ATLANTIC JUDICIAL CIRCUIT

BRYAN, EVANS, LIBERTY, LONG, MCINTOSH AND TATTNALL COUNTIES GUIDE FOR RESUMING JURY PROCEEDINGS

OCTOBER 10, 2020

COMMITTEE MEMBERS:

Chief Judge Robert L. Russell, Chair
Honorable Charles P. Rose, Jr., Superior Court Judge
Honorable D. Jay Stewart, Superior Court Judge
Honorable Glen A. Cheney, Superior Court Judge
Honorable Ray C. Smith, Bryan County State Court
Honorable Ronald W. Hallman, Evans County State Court
Honorable Jeffery N. Osteen, Liberty County State Court
Honorable Jeffrey L. Arnold, Long County State Court
Honorable C. Jean Bolin, McIntosh County State Court
Honorable Hugh J. McCullough, Tattnall County State Court
J. Thomas Durden, District Attorney
Brandon Clark, Circuit Public Defender
Becky Crowe, Clerk, Bryan County Superior Court
Kathy Hendrix, Clerk, Evans County Superior Court
Linda Dixon-Thompson, Clerk, Liberty County Superior Court
Sherry M. Long, Clerk, Long County Superior Court
Carolyn Palmer, Clerk, McIntosh County Superior Court
Sherry Bland, Clerk, Tattnall County Superior Court
Sheriff Clyde Smith, Bryan County
Sheriff Randall Tippins, Evans County
Sheriff Steve Sikes, Liberty County
Sheriff Craig Nobles, Long County
Sheriff Stephen D. Jessup, McIntosh County

Sheriff Kyle Sapp, Tattnall County
Ben Taylor, County Administrator, Bryan County
Casey Burkhalter, County Administrator, Evans County
Joseph W. Brown, County Administrator, Liberty County
Russell Simmons, County Administrator, Long County
Patrick Zoucks, County Administrator, McIntosh County
Frank Murphy, County Administrator, Tattnall County
Dr. Lawton C. Davis, Coastal Health District (Bryan, Liberty, Long and McIntosh Counties)
Dr. Rosemarie Parks, Waycross Health District (Evans and Tattnall Counties)
Richard F. Denney, DCA First Administrative District
Ivy Shephard, Atlantic Judicial Circuit Bar President
Randall Weiland, Alternative Dispute Resolution Director, Atlantic Judicial Circuit

ATLANTIC JUDICIAL CIRCUIT'S LOCAL PLAN FOR RESUMING GRAND JURY PROCEEDINGS AND JURY TRIALS DURING THE COVID-19 PANDEMIC

The Chief Justice of the Supreme Court for the State of Georgia, the Honorable Harold D. Melton, has ordered each Judicial Circuit in the State of Georgia to convene a local committee of participants in the judicial system (Stakeholdlers), to develop a detailed and locally tailored plan to resume grand jury proceedings and jury trials in the six (6) counties of the Atlantic Judicial Circuit.

The Atlantic Judicial Circuit convened such a committee and met on September 17, 2020 in the Jury Assembly Room of the Liberty County Justice Center. The Stakeholders who were invitees were the people recommended in the Guidance for Local Committees document dated September 10, 2020.

The meeting went well with most people invited attending and participating in the discussion. In addition, other people who were involved, but not invited, also came and participated.

The meeting was transcribed and a copy of it is attached to this plan as Exhibit "A".

There have also been numerous telephone calls and face to face meetings between the Stakeholders and the Judges of the Atlantic Judicial Circuit.

This plan incorporates the Stakeholders' ideas and information to come up with a specific plan for each of the six (6) counties in the Atlantic Judicial Circuit

The Atlantic Judicial Circuit is made up of six (6) counties. They are Bryan, Evans, Liberty, Long, McIntosh, and Tattnall counties.

Fort Stewart, the home of the 3rd Infantry Division, is the largest military base in the

United States east of the Mississippi River. Part of Fort Stewart's territory is located in five of the six counties in the Atlantic Judicial Circuit.

Three of the six counties, Bryan, Liberty, and McIntosh are located on the Atlantic coast. The other three counties are interior counties.

I-19 and I-16 run through the Atlantic Judicial Circuit.

The Atlantic Judicial Circuit lies approximately between Savannah, Georgia, and Brunswick, Georgia.

The distances between courthouses are rather long. From the southeastern county of McIntosh, the mileage between courthouses are 85, 82, 82, 25, and 45.

There are two modern courthouses in the Atlantic Judicial Circuit. They are Liberty and Tattnall counties. These two courthouses have large multiple courtrooms and assembly areas.

The other four counties, Bryan, Evans, Long, and McIntosh are older traditional courthouses with basically one large courtroom. Some of the counties have some smaller spaces for juvenile court or probate court, but nothing to help in resuming grand jury proceedings and jury trials in their courthouses.

The other four counties, in order to social distance, will have to locate and use alternative locations in resuming grand jury proceedings and jury trials.

This plan includes the Judicial Covid-19 Task Force Report, Guidelines, Best Practices, and Resources, dated August 14, 2020, which is attached hereto as Exhibit "B". The Guidance for Local Committees on Resuming Jury Trials, which is dated September 10, 2020, is attached hereto as Exhibit "C". The Order Establishing Guidelines for In-Person Proceedings for the Atlantic Judicial Circuit, dated May 29, 2020, is attached hereto as Exhibit "D". The Seventh Order Extending Declaration of Statewide Judicial Emergency (Draft October 10, 2020) is

attached hereto as Exhibit "E".

Each of the six counties has its own specific plan.

The are bound to be some different language in the various plans, and guidance documents due to the time having passed since they were issued and local requirements.

Any conflicts in the language in such a case is to be interpreted for the health, safety and constitutional protection of all participants.

When the jury summons go out, a questionnaire will be enclosed in the envelope. The juror can return the questionnaire or call the clerk's office to answer.

The clerk will be given authority by the Chief Judge to excuse a juror if the questionnaire or telephonic discussion raises questions about COVID-19 or the ability to serve, so that the pre-qualified jurors are the ones who will come for proceedings. This authority will last a year from November 1, 2020. A sample questionnaire is attached as Exhibit "F".

All plans are subject to change based on changing circumstances.

Dated, this 9th day of October, 2020.

Robert L. Russell
Chief Judge of Superior Courts
Atlantic Judicial Circuit

BRYAN COUNTY

Bryan County is on the coast and is the northernmost county in the Circuit. The county is divided into two parts by the Fort Stewart Military Base. A person wanting to drive from the southern part of Bryan County to the northern part without going through the military base has to drive to the north of the county through Chatham County to get to the county seat of Pembroke, Georgia.

The courthouse is located in Pembroke on 151 South College Street, It is an older courthouse with one main courtroom. The main courtroom can handle in-person grand jury selection and safely distance 20-25 jurors, in addition to the judge, clerk, and district attorney.

The Clerk of Superior Court, Becky Crowe, feels that she can pull off grand jury proceedings using the main courtroom, the state court courtroom, and the county commissioners' conference room. The grand jurors would come in at staggered times of 9:00 o'clock a.m., 9:30 o'clock a.m., and 10:00 o'clock a.m. in groups of twelve (12) each.

With pre-clearance as discussed above, the judges and clerk think we can get 16-23 jurors for the grand jury.

The district attorney would also have to stagger and limit the number of cases they wish to present to the grand jury. A limit of twelve (12) cases in the morning with staggered times to appear and twelve (12) cases in the afternoon seems an appropriate number when considering witnesses, law enforcement, and baliffs.

The Clerk and Judges do not believe that the Bryan County Courthouse can support safe, regular jury selection at this time.

An alternative site has been located. It is the Bryan County Hendrix Park Gymnasium in Black Creek, Georgia. This gym is about ten miles from the courthouse in Pembroke.

The County Administrator, Ben Taylor, and Human Resources Director, Robbie Johnson, are cooperative and ready to help in any way possible

The gym can be operated so jury proceedings can be held in private and there can be safe social distancing.

All potential jurors would have their temperature taken and answer questions about symptoms before being allowed to enter. Law enforcement at the courthouse doors will have the power to excuse a potential juror and send them home. An order will be entered giving them that authority.

EVANS COUNTY

Evans County has a older, small courthouse. The Clerk, Kathy Hendrix does not believe she can conduct grand jury or jury trial selection and safely social distance. Only twenty (20) people can safely social distance in the Evans County courtroom.

The district attorney would also have to stagger and limit the number of cases they wish to present to the grand jury. A limit of twelve (12) cases in the morning with staggered times to appear and twelve (12) cases in the afternoon seems an appropriate number when considering witnesses, law enforcement, and baliffs.

An alternative site has been located. It is the Rotary Club building on Main Street not far from the courthouse in Claxton, Georgia. Eighty (80) people can safely social distance in the building and grand jury and jury proceedings can be held in secret. There are only two entrances and one would be closed.

There are side rooms for witnesses and law enforcement. Only the front entrance on Main Street would be used for ingress or egress. All potential jurors would have their temperature taken and answer questions about symptoms before being allowed to enter.

The Rotary Club building is owned by the City of Claxton. Once a grand jury is picked, grand jury proceedings can be held in the Evans County courtroom. Regular jury trials would most likely be held in the Rotary Club building. A lease will be drawn up between Claxton and Evans County to allow the building to be used.

Law enforcement at the courthouse doors will have the power to excuse a potential juror and send them home. An order will be entered giving them that authority.

LIBERTY COUNTY

Liberty County is a modern courthouse with five (5) or (6) courtrooms, jury assembly rooms, and numerous rooms for witnesses and law enforcement.

Linda Dixon-Thompson, the Clerk of Liberty County, feels she can pull off grand jury and jury trials in the courthouse located in Hinesville, Georgia.

The Sheriff, Steve Sikes, on jury days wants to close the front entrance of the courthouse and only allow ingress and egress to the courthouse through the north or parking lot entrance.

He would have an outside testing area. All potential jurors would have their temperature taken and answer questions about symptoms before being allowed to enter. Law enforcement can excuse jurors and send them home. An order will be entered giving them that authority.

The grand jury selection and eventual jury selection would be held in the jury assembly room. Actual grand jury or jury deliberations would be held in one of the main courtrooms.

The grand jurors would come in at staggered times of 9:00 o'clock a.m., 9:30 o'clock a.m., and 10:00 o'clock a.m. in groups of twelve (12) each.

Regular jury selection and trials would go through the same process. Jury deliberations would be in the main courtroom to allow for social distancing.

The district attorney would also have to stagger and limit the number of cases they wish to present to the grand jury. A limit of twelve (12) cases in the morning with staggered times to appear and twelve (12) cases in the afternoon seems an appropriate number when considering witnesses, law enforcement, and baliffs.

LONG COUNTY

Long County is a older courthouse with only one main courtroom.

Sherry Long, the Clerk of Superior Court for Long County, states that her courtroom can safely social distance eighteen (18) jurors.

She does not believe she can have grand jury or jury proceedings in the courthouse.

The district attorney would also have to stagger and limit the number of cases they wish to present to the grand jury. A limit of twelve (12) cases in the morning with staggered times to appear and twelve (12) cases in the afternoon seems an appropriate number when considering witnesses, law enforcement, and baliffs.

All potential jurors would have their temperature taken and answer questions about symptoms before being allowed to enter. Law enforcement can excuse jurors and send them home. An order will be entered giving them that authority.

An alternative site has been located. It is across Highway 57 from the courthouse in the former Long County Board of Education Middle School Gymnasium. Only one entrance would be used and the juries can meet in privacy.

A lease will be drafted between Long County Board of Education to allow this use.

Grand jury and regular jury proceedings would most likely have to be held in the gymnasium.

MCINTOSH COUNTY

The McIntosh County courthouse is an older building with only one courtroom.

The McIntosh County courthouse can only social distance about twenty (20) prospective jurors. Carolyn Palmer, the Clerk of Superior Court, does not think the McIntosh County courthouse can have grand jury and jury trials while safely social distancing.

The district attorney would also have to stagger and limit the number of cases they wish to present to the grand jury. A limit of twelve (12) cases in the morning with staggered times to appear and twelve (12) cases in the afternoon seems an appropriate number when considering witnesses, law enforcement, and baliffs.

An alternative site is the elementary school gymnasium approximately one-half (½) mile from the courthouse. This is owned by McIntosh County Board of Education.

Jury proceedings can be held in private. All potential jurors would have their temperature taken and answer questions about symptoms before being allowed to enter. Law enforcement can excuse jurors and send them home. An order will be entered giving them that authority.

McIntosh County Board of Education will cooperate in anyway to held this process.

A lease between the McIntosh County Board of Education and McIntosh County will be drafted to allow this use.

TATTNALL COUNTY

Tattnall County has a modern courthouse with several courtrooms and assembly areas.

The Clerk, Ms. Bland, and Clerk-Elect, Ms. Mulligan, believe that Tattnall County can hold grand jury proceedings and regular jury trial proceedings in the courthouse.

The grand jurors would come in at staggered times of 9:00 o'clock a.m., 9:30 o'clock a.m., and 10:00 o'clock a.m. in groups of twelve (12) each.

Once the grand jury is selected, the district attorney would also have to stagger and limit the number of cases they wish to present to the grand jury. A limit of twelve (12) cases in the morning with staggered times to appear and twelve (12) cases in the afternoon seems an appropriate number when considering witnesses, law enforcement, and baliffs.

Regular jury selection and trials would go through the same process. Jury deliberations would be in the main courtroom to allow for social distancing.

All potential jurors would have their temperature taken and answer questions about symptoms before being allowed to enter. Law enforcement can excuse jurors and send them home. An order will be entered giving them that authority.

