Conferencing**

**TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:**

The Superior Court Trial Court Coordinator has assigned a date and time certain for this motion hearing which will be conducted **remotely** by audio video conferencing using **by WebEx Technology** in the above-captioned case the following:

All Counsel/parties must provide an email address to the Superior Court Trial Court Coordinator on this notice. The audio-video conferencing platform will be Cisco Webex. A Webex account is not needed to participate but it is a free application. The application may be downloaded here: <https://help.webex.com/en-us/0tow9g/Download-the-Cisco-Webex-Meetings-Desktop-App>

Instructions for joining a meeting can be found here: <https://help.webex.com/en-us/n62wi3c/Get-Started-with-Cisco-Webex-Meetings-for-Attendees> and here: <https://www.youtube.com/watch?v=ru85544RveA>.

**LIST EACH MOTION TO BE HEARD**

**DATE of Hearing:** Counsel shall consult opposing counsel /parties before selecting a date.

**Total time needed for hearing:**

**TIME Of Hearing:** to be set by TCC and will appear on the posted calendar the Thursday before the session at [nccourts.org](http://nccourts.org) under Civil Superior Calendars

**E-mail addresses for all attendees:**

**Information:** A motion calendar will be posted on [nccourts.org](http://nccourts.org) under Civil Calendars for Alamance County. If you have any **Superior Court** questions please contact Sharon Boger by e-mail at [Sharon.M.Boger@nccourts.org](mailto:Sharon.M.Boger@nccourts.org) or by phone at 336-570-5256.

**Place of Hearing**

**Remote Hearing to be conducted  
using WEBEX Technology**

Date

Name of Attorney/Party

Address, **email** and Telephone Number

Copies of this Notice of Hearing have been provided to the Trial Court Coordinator and served on the following by U.S. Mail, as required by law:

Date Mailed:

**NOTICE:** All counsel/parties have a continuing obligation to notify this office of any correction/addition/deletion of counsel.





<b>STATE OF NORTH CAROLINA</b>		File No. _____
_____ County	In The General Court Of Justice <input type="checkbox"/> District <input type="checkbox"/> Superior <input type="checkbox"/> Before The Clerk <input type="checkbox"/> Small Claims	
<b>IN THE MATTER OF:</b>		
Name And Address Of Plaintiff / Petitioner / State  Email Address of Plaintiff / Petitioner / State  Name And Address Of Defendant / Respondent  Email Address of Defendant / Respondent	<b>NOTICE AND MOTION FOR</b> <input type="checkbox"/> FULLY REMOTE HEARING <input type="checkbox"/> HYBRID REMOTE HEARING  Nature of Hearing: _____ Date of Hearing (if scheduled): _____	
<b>NOTICE AND MOTION FOR REMOTE HEARING TO OPPOSING PARTY</b>		
The undersigned hereby requests that the hearing referenced above be conducted, or partially conducted, via audio and video transmission, pursuant to G.S. 7A-49.6 on the grounds listed below. If a hybrid hearing is requested, specify which participant(s) wants to participate remotely, their physical location while participating, and the contact information for the participant(s).  _____ _____		
I <input type="checkbox"/> have <input type="checkbox"/> have not consulted the opposing party / attorney regarding this motion. The opposing party / attorney <input type="checkbox"/> takes no position on a remote hearing <input type="checkbox"/> agrees to a remote hearing <input type="checkbox"/> desires an in-person hearing. (Note: An objection to the hearing being conducted via audio and video transmission must be filed within ____ days of the service of this motion.) The estimated time needed for the hearing on this motion is: _____.		
Name Of Person Requesting Remote Hearing  Email Address:	Date	Signature  <input type="checkbox"/> Plaintiff or Petitioner / Attorney <input type="checkbox"/> Defendant or Respondent / Attorney <input type="checkbox"/> District Attorney / Assistant DA <input type="checkbox"/> Other: _____
<input type="checkbox"/> This Motion for Remote Hearing is scheduled for hearing:		
Date of Hearing	Time Of Hearing <input type="checkbox"/> AM <input type="checkbox"/> PM	Location of Hearing
<b>CERTIFICATE OF SERVICE</b>		
I certify that on this date, a copy of this Motion for Remote Hearing was served by:		
<input type="checkbox"/> first class mail at the address(es) as follows: <input type="checkbox"/> plaintiff / petitioner / attorney for plaintiff or petitioner _____ <input type="checkbox"/> defendant / respondent / attorney for defendant or respondent _____ <input type="checkbox"/> district attorney _____		
<input type="checkbox"/> personally, delivering a copy to the <input type="checkbox"/> plaintiff / petitioner / attorney for plaintiff or petitioner <input type="checkbox"/> defendant / respondent / attorney for defendant or respondent <input type="checkbox"/> district attorney <input type="checkbox"/> Other _____		
Date	Signature	<input type="checkbox"/> Plaintiff or Petitioner / Attorney <input type="checkbox"/> Defendant or Respondent / Attorney <input type="checkbox"/> District Attorney / Assistant DA <input type="checkbox"/> Other: _____
<b>ORDER ON MOTION FOR REMOTE HEARING</b>		
<input type="checkbox"/> This Motion was reviewed by the court out of session. OR <input type="checkbox"/> After a hearing on the motion, the Court <input type="checkbox"/> finds <input type="checkbox"/> does not find that the hearing shall be held via audio and video transmission.		
Therefore, it is ORDERED that this hearing shall be held on _____ at _____ <input type="checkbox"/> in person in Courtroom ____ <input type="checkbox"/> fully remote via audio video transmission <input type="checkbox"/> hybrid remote via audio video transmission. If the hearing is to be held via fully remote or hybrid remote means, the following participant(s) is / are permitted to testify remotely _____ from (specify the location(s) from which the participant(s) is / are testifying) _____		
Date	Signature	<input type="checkbox"/> Superior Court Judge <input type="checkbox"/> District Court Judge <input type="checkbox"/> Magistrate <input type="checkbox"/> Clerk of Superior Court <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Designee _____