ATLANTIC JUDICIAL CIRCUIT's

CORONAVIRUS PANDEMIC STAKEHOLDER's MEETING

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STAKEHOLDER's MEETING

Heard in Hinesville, Liberty County, Georgia,

on the 17th day of September 2020.

Jessica M. Simmons, CCR,CVR
Official Court Reporter, Atlantic Judicial Circuit
110 Sols Road SE, Ludowici, Georgia 31316
Phone: 912.270.1393
jessicasimmonsbell@yahoo.com

EXHIBIT "A"

I N D E X

PROCEEDINGS 3

EXHIBITS

*COVID-19 SCREENING QUESTIONS FOR POTENTIAL GRAND JURORS (tendered to the court reporter at the end of the proceedings).

*NOTICE TO JURORS (tendered to the court reporter at the end of the proceedings).

CERTIFICATE OF REPORTER 74

P R O C E E D I N G S

(Proceedings commenced at 3:02 p.m.)

Judge RUSSELL: Alright. It's 3 o'clock. Let's call this meeting to order. Welcome to the coronavirus pandemic stakeholder's meeting of The Atlantic Judicial Circuit for the purpose of developing a protocol for resuming Grand Jury and Jury trials. I'm sure you have heard the ancient curse of we're living in interesting times. Well, we've certainly got that going on with a global pandemic, civil unrest, hurricanes and a divisive election for President of The United States. However, despite all of that we have to start planning on how to resume having Grand Jury hearings and Jury trials. Without these Jury functions going on, the court system is like a pressure cooker on a hot stove. We have to relieve the pressure that's built up. TOM DURDEN told me the other day that he's got 400 cases backlogged for Grand Jury presentation and without that, the court system will eventually fail. Now, Chief Justice MELTON of The Supreme Court has Ordered to have this meeting of the stakeholders in The Atlantic Judicial Circuit to develop a detailed and locally tailored plan to resume Grand Jury and Jury trials in the six counties of The Atlantic Judicial Circuit. Now, the stakeholders were invited but not limited to, and I know other people are here and I appreciate the word of mouth and you being here,

you're certainly welcome. I'm ROBERT L. RUSSELL, Chief Judge of The Atlantic Judicial Circuit. CHARLES ROSE, Superior Court, JAY STEWART, Superior Court, GLEN CHENEY, Superior Court. RAY SMITH of Bryan County was certainly invited. RAY has been exposed to coronavirus. He has been tested, not a rapid test. He's waiting for the results to come back. He will not be here. RON HALLMAN has got court this afternoon in Evans County so he will not be here. JEFF OSTEEN is here. JEFF ARNOLD has got a glaucoma eye situation so he's being checked out down in Jacksonville. He won't be here. JEAN BOLIN is here. HUGH MCCULLOUGH said he had court and he would probably be busy and would probably not make it. TOM DURDEN is here. BRANDON CLARK is here. BECKY CROWE, she's COVID positive. The Clerk of Superior Court of Bryan County. KATHY HENDRIX is here. LINDA DIXON THOMPSON is here. SHERRY LONG is here. MRS. PALMER sent TINA. Where's TINA? She's right here, representative from McIntosh County, and SHERRY BLAND and Superior Court Clerk elect PAIGE MULLIGAN is here. Sheriff SMITH has got some unrelated to COVID medical problems and he will not be here. Sheriff TIPPINS is here. I didn't see Sheriff SIKES, but there he is. These facemasks make it hard to see. Sheriff NOBLES is here. GEORGE TREXLER from The McIntosh County Sheriff's Office is here. Sheriff SAPP is here. Let's see, BEN TAYLOR from Bryan County.

CASEY BURKHALTER?

Sheriff TIPPINS: He couldn't make it, Your Honor.

Judge RUSSELL: Oh. JOSEPH BROWN from Liberty County is here. RUSSELL SIMMONS from Long County. PATRICK ZOUCKS from McIntosh County. FRANK MURPHY from Tattnall County was invited, and then we invited some other people. Doctor LAWTON DAVIS from The Coastal Health District for the four counties in The Coastal District is Bryan, Liberty, Long and McIntosh is here. He is back in the back corner. ROSEMARIE PARKS, who represents the other two counties, Evans and Tattnall is not here. RICHARD DENNEY, District Court Administrator for the First Judicial District is here. IVY SHEPHARD is here. RANDALL WEILAND, Alternative Dispute Resolution Director is here and also, I've given him the title today of Technology Director of The Atlantic Judicial Circuit. I saw that we were supposed to have one of those people here and so that's who he is. JESSICA SIMMONS, my Court Reporter. CYDNIE, my secretary, is here. And other people are here as well. Thank you very much. These are the people we were supposed to invite pursuant to Justice MELTON's information. Now, there's sort of four controlling documents really. We've got The Judicial COVID-19 Task Force's report. We have the sixth Order extending the declaration of statewide emergency. We have The Atlantic Judicial Circuit's guidelines for in court

proceedings for here. We also have Justice MELTON's guidance for local committees on resuming Jury trials. Now, some of this information is in handouts right here or the information would be on The Atlantic Judicial Circuit's website that you can view by, at least by tomorrow. The site, I mean. I guess the address for that is all one word: atlanticjudicialcircuit.org and RANDALL has been involved in setting that up, and it's a really nice website. If you haven't looked at it, please do. I see it being used more and more in the future for information on the Judges, their schedules, mediation, forms, just about anything you can imagine now on it. Now, what Justice MELTON wants us to do, and I've talked to most of you. I've called most people. I know I've called every Clerk and talked if I could, and every sheriff and we've shared a bunch of ideas, my ideas and your ideas. That's what Justice MELTON wants. He wants us to give input on our ideas and how to specifically tailor a plan for each of the six counties and the Circuit as a whole. Some of the information he wants, and this almost has to come from local Clerk's and sheriffs. Some of the information he wants for each county and in general is identification of facilities for Jury assembly, voir dire, Jury trials including the identification of rules for the courthouse that is suitable for these functions and alternative

locations where necessary, the development of written public health and safety guidelines consistent with public health guidance including sanitization procedures, face covering requirements, social distancing protocols, etcetera. Development of the notification procedures for alerting stakeholders and courthouse personnel of people visiting the courthouse that has tested positive for COVID-19, protection of constitutional and statutory rights of litigants, witnesses, victims and observers, and notification of potential Jurors and the public and parties that public health precautions are being taken by The Court including information on sanitization procedures, face covering requirements, social distancing protocols and identification of effective means to ensure that information is provided. Once we've, and I've already talked to you and told you what the sort of format will be here is once we've taken in all of this information and it's being recorded, taken down by my Court Reporter. Once it is transcribed, then the Judges will come up with a draft plan and we'll send that out to everybody. Get your ideas back on the written draft plan and then come up with a final plan that we will use, and we're also required to send that to A.O.C. for them to post. I guess what they mean post is that means statewide. Now, the stakeholders, all of you are not only involved in The Court's

administration, law enforcement and the health officials, but you are the leaders of our local governments. So, this information you give is going to be important. This information will be helpful in developing this plan is what you should talk about after we get started here. Now, I've already said I've shared my ideas and plans, and I've heard some of yours, but let's get it all on The Record. Once we have a plan, then this will be posted in various ways. The Atlantic Judicial Circuit's website, newspapers, posted in the courthouse and even potentially sent to Jurors that are called by the Clerks. Now, the way I would like to move forward at this time is to get everybody to tell us your name and position, and if you're willing to, your cellphone. That would be helpful if we, you know, it's hard to find people's telephone numbers that's not - - we've got six different counties and people's cellphones aren't listed in the phonebooks. So, if you're willing to give your cellphone number too, that will help us with our taskforce sharing information in the future. So, what we'll do is we'll start off and move in this direction up and down rows and back and forth, and we'll get everybody's name and position. Now, once we do that, we'll start off with just, it can just be random basically. Somebody who wants to say something, raise their hand, again tell who you are and say what your ideas are. We can have

discussions on that and just keep moving along in that fashion until we've done what we need to do. Now, we are very glad to have the coastal unit of the health service, the C.D.C. here. Doctor DAVIS is here, and once we get all of this information, I'd like to start off with him telling us what he thinks the situation is. I guess as far as attesting to the four counties that he represents which is Bryan, Liberty, McIntosh and Long. Then, we'll move forward with other people's information. So, let's start off right here and go here, here, here and then we'll just move down the row. CYDNIE, tell us your name and your position?

MRS. WOLFES: CYDNIE WOLFES. I'm the secretary to Judge RUSSELL.

JUDGE RUSSELL: Everybody speak louder.

MRS. SIMMONS: JESSICA SIMMONS. I am a certified Court Reporter to Judge ROBERT RUSSELL.

Judge ROSE: Do you want me to hand those out?

Judge RUSSELL: Well, yes, you can hand them out. They might, people all might have them. You can hand them out and be passing them down the rows.

Judge ROSE: Okay.

Judge RUSSELL: They can hand them to the different people. While we're doing this, go ahead, RICHARD.

MR. DENNY: I'm RICHARD DENNY. I'm the District Court

Administrator for the first district which covers twenty-two counties in the southeast and you know my cellphone number.

MR. TAYLOR: BEN TAYLOR, Bryan County Administrator.

MR. JOHNSON: RILEY JOHNSON, Director of H.R. for Bryan County.

MR. OSTEEN: JEFF OSTEEN, Liberty County State Court Judge.

MRS. SMITH: I'm TIFFANY SMITH from the district attorney's office, administrative assistant to TOM DURDEN.

Sheriff TIPPINS: I'm behind you, TIFFANY.

MRS. SMITH: Oh, I thought-?

Judge RUSSELL: Well, I think you were one row ahead of them. Go ahead, sheriff.

Sheriff TIPPINS: RANDALL TIPPINS, Sheriff of Evans County.

Sheriff SAPP: KYLE SAPP, Sheriff of Tattnall County.

MRS. POOLE: MELISSA POOLE, assistant district attorney.

MRS. MULLIGAN: PAIGE MULLIGAN, Clerk elect of Tattnall County.

MRS. BLAND: SHERRY BLAND, Clerk of Superior Court of Tattnall County.

Judge RUSSELL: Go ahead.

MR. DAVIS: LAWTON DAVIS, District Health Director of

The Coastal Health District.

FEMALE VOICE: I'm the emergency manager of The Liberty County Health Department.

MR. DURDEN: I'm TOM DURDEN, the D.A. You want my cell number, it's 912 - -

Judge RUSSELL: The only one who gives it.

MR. DURDEN: 977 - - well, you asked for it, 0600.

Judge RUSSELL: Okay.

Judge CHENEY: GLEN CHENEY, Superior Court Judge, Reidsville, Georgia.

Judge STEWART: JAY STEWART, Superior Court Judge, Claxton.

Judge ROSE: PAUL ROSE, Superior Court.

MRS. LONG: SHERRY LONG - Clerk of Superior Court for Long County.

MRS. HENDRIX: KATHY HENDRIX, Clerk of Superior Court in Evans County and my cell number is 912-334-1757.

Judge RUSSELL: Thank you.

MRS. THOMPSON: LINDA DIXON THOMPSON, Clerk of Superior Court of Liberty County and my cell number is 912-977-6578.

Chief Deputy TREXLER: GEORGE TREXLER, Chief Deputy of McIntosh County, 912-580-0308.

MRS. SHEPERD: IVY SHEPHERD, Atlantic Judicial Circuit Bar President, 912-506-4083.

Judge BOLIN: JEAN BOLIN, State Court Judge of McIntosh County. I think it's already on every jail cell wall in the county, but anyway it's 912-258-4912.

MRS. YOUNG: TINA YOUNG, Chief Deputy Clerk of The Superior Court of McIntosh County.

MRS. BILLINGS: TIFFANY BILLINGS, law clerk, Atlantic Judicial Circuit.

MR. WEILAND: RANDY WEILAND, ADR Director for The Atlantic Judicial Circuit and of today information technology director. My number is 912-576-8527. That's my office number but it forwards to my cell always so, that will work.

MR. CLARK: I'm BRANDON CLARK, Chief Public Defender. My cell is 912-230-1978.

MR. DELGADO: HECTOR DELGADO, law clerk, Atlantic Judicial Circuit. 912-245-4133.

Sheriff SIKES: I'm Sheriff SIKES the Sheriff of Liberty County. My telephone number 977-2589.

Sheriff NOBLES: CRAIG NOBLES, Sheriff of Long County. Cell number 977-0311.

MR. BROWN: JOEY BROWN. I'm the county administrator of Liberty County. My cell number is 977-0600. Very close to TOM DURDEN's but don't call me on any criminal case.

Captain DAVIS: DENNIS DAVIS, Liberty County Sheriff's Office.

Judge RUSSELL: Alright. Thank you very much. Now, we'll sort of start with just the only way I can really think of doing this is just all those people who want to talk can say what they want to, but I think we'd start off with our health expert. DR. DAVIS, go ahead. Come on up.

Doctor DAVIS: And, my cell number is on this piece of paper.

THE COURT: Thank you very much. Here you go. Give that to JESSICA.

Doctor DAVIS: Good afternoon. I don't know about expert, I think you're supposed to be from more than 50 miles away and have a power point. I'm not sure I'm 50 miles away and I don't have a power point, but I do think that this body and things that are going on in the other districts are very important. I think you have a daunting task. When parents think about sending their kids back to school, they may have a choice like, does my kid go sit in class or does my kid stay home. You have the choice to go to the grocery store or not, but if you receive a subpoena to come be a witness in a courtroom, you don't have a choice. You're compelled to come in. So, there's some medical, ethical, philosophical (indiscernible) that needs to go on and everyone's mind is at what level of community transmission of this virus is it morally or ethically okay to compel somebody to come in and give testimony. Now, I'm

not an attorney or a judge, but I understand that in Georgia the defendant has a right to see, to look, to face his accuser and so far, even though those precedents came before we had technology, so far that's still our legal precedent is that the defendant has the right to face-to-face see his accuser in court and so I think under, having an understanding for what the activity level of the virus in the various communities is very important. In The Coastal Health District, which doesn't include two of your counties, in general our numbers have peeked back in the summer and generally are trending downward. At the moment, Bryan County is being obstinate in that we've blip upward, and I'm not yet sure whether that's long-term care facilities or what, but in the governor's executive Order, he included a reference to a threshold value. Some of y'all are on the distribution list for the stuff that I put out every morning and the corresponding number on there would be the 14 day community transition index and when that number is above 100, the governor says it's okay for a community or county or municipality to adopt a mask ordinance and he won't fuss about it. Well, all of you in my health district are above 100 still. We range from 406, which is obviously four times above that, down to McIntosh which is 116.7 as of this morning and the thing about McIntosh County is, with a low population just one or two

cases can make things, you know, swing significantly. So, we are still seeing on-going community transmission in all of the counties in this Circuit. Things are improving in general, but it's still, it's much worse now than it was back in April and May when everybody was all concerned about it. I think one thing that happens is people get used to something and we get COVID fatigue and so we're not quite as concerned about transmission as we were before. There have been a couple of other, other considerations for you guys wearing masks. Is it okay for the Jurors to wear masks, or are you supposed to - - is the defense attorney supposed to be able to see the facial expression of the Juror during testimony? That's a decision that you're going to have to, to make about this, but we know, leaving politics out of it, based on scientific data, masks reduce transmission. They're not perfect but they are very, very good at limiting transmission of COVID virus from one person to another. You're going to be putting more people in a small space than, probably than what most public health and medical professionals would recommend. How, how big is your Jury box going to be? How are you, what kind of separation are you going to be able to get? We went through the same thing looking at the courthouse in Chatham County yesterday. Y'all are going to have six or seven or eight, at least six different courthouses to, you know, to

look at. So, and one thing is to be aware of the ongoing transmission that's out there. The other place that the governor's office wants us to be able to help is in the area of mitigation. My understanding of the Order is that Judge MELTON is not saying can you put together a plan to do this safely? Judge MELTON is saying we're, we need to do this because we have not had trials in six months. So, we need to do it in the best manner possible in your communities. So, that is sort of my takeaway from it. So as far as things that you can do to help mitigate the spread or risk of spread from, if you compel an 86 years old witness to come in who has underlying heart disease, I mean, you know you've got to think about it. So, things that have been talked about, and I'm sure you, you know you guys have looked and seen what other states are doing with plexiglass and barriers and those sorts of things. The most important thing from a medical standpoint is wearing a mask and space. If you wear a clear face shield that protects you from getting splattered in the face, but it doesn't do much of anything to prevent me if I have it from putting it out in the air and potentially giving it to you. Plexiglass is the, you know, the optics of the courtroom. It makes people feel better. If you've got two rows of chairs, Jury, I don't know where you're going to have - - this is the assembly room.

Judge RUSSELL: This is the Jury room.

Doctor DAVIS: Yea. This is the assembly room.

Judge RUSSELL: The Jury assembly room.

Doctor DAVIS: So, if you've got one row up here and one row down here, yes, I would probably want a row of plexiglass so that the person sitting up higher than this person is not breathing or coughing on that person, but can I tell you that that is really going to prevent the spread in that room? No, I can't because, you know, just think about taking a big drag on a cigarette or a pipe and blowing the smoke and watching where the smoke goes. It's not going to go through the plexiglass, but it's going to float around and around and go everywhere. You're going to be able to smell it. Well, this is the same size particles that carry COVID. So, it's not just if you get spit on in the face you know it can, it can drift around in other words. So, again you're going to have to invest in what you do and that's the, the fact of the matter. So, separation, wear masks, physical barriers and people are going to have to be a little closer than you would like for them to be, to be able to be good. In science class, the part of the experiments you call it is the dwell time. How long are you going to have a crowd in the courtroom? The longer you have a crowd in a room breathing community air - the greater the risk of transmission. You must take breaks

every now and then. If you take too many breaks you can't get anything done in the courtroom, but if you don't, then you have people sitting there in masks, and especially if they're wearing an M-95 they're going to be uncomfortable and antsy and not real happy either. So - but, the separation preventing (sic) mingling, limiting, I don't know what you call it when the lawyer comes up and has a sidebar conversation with the judge, you may need to go to another room to do that separated. You know, I don't know about that but just, just kind of all sorts of things, and we can comment on each one. You can look at the physical spaces and see what you can do. They're going to extend some Jury boxes in Chatham County and take up a side of the whole side of the courtroom and then turn the lawyer tables, you know, over on this side. They're going to project something on a screen and try to get as much physical distance as they can between the Jurors. They're going to use two courtrooms for every trial and one of those rooms will be the, what do you call it the lockup where the Jury goes to deliberate? So, they're going to try to have two separate spaces because you can't put fourteen Jurors in a little bitty room and lock them in the room to deliberate. That's not safe. So, there's going to have to be another place so that can happen. That's about all I've got.

Judge RUSSELL: Alright.

Doctor DAVIS: I'm starting to, I'm starting to ramble so - -

Judge RUSSELL: That's a - that's a lot of good ideas, doctor. Has anybody got any questions? Go ahead. Talk, talk loudly.

MALE VOICE: Yes, sir. I'm sorry. Thank you for what you do. We're on those calls all the time, but you did an assessment in Chatham so would you offer to do that for us too?

Doctor DAVIS: Sure.

MALE VOICE: Great. Thank you.

Judge RUSSELL: Thank you. Alright, thank you, doctor.

Doctor DAVIS: My counterpart in Waycross is very willing to participate as well and she's a whole lot smarter than I am, but she's - -

Judge RUSSELL: That's Doctor ROSE MARIE PARKS.

Doctor DAVIS: ROSE MARIE - - ROSE MARIE PARKS and she had a family issue going on today and so I covered for her.

Judge RUSSELL: We appreciate you being here very much.

Judge CHENEY: Thank you, doctor.

Judge ROSE: Thank you.

Judge RUSSELL: As far as general discussion, PAUL, do

you want to say anything?

Judge ROSE: I'll say I'm thinking more and more about retirement every day. I do want to put one fear aside. It's my opinion, it may not be shared by everyone in this room, but I really don't think we're going to have Jury trials until sometime next year. This is a process. It's going to take some time. We are under a deadline from The Supreme Court. They want us to give them our plan by October the 10th, but even if you read through the, the sixth Order extending the statewide judicial emergency, they state specifically that they understand that this isn't going to happen in the next 30 or 60 days and for lack of a better term, I think there's going to be a trial and error period as we go through this process. I think the Grand Jury situation, because it's a smaller number of people, will probably give us a pretty good test case as to how this is going to work out. I've already talked to TOM. Normally we would have twenty-three Grand Jurors. We only have to have sixteen and I'm hoping that maybe we can go forward with as few as maybe eighteen or nineteen Grand Jurors as we reinstitute Grand Juries in the next couple months, but I think the key to this whole thing going forward is going to be public confidence. All of those, all of us who work in the judicial system I mean, we have an obligation to administer the civil and criminal justice

system fairly and impartially, but I think we're, we even have a higher duty to safeguard the public. I think what's going to happen next year when we try to resume juries, people are going to get a summons and they're going to say is it safe for me to go and participate in the process? We have got to make sure that we can convince them or - -or show them that we are serious about safeguarding their health and safety because you're going to have a lot of people in the 60 and above category who are in that, that risk group that they're not going to want to serve. So, when the summonses go out, there's going to have to be some sort of notice that tells them hey we're going to impose these guidelines to ensure your safety and I'm sure there's going to be a lot of phone calls and things of that nature and that's, you know, the other issue is we've got six different counties and this is not a one size fits all. Things that might work in Liberty County are obviously not going to work for JEAN BOLIN down in McIntosh County. There may be situations where we're going to have to find larger buildings to conduct Jury Selection or to have, you know, the large group of Jurors coming in. We're going to have to devise ways to make sure that they're distanced, that they are hopefully wearing a mask and they're complying with all The CDC guidelines, and the guidelines that we've already published that all of you are very

familiar with. So, I think public confidence is going to be an issue. It's going to be difficult to get there and I would just ask that everyone in this room, don't be shy about expressing your opinions. Sheriff TIPPINS, you're in Evans County. You've got a little different situation than we have. All of the counties are unique, but please give us, you know, your best thoughts about what's the best way to go forward and we'll incorporate all of those ideas and hopefully come up with a plan that works for everybody. Thanks for being here.

Judge RUSSELL: GLEN, do you - -JAY?

Judge STEWART: Well, I, I agree - -

Judge RUSSELL: JAY STEWART?

Judge STEWART: JAY STEWART. Thank you. He does this to me everywhere.

Judge CHENEY: I knew you looked familiar.

Judge STEWART: This concept of conveying to the public that it's safe to come to the courthouse is going to be essential on the front end of this. Even to the extent that we may want to look at running something in the legal organ of each county to inform the citizens that we've had this meeting and that we've had the input from the professional medical side and that it's not going to be conducted the way that it has in the past. That we are making changes specifically geared towards keeping

everybody safe and healthy. I think the sooner we get that out and then follow that up when they get a summons with something, and Judge RUSSELL and I have talked about this over the phone this morning. Along the lines of a Jury questionnaire. Have you been exposed? Has anyone from your household been exposed? Those types of questions. Just to convey that your serious about keeping everyone safe and at the same time, conveying to them the seriousness of them serving if they are otherwise able to serve. I know that's a lot to accomplish, but the sooner we can get that message out and confront it, I think we will be better for it.

Judge CHENEY: Well, I'm certainly not going to try and top that, but I think what we (indiscernible) rather than once again how important it is to tell everybody how safe it is and the smaller counties, we need to identify some alternate places to have court. I mean, it's that simple. Evans County, we've got problems. McIntosh County, we've got problems. Long County, we've got problems. I haven't looked at the facility across the street in Long County. I don't know what's done on that, but we've got to have a, we're going to have to have another place. We're going to have to move and that's what the Judges were talking about or we were talking about it upstairs before we came down is how to do that within the

guidelines of having to have court in an official place. It's, if we have it in another place, it's got to be owned by the county or leased by the county. So, if you're looking to identify something in your county, if it isn't owned by the county it's got to be able to be leased by the county and that is because we were talking specifically about like the board of education places. Like when basketball practice is over, we need to roll down there to the gym, something like that and that's some of the things we've got to do. In that regard, if you would look around, especially in small counties, and Bryan is not a small county, but we've got a small facility there. I mean, we don't have any place out there for the public much to sit in and in regular times we generally have plenty. All that would line up around there. Also, right now we're making sure and this - - this is just my own personal thing is that I want to make sure that everybody has the ability to see what we're doing, because the closer we keep something like this, you know there's a - there's a school of thought well if they can't come or it's too full then it's tough. Not mentioning any names, RICHARD DENNY, but I think we can have it at a relatively cheap price, and when I say cheap, I mean cheap. We have the ability to hardwire the network services and stream it out there to them. As a matter of fact, we're streaming right now, not right now, not right

here, but we are. We've got the ability to stream right now and we're doing it in some of the courts, the superior courts right now. I think we should do that because one of the parts, the (Indiscernible) part to making sure they're safe if they can't be there is making sure they know what's going on. Not mentioning any names, PAUL ROSE on that one. But, I think all of this is part of the thing that we can do to ensure confidence and we're doing things, you can see that we're doing things. You can look at it. So, let's make that happen. Identify a place and then our chief technical advisor and his loyal assistant HECTOR DELGADO I think can set up something where we can stream the activities, mundane and boring as they may seem to be.

Judge ROSE: Like the one I had Friday?

Judge CHENEY: Yea. I'll top you, but anyway I think that's one of the things we need to do. One of the things I wanted to ask Doctor DAVIS though is there any kind of canary in the mineshaft here as to the regular flu rolling in? Do we have any forward thinking? Are we going to have a bad flu season? A good flu season? Is there anything that's - - that we can see out there because I see really bad problems if we have a record one.

Doctor DAVIS: Well, so far, I think that's going to depend on our behavior. If you look at what has happened in the southern hemisphere, those countries have a robust

public health system. I don't mean the public health department, but you know they've got medical care and stuff. The countries like New Zealand, Australia, South Africa, Argentina, and Chile, where people are wearing masks, socially distancing, they're doing everything they can not to catch COVID. They have just about wiped out their flu season. The flu virus is not as contagious as is COVID and so if, that's a big if, but if we collectively do those, what I call good level health and hygiene measures and practice, continue to practice them, it may well be that we can limit the burden of influenza significantly. We're also going to have - - I don't know how many gazillion doses of flu vaccines. So, if there was ever a year that you're going to take the flu vaccine, this is probably it because I would not want the two at the same time myself. The good news again is that the same things that we do to prevent COVID are even more effective in preventing influenza.

Judge CHENEY: Thank you, Doctor DAVIS. Thank you.