NOTE: G.S. 7A-49.6 grants each presiding judicial official discretionary authority to conduct civil proceedings by remote audio and video transmission without the need to find good cause UNLESS a party objects.



<b>STATE OF NORTH CAROLINA</b>		File No. _____
_____ County		In The General Court Of Justice <input type="checkbox"/> District <input type="checkbox"/> Superior <input type="checkbox"/> Before the Clerk <input type="checkbox"/> Small Claims
<b>IN THE MATTER OF:</b>		<b>OBJECTION TO REMOTE HEARING</b>
Name And Address Of Plaintiff / Petitioner / State		
Email Address of Plaintiff / Petitioner / State		
Name And Address Of Defendant / Respondent		
Email Address of Defendant / Respondent		Nature of hearing: _____ Date of Hearing (if scheduled): _____
<b>OBJECTION</b>		
The undersigned hereby objects to the hearing referenced above being conducted, or partially conducted, via audio and video transmission, pursuant to G.S. 7A-49.6(d) on the grounds listed below: _____ _____ _____		
I <input type="checkbox"/> have <input type="checkbox"/> have not consulted the opposing party / attorney regarding this objection. The opposing party / attorney <input type="checkbox"/> takes no position on a remote hearing <input type="checkbox"/> desires a remote hearing <input type="checkbox"/> agrees to an in-person hearing. The estimated time needed for the hearing on this objection is: _____.		
Name Of Person Objecting	Date	Signature
Email Address:	<input type="checkbox"/> Plaintiff or Petitioner / Attorney <input type="checkbox"/> Defendant or Respondent / Attorney <input type="checkbox"/> District Attorney / Assistant DA <input type="checkbox"/> Other: _____	
<input type="checkbox"/> This Objection to a Remote Hearing is scheduled for hearing:		
Date of Hearing	Time Of Hearing <input type="checkbox"/> AM <input type="checkbox"/> PM	Location of Hearing
<b>CERTIFICATE OF SERVICE</b>		
I certify that on this date, a copy of this Objection to a Remote Hearing was served by:		
<input type="checkbox"/> first class mail at the address(es) shown as follows: <input type="checkbox"/> plaintiff / petitioner / attorney for plaintiff or petitioner _____ <input type="checkbox"/> defendant / respondent / attorney for defendant or respondent _____ <input type="checkbox"/> district attorney _____		
<input type="checkbox"/> personally, delivering a copy to the <input type="checkbox"/> plaintiff / petitioner / attorney for plaintiff or petitioner <input type="checkbox"/> defendant / respondent / attorney for defendant or respondent. <input type="checkbox"/> district attorney. <input type="checkbox"/> Other: _____		
Date	Signature	<input type="checkbox"/> Plaintiff or Petitioner / Attorney <input type="checkbox"/> Defendant or Respondent / Attorney <input type="checkbox"/> District Attorney / Assistant DA <input type="checkbox"/> Other: _____
<b>ORDER ON OBJECTION TO REMOTE HEARING</b>		
<input type="checkbox"/> This Objection was reviewed by the court out of session. OR <input type="checkbox"/> After a hearing on the Objection, the Court <input type="checkbox"/> finds <input type="checkbox"/> does not find that the moving party has demonstrated good cause that the hearing should not be held via audio and video transmission.		
Therefore, it is ORDERED that this hearing shall be held on _____ at _____ <input type="checkbox"/> in person in Courtroom ____ <input type="checkbox"/> fully remote via audio video transmission <input type="checkbox"/> hybrid remote via audio video transmission. If the hearing is to be held via fully remote or hybrid remote means, the following participant(s) is / are permitted to testify remotely _____ from (specify the location(s) from which the participant(s) is / are testifying) _____. The participant(s) must provide contact information to the Court prior to the hearing.		
Date	Signature	<input type="checkbox"/> Superior Court Judge <input type="checkbox"/> District Court Judge <input type="checkbox"/> Magistrate <input type="checkbox"/> Clerk of Superior Court <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Designee _____