MR. DENNY: Well, I definitely can't top that. In regard to getting the word out, I can tell you that Chief Justice is working with The State BAR to develop a public service announcement to let the public know that we are starting Grand Jury and Jury trials, which that should assist because that's - - they'll have a wider market and

they've got the money to do it. Anything that you could do locally as far as putting it in the paper, posting it on the outside of the courthouse, putting it on your information board, would be beneficial. So, you're going to have a lot of help once all this starts ramping up. What you're doing right now is really what you need to be doing but think about what you really need to come off with - - come away with here is that you're going to have a lot of little protocols that are going to develop in the one Circuit protocol because every - -every county is different. Every county is going to have to decide okay, so the sheriff in Long County is going to have to figure out okay, so what do I need to do in Long County to protect people coming into the courthouse? Then once they get to the courthouse, what do I need to do to get them where they need to be? So, everybody needs to think about your little piece of the (Indiscernible). The Clerk needs to think about - -okay, so if I've got to send out summons, I need to put a statement on them like Judge ROSE talked about and tell the people that - - alright, you need to attend, you need to abide by these kinds of policies, and this is what we're doing to keep you safe and those kinds of things. So, once they come in then she needs to figure out what she needs to do for COVID for her people. What's she going to do to protect her Clerks? You know, are they going to wear

facemasks? Do they need to have plexiglass around them? Does the judge need to have plexiglass around him? Does the witness need to have plexiglass around them like some of the other courthouses are doing? So, we've got a lot of courthouses throughout the district, 22 counties. So, there's a lot of different policies, but if you all will look at your little piece of what you have to do on court day. If you will develop plans for your little piece of pie, then that will help the judges come up with the big piece that they have to submit. So, you know, what does the public defenders need to do? How are they going to talk to their people, you know, do you need the facemasks? Do you have to have a face shield? What are you going to need to do? The D.A., what's he going to need to do to do his little piece? So, everybody that has a piece, a task to do during a court session, that's what you need to come up with. You need to come up with what do I need to do instead of you trying to think of the big picture just think about your little, your little slice, and then once you can - - once you know how to protect everyone with your slice, then you can pass that on up to them and then they can make the big picture. So, anything that you think for just your piece today, that's what they need to know. How are you going to help protect people, the public in your realm?

Judge RUSSELL: So, RICHARD you've been to other taskforces in the Circuit, in the first judicial district?

MR. DENNY: Yes.

Judge RUSSELL: I know Ogeechee and what maybe Bulloch?

MR. DENNY: Mm-hmm.

Judge RUSSELL: Is there something that they've done that you thought was particularly helpful?

MR. DENNY: Well, exactly what I just explained. They, they basically, each department sets and talks about what - - what do we need to do to keep people safe and then you come back with what your little group needs to do and then you pass it along because there's no way we're going to sit here in this big room and solve the problem with the Jury Selection and having - - having a Grand Jury this afternoon. It's not going to happen.

Judge RUSSELL: No. It's a start.

MR. DENNY: Yea - exactly. So, yea it's easier, and if you just think about what you need to do and with your piece and then let's put it together like a puzzle.

Judge RUSSELL: I guess now thinking about this and how it seems to work that we should probably just go the same way that we did. Judge OSTEEN, do you want to say anything, state court judge?

Judge OSTEEN: Well, I'm not quite sure what I can add

to what's already been said, but, I mean, it's just going to be a concern of just trying to get Jurors to show up. So, I mean, I know when we run our state court now, we can fit 12 people in the courtroom using social distancing. You figure you pick a civil Jury in our court and you've got twelve people. That's your Jury out amongst where the gallery normally sits. So, you've got the issues with the social distancing, but then you've also got to equal that with the access to the public. So, I really don't have anything to add because, I mean, I know we run court now and we can only fit 12 people in the courtroom and that's the size of your Jury.

Judge RUSSELL: Administrator?

MR. TAYLOR: Nothing really to add. It's good to get the input and hear what others are doing. I think with our case in particular, it's supposed to be in an alternate location.

Judge RUSSELL: Yea. We're going to be talking to you about alternate locations, corroborating with you for sure.

MR. TAYLOR: Yes, sir.

Judge RUSSELL: Sheriff TIPPINS, are you back there?

Sheriff TIPPINS: I've got one question, Judge. I mean, we - we were looking at - - KATHY and myself have been looking at other places to go. You said it had to be owned or leased by the county?

Judge CHENEY: Criminal trials.

Sheriff TIPPINS: Criminal trials?

Judge CHENEY: Yes.

Sheriff TIPPINS: What about the Grand Jury?

Judge CHENEY: I, yes.

Sheriff TIPPINS: I was just asking because we've got - - it's owned by The City of Claxton.

Judge CHENEY: Well, they can lease it to the county.

Sheriff TIPPINS: Okay.

Judge RUSSELL: Yea. One dollar a year lease.

Judge CHENEY: You should, you should get a lawyer.

Sheriff TIPPINS: We can only put - - we have 15 in state court today that's scattered around. That's about what we can do. So, we've got to move somewhere. We'll worry about Grand Jury and then start making plans maybe for a Jury trial later.

Judge CHENEY: It specifically says in the guidance from Justice MELTON that it can be owned or leased by the county, and when you're talking, of course the Grand Jury does a lot more than just bring back criminal indictments as y'all know.

Sheriff TIPPINS: Right.

Judge CHENEY: They investigate the condition of the jail; they investigate the county offices and constitutional offices. So, I - - I really, I don't know

if it's exactly addressed just to the Grand Jury, but I'd rather have Grand Jury in some place that was owned or leased by the county, and then the question - - the other question that we - - if everybody can hear me, the other question that came to me on that was there was a case that I'm sure everybody, or some of us are aware of, where they were remodeling the courtroom and the presentments for the Grand Jury were presented to the judge in the hall and it knocked out every case that Grand Jury presented or was trying because it has to be presented in open court. So, I'm saying no matter where that Grand Jury meets, we're going to go back to the open court and you know the bailiff or the Jury foreman is going to present it to the judge in open court. So, they can meet somewhere else and bring it back and present it in open court. I would do that in an abundance because of what happened.

Judge RUSSELL: Sheriff SAPP?

Sheriff SAPP: When we start talking about meeting offsite and somewhere else besides the courthouse, it automatically kicks in that we've got to think about security and sanitizing that venue. We do a lot of sanitizing of our courtrooms now and so those all have to be - - security and sanitizing has to kick in. I'm not sure what the law says about you know carrying firearms and stuff like that. I know there's laws that prevent anybody

from carrying it in the courthouse that has, you know, court going on. So, I'm assuming that in other places that we can make sure we limit that. Security and sanitizing is going to be very crucial in offsite.

Judge STEWART: How many people can you get in the Tattnall County courtroom?

MRS. MULLIGAN: I think 34.

Judge STEWART: Well, that's a good-sized courtroom.

Judge RUSSELL: Yea. Our two best counties are Tattnall and Liberty right now.

Judge STEWART: Yea. So, a lot of this may evolve too around scheduling. When we have Jury Selection, we get to that point, making use of all the courtrooms that we have, so that we can - - if we can get 33 - 34 people in there.

Sheriff SAPP: What we're thinking here in Tattnall is that we've got two courtrooms and maybe y'all can have a panel in one and a panel in the other. I know that will put a burden on y'all and your Court Reporters to move back and two.

Judge STEWART: We'll - we'll work around that.

Sheriff SAPP: But, that may, we may be in a little better shape in Tattnall.

MRS. BLAND: If we use the video system somehow between the courtrooms to,that will help.

Judge STEWART: Yea.

Judge CHENEY: Well, the Chief Judge has got to also designate it as a courthouse too.

MRS. BLAND: Also, the other thing about Jury trials, when that does spring up, I would suggest bringing a Jury for each trial. That will cut down quite a bit on the Jurors coming into the courthouse at one time.

Judge CHENEY: Vaccine - - that's when we're going to have Jury trials again.

MRS. BLAND: Come on vaccine.

JUDGE RUSSELL: TIFFANY?

MRS. SMITH: I'm good. I'm just taking notes right now.

Judge RUSSELL: Alright. Who's that?

MRS. SIMMONS: MELISSA.

Judge RUSSELL: MELISSA POOLE?

MRS. POOLE: So, I don't - - I'm sure I'm not even thinking it all through, but I feel like we can certainly do Grand Juries here in Liberty County. I don't know, I'm just going to suggest saying, do you have symptoms. I don't know, but it's going to come because Jurors being Jurors and needing an excuse not to come. We're going to hear that they couldn't be here. So, it may just be to see how many summons we send out in the first place to even get results but, with four courtrooms and this room, I feel like we can at least impanel a Grand Jury fairly easily and

then use one of the courtrooms to actually present it. The last time I had a team meeting, we had at least four days of averaging about forty presentments a day ready to go. That was about a month ago. So, I mean we're - - it's going to be stacking up and I think that we could here. Long County could use the courtroom right now for Grand Jury anyway. They have enough room for a Grand Jury to come in and listen to us. As far as getting them seated, maybe doing like a rotating - - like bring in ten at nine and do it a day before and then come back to start Grand Jury. Like pick a Grand Jury using like ten come at 9, ten come and ten and I know it's long and a huge pain in the ass, excuse my language, but I feel like that's going to be kind of how we're going to have to do it just to get people seated. Then we can pick a Grand Jury and then bring them back in a week or something like that. That may be more (Indiscernible) in something like Long County where we don't have the space like we do over here.

Judge ROSE: What are your thoughts about a lower number, a smaller number of Grand Jurors? I mean we use- - always have 23.

MRS. POOLE: Right. I mean, you know that would be enough to vote. The problem I found with Liberty County is when you have - - like they're pretty good that first time, but because we have so many, we've been splitting this up.

I mean, I know bigger cities that go every week, but we started doing like kind of one - - the regular Grand Jury we all come and talk to them and we bring them back in three months. The problem we found with bringing them back in three months is that they don't come back. You know, the grand - - the foreperson is not, very rarely (indiscernible) to be here. You know, so kind of, the sheriff wouldn't want to send people out to pick up our Grand Jurors, and I don't want them there after they've been escorted - - escorted by a cop to get there. So, I think that tends to be the only issue, that you don't have the alternates because you know three months out, well, we now have COVID. Maybe we'll just bring them in and then you know, wipe out all the four days of Grand Jury and hope you know, that we don't have to bring them back for anything. I really do think it's going to be hard to get them there as soon as we send out a survey giving them an excuse not to be here. I'm not saying don't do it, I just think that's going to be the reality of the situation.

Judge RUSSELL: I don't think we need 40 people at 9 o'clock in the morning, you know.

MRS. POOLE: Well, I think you might just want to run them through and- -

Judge RUSSELL: 40 cases.

MRS. POOLE: Here, you've got 40 people at 9 in the

morning.

MRS. THOMPSON: Yea. In this room right here, you can have 50.

MRS. POOLE: Yea.

MRS. THOMPSON: And social distance.

MRS. POOLE: It's Long County for me personally because those are the two counties that I'm, that I'm you know, dealing with.

MRS. LONG: It can hold 18 in the gallery.

MRS. POOLE: Right. So, I think that would be more of where you're scheduling - - bring in some at 9, bring in some at 10:30 and you know, hopefully we get it and maybe we can start that afternoon once we get enough for a panel. Get lots of phone numbers and text - - text them to come back and that kind of thing, and hope they come back.

MRS. THOMPSON: Yea. The last Grand Jury we tried it with 16 and we had pretty much, well all of them.

MRS. POOLE: (Indiscernible).

MRS. THOMPSON: Yes. The Jury before - the Grand Jury before this last time we had a problem getting some here.

MRS. POOLE: Yea. We had one day that we couldn't even have Grand Jury because they didn't come back.

Judge RUSSELL: PAIGE MULLIGAN, are you sure you want this job?

MRS. MULLIGAN: They're talking me out of it pretty

quickly.

Judge RUSSELL: Anything you want to say?

MRS. MULLIGAN: What a perfect time to come into it, huh? No, sir. I mean, I think we can make a Grand Jury work, but I'm not sure about the Jury trials. I mean, I know that's - - that's going to take a lot more planning.

Judge RUSSELL: Alright. TOM? TOM DURDEN?

MR. DURDEN: If - yea, PAIGE I think we are just talking about Grand Juries right now. I think Judge ROSE mentioned that. I'm not looking at trial Juries right now until we get something solid with the Grand Juries. MELISSA mentioned perhaps one - -

Judge RUSSELL: TOM, will you walk up here and talk that way?

MR. DURDEN: Sure.

Judge RUSSELL: At least for me, you know.

MRS. POOLE: Well, I think (indiscernible) with the judges you know, there are certain cases, maybe like some of those murder cases that just need to get done.

MRS. SIMMONS: MR. TOM, can you stand by the microphone?

MR. DURDEN: (Complies.)

Judge RUSSELL: I know, MELISSA. I mean - -

MRS. POOLE: Yea. I mean, maybe work on those kind of Jury trials.

Judge RUSSELL: Yea. Well, that's - I think that too, MELISSA. I wasn't really going to comment that much, but we need to just pick one case like that EPTWARND SAUNDERS murder case.

MRS. POOLE: No. We're good on that.

Judge RUSSELL: Maybe just have one case, one Jury, one trial and deal with the most problem cases. Go ahead, TOM.

MRS. DURDEN: That is one suggestion. MELISSA will of course be on top of those when she gets back from sensitivity school. But, in any event, in addition Judge CHENEY, I believe also, well it used to be the rule that if you're going to an alternate site that the county commissioners - - with all the county administrators here, it has to be officially designated as a courthouse annex.

Judge CHENEY: That's true.

MR. DURDEN: By the commissioners just for one thing.

Judge RUSSELL: And the Chief Judge.

Judge CHENEY: The Chief Judge and the county.

MR. DURDEN: Right.

Judge RUSSELL: Yea. And, also maybe a lease or something to - - to (indiscernible).

(Overlapping dialogue Judge CHENEY and Judge RUSSELL.)

MR. DURDEN: What the - - Sheriff SAPP brought this up about the alternate site, the security and about the-

Judge STEWART: Sanitizing.

MR. DURDEN: Sanitizing. I understand the (sic) that's done before court and after court with the cleaning. I have a question for Doctor DAVIS over there. Hasn't there been some change as far as the contact transmission?

Doctor DAVIS: I think that transmission by contact is not proven to be as significant a route of transmission as it was initially feared and so, and we all have our own opinions. If - if I have it and I cough in my hand and shake your hand, yes, you can get it, but you're not hearing about people getting it grocery shopping and picking up things that other people have. That's just really not been happening very much. The recommendations are still that you sanitize high touch areas, a microphone, somebody could be in the witness stand, you know, if there's something there going to be - -

MR. DURDEN: Putting their hands on.

Doctor DAVIS: When you take (indiscernible) you're going to want to wipe that down and - - absolutely yes.

MR. DURDEN: Let me say this, and, RICHARD, you mentioned everybody taking their piece. I guess from my office, we've got a whole pie because we will have a Grand Jury in every county regardless of whether to - - all terms aside or what. I've talked with some of the Judges about that. We are flexible enough if we're talking about

deciding Grand Juries, if we're talking about the number of cases, restricting the number of cases to a certain amount. However, we can - - we are flexible enough to roll into whatever plan for that county. I just want to say one other thing, this is my 38th year or 37th year of doing this. The counties are different as far as the makeup of the population. In Liberty County as far as being related, because we have to qualify the Grand Jurors as being related within certain degrees of kindred to witnesses or things like that before they can sit on a case, and you're going to run into that more in, let's say Long County or Evans County so we might need to keep that in mind when we're talking about how many people to bring in that might be excused. In Liberty County for example, it's probably not that much of a problem. It's probably not that much of a problem in Bryan County. When you get down to the smaller populated counties you - you will run into that and that's just something to keep in mind. What I wanted to say basically was that each of our trial teams for those of you that may not know, we divide our office into three trial teams. MELISSA is in charge of Liberty and Long. I think Judge STEWART mentioned the schedule is going to be important because we have a lot of Non-Jury matters going on that may take up some of your facilities. These are very important also because they're going to involve bond

hearings, preliminary hearings and things like that, but however the best way to do it is, I think we are going to be able to mold and fit with (Indiscernible)I think it will work as far as moving the cases. Judge RUSSELL mentioned that we have 400. That was about four weeks ago. Judge MELTON's office asked us for a count of what we had ready for Grand Jury and that was really about a month ago. It's probably 500. Wouldn't you say, TIFFANY?

MRS. SMITH: It's almost 700 now.

MR. DURDEN: Almost 700.

MRS. SMITH: For the whole Circuit.

MR. DURDEN: For the whole Circuit, all six counties. So, and that, of course we're filing accusations beyond that. So, there's a lot of new cases out there to consider, but we stand ready. If we - - however and whatever input we can give as far as number of cases we can present or this that and the other. Just you know, let us know because we were talking about this thing and it's been coming. Any questions?

Judge RUSSELL: Thanks, TOM.

MR. DURDEN: Thank you.

Judge CHENEY: Thanks, TOM.

Judge RUSSELL: Have you got a question?

MRS. LONG: I do have a question.

Judge RUSSELL: For TOM?

MR. DURDEN: For me?

MRS. LONG: Well, for anybody. My Grand Jury was originally set back in August. Alright, now so we have three months before this well, really more than that in getting to the next term. Are you going to give me a brand-new Grand Jury date or can we just skip to next March until next term?

Judge RUSSELL: I think we can do either one.

Judge CHENEY: I think what we're going to do if we have the ability is call in additional Grand Jurors.

MRS. LONG: Mm-hmm.

Judge CHENEY: Rather than test the waters because like Tattnall is the third week in October and the third week in April. Rather than test the waters as to whether or not we can convene a brand-new Grand Jury against the statutory third week in October, then we just appoint another Grand Jury for the April Grand Jury, which was statutorily formed. Alright, so you can have multiple Grand Juries.

MRS. LONG: Okay.

Judge CHENEY: So, rather than worry about running afoul of that, we've already continued the Grand Juries, or the Chief Justice has, that are already in session, and we just can appoint another Grand Jury for that. I mean, we're going to look into that some more, but you know

that's pretty hard statutorily that you've got to have a new Grand Jury on certain days all through the Circuit. So I feel comfortable appointing another Grand Jury for a Grand Jury that's been continued already.

MRS. LONG: Well, with that being said, I don't know if anybody - - whoever knows this or not or if you do - -

Judge CHENEY: I don't know if I - -

MRS. LONG: We have gone through the process. We've been having court since June. I think and I've been very, very, very meticulous in my cleaning and my social distancing, but as y'all know, I still come up with two positive employees last week which created a problem where we had to have our courthouse cleaned. We had it completely cleaned and sanitized, but I'm still very leery right now because of this, of letting people in. So, personally, and I have spoke with Judge RUSSELL about this, and if y'all are wondering what's going on, BECKY's on the phone over here and I don't know what she's doing.

Judge RUSSELL: Oh, okay. I was wondering what was going on.

MRS. LONG: Personally, I would feel better to wait a while for my stuff to start happening if it's possible. If not, the sheriff has come up - - CRAIG, feel free to jump in at any time. The sheriff has found us an alternate place to go. The gym across the road. Now, I guess with

some of this new information that I've got wrote down here that Judge CHENEY has told us today, we would have to do some other things. So, I guess figure out how to get it leased since it's already the board of education's property.

Judge RUSSELL: That's a minor problem.

Judge CHENEY: Yea. You find it and we'll figure out a way to get it, okay?

MRS. LONG: Alright. You know if that's the case we can have the Jury Selection there, and because of this COVID thing, I've been - - well, even prior to this, in order to get 24 - 23 people there, I'm having to pull 100 names.

MRS. HENDRIX: Yea.

MRS. LONG: That's already now. With this it's probably going to be double that and you know I, without going over and measuring the gym, I have no clue as to how many it will socially distance. I don't know. CRAIG, what do you think?

Sheriff NOBLES: The gym?

MRS. LONG: Yea.

Sheriff NOBLES: I think we will have plenty of room in the gym to social distance with 100 folks to 125 folks. I think we would be good.

MRS. LONG: Okay. It's just - - and that's been I

think, we had a little meeting prior to today, the Clerks did, and that's one of our biggest problems because we are small, Evans is small, McIntosh is small, you know, is finding the alternate place to go, and the gym is available but only a couple of days a week. Because they're having classes in the gym. So, you know it's - - it's, we're going to run into some situations that, I don't know how we're going to solve them, but we will certainly try if that's what y'all want us to do.

Judge RUSSELL: Well, I really don't think we have any choice but to try. Just as MR. DENNY was saying, every county is a different puzzle and if we've got COVID problems in Long County, we can delay Long County. If we've got better space or a better situation in Liberty or Tattnall, we go ahead there and slowly get this thing working again. MRS. HENDRIX?

MRS. HENDRIX: We, the sheriff and I, have already talked and we do have the alternate site, and it will be to to lease it and all of that. When the governor came last week, we - - they had a thing for him and we social distanced 50 people easily. Could have gotten some more in there. So, I know that we could handle getting people there. One of the things about the cleaning that I was just thinking about, it may not be that effective as far as stopping the transmission, but it's going to go a huge way

with the confidence with the people that come in. If they know that we are going above and beyond to clean this, it doesn't matter if it made a difference or not. It's going to make a difference to them to show up thinking that we've done everything we can to clean this place from top to bottom.

Judge RUSSELL: It's pretty impressive when Tattnall County cranks those machines up and hoses the whole courtroom down. It looks good to me. What's your alternative site, MRS. HENDRIX?

MRS. HENDRIX: It is The Veteran's Community Center.

Judge RUSSELL: Say that again?

MRS. HENDRIX: The Veteran's Community Center.

Judge RUSSELL: And is that a county or a - -

MRS. HENDRIX: It's a city, it's owned by The City of Claxton.

Judge RUSSELL: A city. Oh, alright. Thank you.

MRS. HENDRIX: We've already talked to the mayor and he said whatever we need to do. It's available anytime we need it, and there's places we can put even more in - - there's another meeting room behind there that you could probably get, how many, RANDALL, how many can you get in that other room?

Sheriff TIPPINS: I'm sorry, somebody was talking to me.

MRS. HENDRIX: You were talking and not listening. See what I deal with.

Sheriff TIPPINS: (Indiscernible).

MRS. HENDRIX: How many can we get in that other room in The Veteran's Center?

Sheriff TIPPINS: In The Veteran's Center, I would say 30.

MRS. HENDRIX: Okay. So, we could at best we could get 80 people social distanced and I think that would be good for us. Also, as far as letting the public know, RACHEL PURCELL sent me some stuff from - -

Judge RUSSELL: Law clerk for The Atlantic Judicial Circuit located in Evans County.

MRS. HENDRIX: She sent me some paperwork that they are using in The Appalachian Circuit, a questionnaire and also a notice to Grand Jurors that is very good. I made some copies and I can email it to anybody.

Judge RUSSELL: Yea. Let's give them to the Court Reporter.

MRS. HENDRIX: I only brought a couple of copies, but I can - - I can forward this, that's the only other one that I've got. I've got this for anybody that needs it.

MRS. SIMMONS: You gave me two.

MRS. HENDRIX: Oh, excuse me.

MRS. SIMMONS: Thank you.

MRS. HENDRIX: But, I think it's - - if anybody in other counties has the same problem, they don't even open their summonses until they see their name in the paper and then sometimes not even then, but I think the best, I mean, I thought this was pretty comprehensive to send and we didn't have to reinvent the wheel. They've already done that in The Appalachian Circuit. So, I think, I think Evans County, I think, except RANDALL's retiring, so we've got to get on this thing so we can have a Grand Jury before he leaves.

Sheriff TIPPINS: (Indiscernible).

MRS. HENDRIX: But, we'll do everything we can and we're going to be like SHERRY though, we're going to have to summon a good bit of people and we can figure out how we need to do that if we have to summon them on multiple days, we'll do whatever we need to do but we're ready to try.

Judge RUSSELL: Alright, LINDA THOMPSON. LINDA and Sheriff SIKES, thank you very much for the use of this room. LINDA?

MRS. THOMPSON: Thank you, sir. Yea. The Clerks in the Circuit met today at 1:30 and had a discussion and you know, I already knew that we were going to be in Liberty County more fortunate, a better situation than the other counties because in this room right here we can fit 50. And, if y'all are willing to have Jury Selection or do the

Grand Jury here this is our best option because we can only fit twelve in our courtrooms social distancing. Then you have the, the general, in this Georgia Court Reopening Guide, it talks about any persons not wearing a mask should be distanced ten feet. Now, we're going to have some of that, you know, because you're going to have those people coming in that may have a medical situation, what are we going to do about that?

Judge RUSSELL: Let's - well, there's one little phrase that caught my attention and I think it came from Justice MELTON. It says because of intimate contact with Juries, Jurors, and other people, facemasks can be required by the judge, and so I think we can take care of that for bailiffs, deputies providing security, attorneys - again we may have to try to figure out witnesses testifying on the stand and Jurors during voir dire, but we can require ninety-eight percent of the people to wear a mask.

MRS. THOMPSON: Yea. Here in Liberty County in my office just about everybody, I've only had one person that has come in the office that didn't want to wear a mask, but unlike the other counties, we are behind glass. So, we're pretty much protected. We wait on people behind the counter, behind the glass. We no longer go out into the deed room; they're assisted right up front. So, that's provided us protection now. With that being said, the one

person that came in without a mask, you know, he didn't have a health reason. He just refused to put on a mask, but you know, I pick my battles and that wasn't one I was going to have. We were protected. So, you know, I just let it be. Anyway, we helped him, and he went on his way and there was no one else in the office. I just know, you know, that that might come up, but anyways, so you know the Clerks, we have had to do this before the pandemic to get a Jury of 80 here, a Jury panel of 80, we would have to call 400 individuals.

Judge ROSE: How many?

MRS. THOMPSON: 400.

Judge ROSE: 400.

MRS. THOMPSON: So, because they just don't want to show up and you would have people, and we send reminders, we send them a questionnaire that they have to send back to us within five to seven days because y'all realize when we get the Jury list from The STATE we have no phone numbers, no phone numbers. So, we have no contact right off the gate, right out of the gate. So, we have to go back and do research for prior years to see if we have them in there and then if we have a phone number, after we have a questionnaire, you know, and then of course we're limited to who we can, we can't, we can only temporarily (Indiscernible) non-residents or non U. S. citizens. If a

non-resident has moved, if a resident has moved, we can't remove them. They have to come off naturally. They have to go in to change their address on their Georgia driver's license or their driver's license, or either change their voter registration to eventually roll off our Jury pool. So, we have a lot of problems with that. We have a lot of calls, aggravated, we moved, and we already told you this once. Well, you know, if they can get in by the cutoff time then we get that new list by, which is like February or - - or March they're going to come in on our Jury list again in July. So, and we start the whole process all over again. So, we have to reinvent the wheel and have to figure out who is who, prior to (Indiscernible) non-residents or whatever, but we have to send it out, we may know 50 of these are going to be not qualified to serve, but we have to send them out because we can't just take that upon ourselves not to send them out because we already know their non-residents because they could have moved back. You know, I know what The Supreme Court had in mind because people do move, they come and go all the time. So, you know they could have moved back, they could have become a citizen. So, you know, those are the reasons that we have to take into consideration. We've managed to work around that, but we can, during our discussions, we can have - - if you tell us you want 23 Grand Jurors or

according to this Guidelines to Resume Grand Jury Proceedings it says 23 plus 3 alternates, but if y'all tell us y'all want 23 and I feel - - I don't feel comfortable just having 23 here because they can tell you tomorrow that they'll be here, they can tell you today they'll be here tomorrow, but then they don't show up. So, I always like to have a reserve ten or so, so we can have them here. We can have them ready to go. I always call my Jurors in an hour prior to - - to cover, to go over the - - to do the roll call, seat them in order how they need to be seated according to the list, and go through what their expectations for the day, and you know just as far as Grand Jury goes, just kind of ease them down because a lot of them are like nervous and anxious and - so, just kind of give - - because you know when you go through the Grand Jury process it's kind of like really, really, really quick. So, you know, we have books prepared for them of what they need to inspect for that term or offices that may need to - - we elect four and appoint - - reappoint. So, if y'all give us, you know, free range to, I spoke to you a little bit about this. We, the only authority we have to excuse Grand Jurors is if they are not - if they fall under one of those qualifications that will disqualify them. Like if they had held an office within the last two years, an elected office, and those such questions. But, other

than that, we can't excuse them. So, but we can have - -

Judge RUSSELL: To me this is a real important point and I'm not sure if I've got the answer, but I would like to think that we could give you the authority to excuse some of these people.

MRS. THOMPSON: Mm-hmm.

Judge RUSSELL: And, not have people coming in - into the courthouse that you really, truly believe that have moved.

MRS. THOMPSON: Right.

Judge RUSSELL: But - - but, you've got to keep them on the list.

MRS. THOMPSON: I think so.

Judge RUSSELL: Or somebody who says they have COVID. I mean, I think we ought to be able to let your initial screening take care of some of these people.

MRS. THOMPSON: Yes.

Judge RUSSELL: Now, I think 23 that PAUL was talking about, we're still going to have to have more than 23 to get 23.

MRS. THOMPSON: Exactly. So, yea and we always, we have an automated call system that we always do the day before, but we can always, like we have talked earlier, do a somewhat person-to-person screening.

Judge RUSSELL: Yes.

MRS. THOMPSON: Over the phone prior to, because there's nothing more embarrassing than having to have Jury Selection and not having enough because all the time, you have probably 10 or 12 that said they were going to be here and then they're not here, and some that you defer that do show up. Then you know, just problems all around. I think that it is doable in, in all of the counties, the Circuit's Grand Juries. So, like you said, that's a good starting point to kind of get a feel of how this is going to go. I know already just in, in state court, when we had like, I think we only got like, in our Rule 20, like four pleas or something like that, right, Judge OSTEEN?

Judge OSTEEN: Not as many as we hoped.

MRS. THOMPSON: Yea. So, we have a bunch of cases that were moved, but anyway a lot of people are using COVID. So, we're going to have to deal with that so, we're going to have to call extra, extra people.

Judge RUSSELL: We don't want anybody with COVID showing up.

MRS. THOMPSON: So, and you know they, they may not have it today, but you don't know, might not have it next week, but they might have it this week. You just don't know.

Judge RUSSELL: Alright, thank you. IVY?

MRS. SHEPHARD: Thank you, Judge. I just - I

represent The BAR Association. I wanted to kind of look and see what other jurisdictions were doing that have started Jury trials. I know The U. S. District Court has had a couple and the - - it's really detailed what they're having to do and I thought that was important because it's things you don't naturally think of until you get in there and you're like, well here we go. I, one of the big things across the board from other districts and states was assuring the Jury, like Judge ROSE said, on the summons that there are safeguards in place. So, most people I saw were sending out letters letting them know what the procedures were in the courthouse, if there are marked off areas, where to go, where to line up and as well as posting it on their website. So, I think that's a good idea, and then they've got it detailed all the way down to equipment. Do you provide your own mask and things or let people bring them in? Providing hand sanitizing stations outside the courtroom, around the Jury box, their individual paperwork that they use, and then voir dire was a really interesting thing across the board. They have split courtrooms in different areas and going back and forth, putting the court reporters and the judges to work. Then all the way down to - - to evidence you know, the Jury has to go back and deliberate with evidence, photographs and things of that nature. So, how do we do that and protect them from

contact to contact? Some people were just getting multiple pictures and others were provided gloves for Jurors. A big thing I did see was that they are using the protective, the barriers for the Jury, and usually it's the 12 box, and you can do this in McIntosh. We have those extra rows, as long as the courtroom is not full, we can spread our Jury out over there and safeguard them, and then protect the judge and the witness and all of that. Then, The Department of Health consults to come in and see where placement is. IT consults were another thing to come in. I know in McIntosh we don't have the technology that we have here in Liberty for displaying evidence and such (sic) looking into that. Those were just sort of the detailed things that I found other jurisdictions were using.

Judge RUSSELL: Those were some good ideas and things, I think.

Judge ROSE: Thank you.

Judge RUSSELL: GEORGE?

Chief Deputy TREXLER: I'll defer to Judge BOLIN.

Judge RUSSELL: Judge BOLIN?

Chief Deputy TREXLER: (Indiscernible) to some degree, but I, it's doable. There's no doubt about it. We can make it work.

Judge BOLIN: It is doable and we're going to do whatever we've got to do. Grand Jury wise, I think we can

accommodate that between the Grand Jury Room, the juvenile courtroom, and the main courtroom. Jury trials, we're not ready, we're far from being ready on that. The question I have though is, in the event we get Liberty County or Tattnall County going as a model, is there any chance that the smaller counties could use those models and even change venue in an emergency case where a trial is necessary, it's pressing and it has to get done?

Judge RUSSELL: I'm not sure about that, Judge BOLIN without - - the defendant has the right to probably be tried in the county where venue originally was. You know, I'm not sure if we can just make them do that.

Judge BOLIN: Okay.

Judge STEWART: You mean tell the Jury they are going to have to get on a bus and go somewhere else? I am not doing that.

Judge ROSE: Well, venue is constitutional.

Judge CHENEY: Yea.

Judge ROSE: You're treading in dangerous territory when you start - -

Judge RUSSELL: I think we've got to figure out how to do it in our county.

Judge ROSE: Yea.

MRS. SHEPHARD: Judge - -

Judge RUSSELL: Yea, IVY?

MRS. SHEPHARD: I did want to add on MELISSA's issue about, you know, Jurors lying on their return, you know, you have been in contact or whatever.

MRS. POOLE: Lying?

MRS. SHEPHARD: Not lying, but you know, probably- -

MRS. POOLE: Possibly.

MRS. SHEPHARD: -- a cousin may have called yesterday so I've been in contact. A lot of jurisdictions were putting attestation clauses in there.

Judge RUSSELL: I mean, I think if a Juror has some terrible problems about being afraid of COVID and decides to opt out, we should just let them and just - just- -

Judge STEWART: I think (indiscernible).

MRS. POOLE: Well, I think that they all will have that. I mean, honestly.

Judge RUSSELL: I think you should just call more people.

Judge ROSE: A lot, a lot of those here in Hinesville.

Judge RUSSELL: That's the way I think.

MRS. POOLE: They may not have it when they go to Kroger, but they're going to have it when they have Jury Selection.

Judge STEWART: Well, MELISSA here's the other part of that though, we've got a responsibility for the safety of everybody.

Judge RUSSELL: That's right.

Judge STEWART: And, so you have one situation where there's an outbreak because we had a Jury trial or because we had a Grand Jury and then it becomes,what did you do to try to discover what the risks were? You don't have those types of questions being asked, but we've got a problem when there's an outbreak.

MRS. POOLE: Oh, I don't have - I don't have an objection to the questions. I just, the reality that that's going to (indiscernible).

Judge RUSSELL: Well, all I've got to say, if they say they've got COVID or think they've got COVID or they've had COVID, we should just move on to another Juror.

MRS. POOLE: Then that's just, it's just going to have to be a lot of summonses.

Judge STEWART: That's good for any-.

Judge RUSSELL: Well, that's what I said just call more people.

MRS. THOMPSON: It's going to be, Yea.

Judge RUSSELL: And, that's what I think the solution is.

MRS. POOLE: The only (indiscernible) with that is that we won't have enough people show up and that's just going to-.

Judge RUSSELL: Call more people.

MRS. LONG: Well, you know, we ask the questions once they get to the courthouse.

MRS. POOLE: Mm-hmm.

MRS. LONG: We ask them - -

Judge STEWART: Well, it's too late then.

MRS. LONG: But, what I'm saying is they're only coming in one at a time.

Judge CHENEY: Oh, okay.

MRS. LONG: Okay, and we ask the questions, and if they say yes I've been exposed, we send them on their merry way.

Judge RUSSELL: That's what I think should be done.

MRS. SHEPHARD: She sent me on my merry way.

MRS. POOLE: And, they'll tell everybody on the line here's how you get out of this.

Judge RUSSELL: Any-?

MRS. POOLE: I mean, honest I don't object. I understand the need for the questions and I just don't, people don't want to be on Juries and that's just the reality of it.

Judge RUSSELL: Well, MELISSA I - I know, but I mean we can't take the risk.

MRS. POOLE: I'm not saying don't ask questions. I'm just saying we're not going to have enough people.

Judge CHENEY: MELISSA (indiscernible).

Judge RUSSELL: Well, we'll just call, we'll just call more people to get somebody up here.

Judge CHENEY: It killed a probate court judge in Dougherty County, a bailiff and then a bunch of other people. I mean, you can't- -

Judge ROSE: And, it all started with a Jury trial back in March.

Judge CHENEY: Yea. It was a Jury trial where the Juror said she was feeling sick and the judge asked her if she could go another day and it infected the whole room.

Judge RUSSELL: We are - ww will air on the side of caution.

MRS. POOLE: I honestly don't oppose questioning these people. I'm not trying to get, I'm just saying that the reaction when we ask them is that people are going to use it to their advantage.

Judge RUSSELL: Well, they're, if they're going to use it to their advantage, let them have it.

Sheriff SAPP: TOM, what day is that class scheduled?

MR. DURDEN: I'm not sure.

MRS. POOLE: Clearly, I was misunderstood. I just don't think - - I think people are going to get out of Jury trials, I mean (indiscernible).

Judge RUSSELL: Let them get out. If they are willing to do that.

Judge CHENEY: That will be one more for the excuses we've already heard.

Judge RUSSELL: Alright, TINA?

MRS. YOUNG: No, sir. I don't have anything right now.

Judge RUSSELL: TIFFANY?

MRS. SMITH: I'm good.

Judge RUSSELL: RANDALL?

MR. WEILAND: I have a lot, and I don't want to get too far off point, but you know when we started with the COVID restrictions we already had our A.D.R. Program in place. For those of you that may not be familiar, A.D.R. is alternate dispute resolutions which is a method for dissolving a case without it having to go to court. Not so applicable in criminal cases, but with a lot of civil cases it is. Since we started with our COVID concerns, our A.D.R. process has been heavily, heavily utilized. I'm personally mediating four cases a week, and Judge BOLIN is doing a tremendous amount of cases as well. So, I want to just point out that we have alternatives to actually having to come to court. Maybe on a civil Jury trial as opposed to a criminal Jury trial. That's actually been going well. I also want to talk about the website, and for those of you who may be new to this it's atlanticjudicialcircuit, all spelled dot org. That's up and running now. Once we

finish up our COVID files, we'll have a COVID page on our page with every COVID resource that we have. The policy, I think, the questionnaires that we're talking about. The Jurors can be posted on that website as well, and if they want to go there and look at that we can certainly address you know, have a little screening for that for Juries (sic) for Juries to view the website. We have the ability on the website to stream as Judge CHENEY has already alluded to with HECTOR talking about it a lot. Every one of the judges is having to go to live stream hearings. To me, I I don't see why you couldn't put - and, I could be wrong because I'm not an attorney, put Jurors, potential Jurors in here and stream it from upstairs right into this room, or from here, or from the courtroom right into this room with the, with the social distanced group down here. So, when you stream you have a few technical difficulties we need to overcome in the courtroom, but not for the website. The website is setup and able to handle any kind of streaming you want to do to eliminate (sic) crowds into an ordinary courtroom, and we can stream to an alternate location if we need to do that as well.

Judge CHENEY: One of the things about what Judge ROSE and Judge STEWART were talking about is giving the people that are coming in the confidence that we're cleaning. Why don't we take the Long County scrub down and put it on the

site, you know, the internet site and show the people this is how we scrub it down.

Judge ROSE: Certainly.

Judge CHENEY: Well, for any of the counties you know.

(Overlapping dialogue Judge ROSE and Judge CHENEY.)

Judge CHENEY: It really it would be great and they'll think you're doing it all the time. Well, it will show them the things that we're doing.

MRS. POOLE: (Indiscernible).

Judge RUSSELL: I think all of this is good ideas. The comments that PAUL was talking about. I think, I'll start working on it and then get input from everybody else, press releases with pictures, what we're doing, what's going on and send that out to all the newspapers, and I think that's a good idea that's come out of this meeting. RANDALL?

Sheriff TIPPINS: Judge, I - I need to make a phone call on that point. I might ask Doctor DAVIS to talk about that scrubbing procedure. We've had to go through it in the shutdown and about aerial spray verses contact verses whatever, and the fact about how long it takes the virus to die on surfaces. I know we went through that process in the shutdown and had a professional team come in and scrub and he and I had that conversation about aerial verses contact, and pretty much decided if you left the facility

closed long enough, everything would be dead on surface contact. That, in fact, and I'm not (indiscernible) but if you do the aerial, then you've got to do a wipe down and there's a way you can do a wipe down and kill everything on contact anyway. So, I mean, if you would share with us - -

Doctor DAVIS: Yes.

Sheriff TIPPINS: We've had some contact cases and in fact, (Indiscernible)

Doctor DAVIS: I'm not sure what the aerial spray you're using. Is that the hydrogen peroxide thing where they come in and fog the room?

Judge RUSSELL: Sheriff SAPP can answer this probably.

Sheriff TIPPINS: No. This is a chemical with an aerosol. It's in a - a mobile unit that you fog down the whole thing. It turns everything wet. It's just like fifteen gallons of Lysol.

Doctor DAVIS: Okay. I might have to go read about it. I don't know exactly about that. I can't tell you about that one.

Sheriff SAPP: Well, I mean, I think all of that you expressed to me is the one that's wet, you've got to be, you know, concerned about computer screens and everything else in there that you end up going in and wiping down anyway in the end.

Sheriff TIPPINS: We spray down our, you know, our

hand contact and like I said, I don't know like you said - where they're touching it and somebody touching the back of the cloth seat behind it, but we spray down all the tables, hard surfaces. We do avoid computer screens and all that in the Clerks' areas and all that, you know and they, they wipe down their own, but anywhere else in the room where somebody will walk up to the bar and touch the post or any of that area, the doors coming in and out, we spray all of that down. I don't have the name of the chemical, I mean, I would have to provide that to you, but once it sits there, we do it when they go out for lunch and it takes about ten or fifteen minutes for it to dry and then it's just like spraying it with Lysol, you just let it sit there and dry. Then at the end of the court day, we spray again for the next day.

Doctor DAVIS: Alright. In general, that sounds good and I don't think anybody has ever said that as far as COVID to is particularly resistant to disinfectants. So, you know standard disinfectants would work, that is you know they would.

Judge RUSSELL: Alright. BRANDON CLARK?

MR. CLARK: I don't have anything to add right now.

Judge RUSSELL: HECTOR DELGADO?

MR. DELGADO: Nothing to adds, sir.

Judge RUSSELL: Sheriff SIKES?

Sheriff SIKES: I don't have anything to add.

Judge RUSSELL: Sheriff NOBLES?

Sheriff NOBLES: Yes. I've got a couple things. We do have the gymnasium that we can use over in Long County. If the D.A.'s office and any other folks want to look at it and see how we can set it up and arrange it to use for a court setting. We should be able to work that out. What -- a couple of things is, it's like last week we had a hearing over in Long County that had thirty-seven witnesses, and it was a very long drawn out three days. So, we've got witnesses that set there for quite a while and I've been thinking about how we could make it more comfortable for witnesses to wait until it's their time to be called. I thought about the buttons that restaurants use - you know some of these restaurants use these vibrating buttons and they could go back outside and relax a little bit, you know sit around their car or we'll put picnic tables around the courthouse if we need to accommodate them with umbrellas or something to just make it more comfortable.

Judge RUSSELL: Yea.

Sheriff NOBLES: And, then when we need them, we call them, and they come in and we're also limited on space.

Judge RUSSELL: Well, hopefully the attorneys who are having these witnesses subpoenaed can tell them to show up

this day, this time and - and if we have to wait for them - that's fine, but hopefully they will break that up and stagger it between the prosecution, defense, or civil attorneys can do that.

Sheriff NOBLES: Right.

MRS. POOLE: We've been texting people at city court. We tell them to send them back to their cars and then get their phone numbers and then text them when it's their turn.

Judge OSTEEN: Yea. We actually use a Google app in state court.

MRS. POOLE: Yea.

Judge RUSSELL: That's, that's a good idea.

Judge OSTEEN: What we do is we fit twelve defendants in the courtroom, we're actually using the Jury assembly room here as an overflow room. We can have eighty cases and so what we'll do is we'll put twelve in the courtroom and bring forty or fifty here. Once we max out social distancing, and I'll give MINDY credit, she found this Google app and basically as the defendants come in they started here, she'll log them in on the computer that's automatically sent to the solicitor's office. So, they've got a list of those individuals that have checked in. We get their names, we get their cellphone number and once we meet max capacity here, those that come in then we send

those out with the understanding that they'll get a text. They get a little slip from us indicating you're going to get a text and here's the number we're going to text you from because we know we get all of these crazy phone calls from wherever about your car warranty. So, what we do is we give them a slip telling them exactly what number is going to be texting you and then you've got twenty or thirty minutes to get back to the courthouse. Then as the cases - - and then when we get the twelve people out of the courtroom, we send another twelve up, you know. Once we get to a point down here where it's thinned out enough, MINDY with the solicitor's office will actually start sending texts and the people will start trickling back in - and as space becomes available, they go from here to the courtroom. I can get you that information.

Sheriff NOBLES: Well, SHERRY may be doing something like that already. I just, I noticed from a distance that that folks were waiting and it was, which this was an unusual hearing, at best it was unusual, so it did take longer, but the incidental contact with other people with this COVID - - I just had an employee text me and his son was in a classroom with children that has tested positive with COVID. So, we need to, I think we need to ask the question at the bottom maybe, have you been around anyone or family members maybe that's got COVID? With the schools

starting now and the change of the weather, your allergy related illnesses and your COVID related illnesses are similar. I do have another employee now that has COVID that he thought he had allergy issues, but he went ahead and quarantined. But, as those complaints come into me, the way we're handling it is, we go ahead and go home, you know, absolutely go home. The incidental contact in the three-day period where it's not really contagious because this one deputy went Saturday and got tested and he did not have it. He got sick Sunday, went back Monday and tested positive. He thought he picked it up last Thursday. So, anyway it's, it's a complicated animal that we're dealing with, no doubt.

Judge RUSSELL: JOEY, anything else?

MR. BROWN: Judge, no, thank you very much for inviting me and (indiscernible).

Judge RUSSELL: Who - who's that, DENNIS back there, anything?

Captain DAVIS: No. Thank you, sir.

Judge RUSSELL: Anybody else want to say anything they might have thought about? Alright. This is a start and like I said, there is going to be procedures. JESSICA is going to transcribe this. I'll get one to the Judges. We'll study this, we'll come up with a draft proposal and we'll send that out and get your thoughts and comments back

and then we'll draw it up and let's get this box checked and then try to proceed. Baby steps in the safest best way. We've got to do it. We've got to move forward or the pressure cooker is going to blow. Yes sir, sheriff?

Sheriff TIPPINS: What's your idea of having a Grand Jury now?

Judge RUSSELL: I think, my idea and we'll, this is something we're going to discuss as a team, but my idea is that for Tattnall and Liberty should try to do a Grand Jury in late fall of this year. Right before you retire, you'll be in charge of that.

Sheriff TIPPINS: Okay. Well, that's what I wanted to know. I mean, start - we'll start working on that.

Judge RUSSELL: I mean, I'm hearing that, and I believe MRS. BLAND and and MRS. THOMPSON, they're telling me they think they can do this.

MRS. THOMPSON: Yea, but it takes us about six weeks to work that list though.

Judge RUSSELL: I understand. That's maybe late November or the first of December. First of all, we've got to get this protocol done and sent off to The A.O.C. as Justice MELTON told us to do. They're going to post it statewide and so we want a good-looking product and believe me, if Justice MELTON or somebody else has an objection or some thought to it, they will communicate with us. We will

send this off and if it looks solid enough, then we will together as a team and work the puzzle out and try to start off with our two best counties because of the new courthouses in Tattnall and Liberty. Then move to the smaller courthouses, depending on each unique situation. Like if you've got COVID in the courthouse recently, we're just going to wait and if The Clerk of Superior Court has got COVID and other people have been exposed, we're just going to have to wait. So, if RAY SMITH, the Judge of Bryan County has got COVID, we're not going to probably be holding any state court trials with him anytime soon. I know everybody is busy and I know everybody has got lots to do. Thank you so much for your time and we will adjourn this right now. Thank you.

(Proceedings concluded at 4:40 p.m.)

CERTIFICATE OF REPORTER

STATE OF GEORGIA
COUNTY OF Long

I, Jessica M. Simmons, CVR, CCR 5526-7148-4313-6000, being a Certified Court Reporter in and for the State of Georgia at large, certify that the foregoing transcript of the proceedings of September 17th, 2020, held in my presence, is a true, correct and complete transcription of said proceedings.

This certification is expressly withdrawn and denied by the undersigned Certified Court Reporter upon the disassembly or photocopying of the foregoing transcript of the proceedings or any part thereof, including exhibits, unless disassembly or photocopying is executed by the undersigned Certified Court Reporter.

I FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties, nor a relative nor an employee of such attorney or counsel, nor financially interested in the action.

IN WITNESS WHEREOF, I hereby affix my hand and seal on this the 28th day of September, 2020.

Jessica M. Simmons (SEAL)
Jessica M. Simmons, CVR, CCR

COVID-19 SCREENING QUESTIONS FOR POTENTIAL GRAND JURORS

Please circle the appropriate answer or fill in the blank as indicated and return the completed questionnaire to the Clerk of Superior Court within ten (10) days of your scheduled date to report for service.

1. Please provide a mobile phone number which can be used to reach you: _____

2. What is an email address for you which you check regularly? _____

3. Have you or a family member been diagnosed with COVID-19? If yes, indicate the date of diagnosis and whether you or a family member are currently experiencing symptoms.

   YES _____

   NO

4. Are you or a member of your household a "vulnerable person?" If yes, indicate if the vulnerable person is you and/or what family member. See definition below.

   YES _____

   NO

*"**Vulnerable Persons**" are those individuals who are at increased risk for severe illness from the novel coronavirus as currently defined by the Centers for Disease Control and Prevention and the Georgia Department of Public Health as individuals who are over age 60 and individuals with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune systems are compromised by chemotherapy or other treatments for medical conditions."*

5. Within the past ten days, have you experienced symptoms of COVID-19, including: cough, shortness of breath or difficulty breathing, fever above 100.4 degrees or a feeling of feverishness, chills, sore throat, new loss of taste or smell, fatigue, muscle or body aches, headache, congestion or runny nose, nausea or vomiting, or diarrhea? If yes, please list date and the symptoms.

   YES _____

   NO

6. Have you been in contact with someone known to have COVID-19 within the last 14 days?

   YES _____

   NO

7. Do you have children at home who require your direct supervision due to school and/or daycare closings? *Note*: This applies if there is NO ONE else in the household who can provide care during jury service.

YES _____

NO

8. Have you been tested for COVID-19, and what was the date and result of such test?

YES _____

NO

9. Do you feel ill, or have you taken any medication today for the purpose of reducing a fever? If yes, please explain.

YES _____

NO

10. Have you been on an airplane, train, or cruise ship within the last two weeks? If yes, indicate airline, rail line, and/or airline, where you traveled, and what dates.

YES _____

NO

11. Have you traveled out of the country within the last two weeks? If yes, indicate to which country you visited, your method of travel, and what dates.

YES _____

NO

12. Will you be able to wear a mask during Grand Jury proceedings? If no, please explain.

YES

NO _____

For any questions or concerns, please contact the Evans County Clerk of Court office at (912) 739-3868 8 a.m. – 5 p.m. Monday through Friday.

NOTICE TO JURORS

You have been selected to appear as a potential juror before the Honorable Glen A. Cheney for Evans County Grand Jury selection on ????????. Questionnaires are enclosed with your grand jury summons in order to screen for vulnerable persons and those with known COVID-19 risks.

The questionnaires should be completed promptly -- providing a current working telephone/cellphone number -- and returned to the office of the Clerk of the Superior Court in the self addressed stamped envelope provided no later than ?????????.

All potential jurors who have not been excused shall call in 48 hours before the date you have been directed to report in order to confirm that you or a family member are not experiencing any current COVID-19 symptoms and/or to confirm the date and time that you are to report has not been changed.

Our communities have been hit hard by the global pandemic. As the COVID-19 outbreak in Georgia continues, the Atlantic Judicial Circuit is continually working to balance legitimate public health considerations with the necessity to maintain fair and effective administration of justice for citizens and communities within our circuit.

Since the Monday following the first Judicial Emergency Order, put in place by Chief Justice Melton of the Georgia Supreme Court in March of this year, our circuit has been addressing cases. At first, pursuant to the Supreme Court's Judicial Emergency Order, our courts were confined to hearing only emergency civil cases and handling non-jury criminal cases involving incarcerated defendants. However, within weeks, our circuit had the ability to conduct full hearings in person, with appropriate health precautions, or virtually using videoconferencing for the safety of all parties. Since that time, several cases and matters have been addressed within our circuit, which have involved both emergency and non-emergency issues.

All types of cases are being heard and addressed on a daily basis in all of our counties, following the rules and procedures that are set forth in our circuit's own Judicial Emergency Orders.

Bailiffs are screening persons as they enter the courthouse for temperatures. Hand sanitization stations are positioned throughout the courthouse, and masks are provided to those entering the courthouse. In all six counties in our circuit, technology has been installed that allows hearings to be conducted virtually between our court system and the Department of Corrections, as well as many of the local jails throughout the State. This technology has allowed many criminal cases to move forward and be concluded even while in-person proceedings have been limited.

As of September 10, 2020, the Supreme Court has authorized the empaneling of grand juries. To keep everyone safe, the following safety practices will be implemented, based upon guidelines from the Georgia Department of Health and "Guidance for Resuming In-Person Grand Jury Proceedings," developed by the state Judicial COVID-19 Task Force, and approved by the Judicial Council. Our courts will work diligently to keep all individuals who enter our courthouses and courtrooms safe for the public and all court personnel.

• Strict social distancing guidelines will be required (6 feet or greater).

• Large rooms will be used for all proceedings.

• Temperature checks at the door of the courthouse will be performed, with those registering 100.4 or higher being excluded from entering the courthouse.

• All individuals who enter courtrooms, grand jury rooms or jury assembly rooms must wear masks, and witnesses must wear face shields when testifying before grand jurors or before trial jurors in jury trials.

• Arrival times for witnesses and groups of potential jurors will be staggered to prevent large numbers of people entering or gathering at once in the courthouse.

• Technology will be used whenever possible to minimize contact between persons.

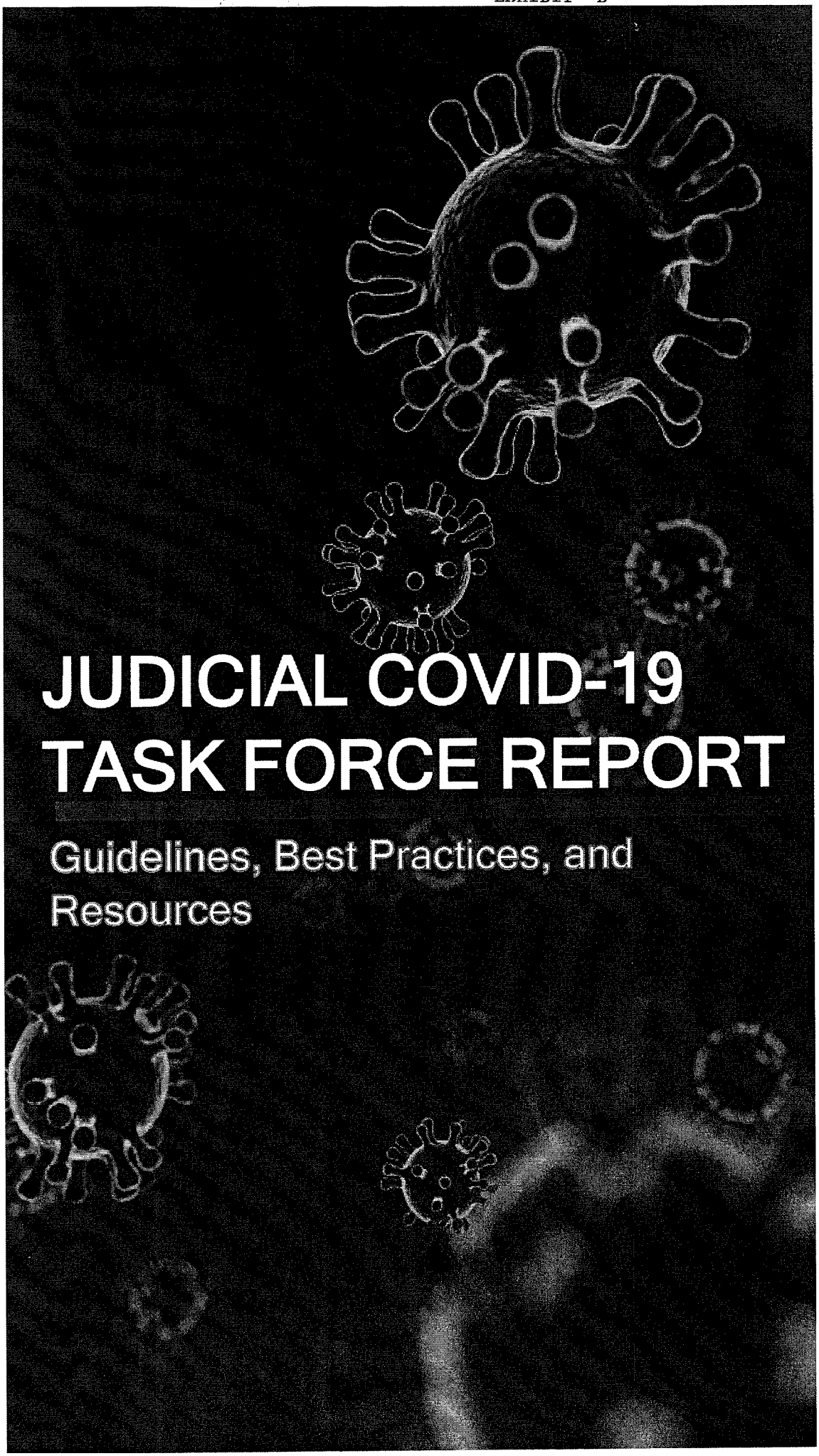
• Use of hand sanitizer is strictly enforced and will be provided when entering courthouse and again when entering courtrooms, grand jury rooms or jury assembly rooms. Hand sanitizer shall be provided at various locations within the courthouse for frequent usage, especially after handling documents.

• Cleaning and disinfection of tabletop surfaces, chairs, witness stand, lectern/podium, and any other common surface area in frequent use shall be performed regularly.

• Food and drink, if provided, will be individually packaged.

If you have any questions or concerns, please call the Evans County Clerk of Court office at (912) 739-3868 between 8 a.m. and 5 p.m. Monday through Friday.

EXHIBIT "B"



JUDICIAL COVID-19 TASK FORCE REPORT

Guidelines, Best Practices, and Resources

JUDICIAL COUNCIL OF GEORGIA
ADMINISTRATIVE OFFICE OF THE COURTS
1973

Judicial Council of Georgia

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

August 14, 2020

Dear Members of the Judiciary:

The landscape in which we operate has been fluid and unpredictable in the months since creating the Judicial COVID-19 Task Force. Given this constant state of flux, it would be nearly impossible to create hard and fast rules – let alone law – that address the ever-changing environment this pandemic has created. That is why creating rules or suggesting laws were not the charge of the Task Force.

This report, "Guidelines, Best Practices, & Resources" is aptly named. It is the work product of many hours of discussion, research, and debate by the Task Force Members. It is the thoughtful culmination of Task Force members considering "What happens when…?" scenarios so we may benefit from their ideas and solutions and spend our time going about the business of the court.

The contents of this report should not be construed or interpreted as having the force and effect of law. Nor it does is supersede any current or future orders or rules. These recommendations represent the best efforts of the Task Force based on a snapshot in time of the best information and data available.

My sincere thanks to Judge Shawn LaGrua for leading this complex project alongside her other considerable duties. I appreciate Judge LaGrua fostering open communication and a collaborative culture – it's reflected in this report. To the Task Force members and advisors, thank you for giving generously of your time and talents for the benefit of Georgia. Your resilience and resourcefulness during this global health crisis is greatly appreciated.

Stay safe and well.

Harold D. Melton
Chief Justice

Table of Contents

Task Force Mission 5
Task Force Members 6
The Importance of the Task Force – Judge Shawn Ellen LaGrua 8

Section 1: Guidelines

Judicial Emergency Orders 10
General Safety 11
General Considerations for All Proceedings 12
- Vulnerable Persons 12
- Self-Represented Vulnerable Persons 13
- Virtual Proceedings 13
- Due Process in Virtual Hearings 14

Access to Justice 15
- Access to Technology Resources 15
- Access to Legal Resources 16

Procedures and Interpreter Protocols 17

Section 2: Best Practices

Criminal Matters **23**
- Grand Juries 23

Civil Matters **25**
- Motions Practice 25
- Depositions 26
- Civil Trial Dockets 26
- Family Law 27
  - Sensitive Issues When Videoconferencing 27
- Alternative Dispute Resolution 28

Criminal and Civil Jury Trials **30**

Juvenile Court **30**
Scheduling Hearings 30
Essential Hearings 30
Non-Essential Hearings 31
Delinquency & CHINS Adjudication 32
In-Person Hearings 32
Probate, Magistrate, and Municipal Court **33**
Arraignments 33
Failures to Appear 34
Filings 34
Probate Court Related Issues 34
Magistrate Court Related Issues 36
Municipal Court Related Issues 37

Section 3: Resources

Georgia Court Reopening Guide 39
Addressing Issues of Language Access and Interpretation 44
Sample Order - Contact During State of Emergency 48
How to Use Zoom in Court 51
Utilizing Videoconferencing in Domestic Litigation 55
Audio and Internet Concerns During Videoconferencing 56
Guidance for Litigants Appearing in Virtual Court 57
Zoom Tutorials and Walkthroughs – Links 59
Sample Order Requiring Videoconference Hearings 62
Tracking Form for Persons Denied Entry 63
List of Subcommittees and Members 64

Published by the Judicial Council of Georgia and the Administrative Office of the Courts in compliance with OCGA § 15-5-24 and by Order of the Supreme Court of Georgia dated June 12, 1978.

Task Force Mission

The Judicial COVID-19 Task Force was established on May 14, 2020, by Chief Justice Harold D. Melton as an ad hoc committee of the Judicial Council with the mission of assisting courts in conducting remote proceedings and restoring more in-court proceedings, including jury trials and grand jury proceedings, during the COVID-19 pandemic. The Task Force includes judges from all classes of court and advisory members from the State Bar of Georgia, Prosecuting Attorneys' Council, Public Defender Council, criminal defense attorneys, civil plaintiff and defense attorneys, court clerks, sheriffs, healthcare professionals, and the general public.

Task Force Members

Judge Shawn Ellen LaGrua, Atlanta Judicial Circuit, Chair
Chief Justice Harold D. Melton, Supreme Court of Georgia
Judge Kenneth B. Hodges III, Court of Appeals of Georgia
Judge Walter Davis, State-wide Business Court
Chief Judge Kathlene Gosselin, Northeastern Judicial Circuit
Chief Judge Russ McClelland, State Court of Forsyth County
Judge Lindsay Burton, Juvenile Court of Hall County
Judge Melanie Bell, Probate Court of Newton County
Chief Judge Brendan F. Murphy, Magistrate Court of Cobb County
Judge Norman Cuadra, Municipal Court of Suwanee
Elizabeth Fite, State Bar of Georgia
Cindy Mason, Clerk of Superior and Juvenile Courts of Columbia County
Cynthia Clanton, Director of the Administrative Office of the Courts
Bryan Webb, Office of the Georgia Attorney General
Doug Ashworth, Director of the Institute of Continuing Judicial Education
Chuck Boring, Director of the Judicial Qualifications Commission
Cathy Vandenberg, Atlanta Legal Aid
Robin Rooks, Georgia Council of Court Administrators
Robert Smith, Prosecuting Attorneys' Council
Jimmonique R.S. Rodgers, Georgia Public Defender Council
Adam Malone, Georgia Trial Lawyers Association
David Nelson, Georgia Defense Lawyers Association
Don Samuel, Georgia Association of Criminal Defense Lawyers
Debra Nesbit, Association County Commissioners of Georgia
William Custer, Georgia Chamber of Commerce Law and Judiciary Committee
Marial Ellis, Georgia Department of Community Health
Phil Sellers, Department of Community Supervision
Terry Norris, Executive Director of the Georgia Sheriffs' Association
Sheila Ross, Prosecuting Attorneys' Council
Michael Lucas, Atlanta Volunteer Lawyers Foundation
Dr. Mark Swancutt, Fulton County Board of Health

Former Task Force Members

Chief Judge Reuben Green, Cobb Judicial Circuit
Kristin Miller, Georgia Department of Public Health

Task Force Staff

Christopher Hansard, Administrative Office of the Courts
Cheryl Karounos, Administrative Office of the Courts

The Task Force members are grateful for the help and input of many judges, attorneys, clerks, court administrators, court professionals, and staff who attended subcommittee meetings and contributed to this report. These influential advisors worked mainly behind the scenes to provide subject matter expertise to Task Force members. Their contributions to this report are invaluable.

The Importance of the Task Force

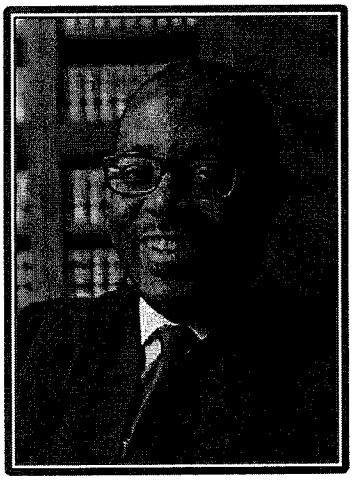
A Letter from Task Force Chair, Judge Shawn Ellen LaGrua

Dear Colleagues and Friends,

I am so honored to have been asked by Chief Justice Harold D. Melton to chair his COVID -19 Task Force. Considering the involvement of attorneys from all sides, health officials, and the JQC, it has been amazing to witness the collegiality, cooperation, and compromise of these individuals, without a single snide remark or rebuke. If attorneys always practiced law this way, we would be better for it. The attached report seeks to guide judges and practitioners as we work in our various professions and fulfill our duties in an unprecedented and challenging time. There are no absolutes, and courts will have to deal with issues as they deem appropriate. However, we hope that these best practices, which were developed by some of the best legal minds from all corners of our profession, will result in efficient and effective litigation. Administering justice during a pandemic will take time, effort, and creative thinking. The Judicial Branch should never be the cause of the unnecessary spread of this horrible virus as we move forward and maintain justice.

I am so grateful to the members of the task force for their hard work and dedication. I would also like to thank Dr. Mark Swancutt for his wise advice and counsel.

The Task Force dedicates this report to the friends and colleagues we have lost during this crisis, notably Judge Horace Johnson of the Alcovy Judicial Circuit and Judge Nancy Stephenson of the Dougherty County Probate Court.



Section 1: Guidelines

The following are guidelines all courts should follow to ensure the safety of participants and staff and the legal rights of litigants. Guidelines in this section include:

Judicial Emergency Orders

General Safety

Sample Safety Guidelines

General Considerations for All Proceedings

Access to Justice

Procedures and Interpreter Protocols

Judicial Emergency Orders

All judges and court personnel must comply with the Emergency Orders issued by the Chief Justice of the Supreme Court of Georgia and the Chief Superior Court Judge of their respective judicial district, including conducting in-person proceedings according to the guidelines outlined in said orders and public health guidance regarding social distancing, maximum group size, and other restrictions and precautions.

Governor Kemp's July 15, 2020, Executive Order "Providing additional guidance for Empowering a Healthy Georgia in response to COVID-19" does not impact the ability of the courts to establish safety protocols and control court operations.

> **ORDERED:** That pursuant to Code Section 38-3-28, other than orders issued pursuant to the authority of Code Section 38-3-60 *et seq.*, any state, county, or municipal law, order, ordinance, rule, or regulation that requires persons to wear face coverings, masks, face shields, or any other Personal Protective Equipment while in places of public accommodation or on public property are suspended to the extent that they are more restrictive than this Executive Order.

The Governor's April 3, 2020, Executive Order "Expanding the definition of Essential Services and clarifying enforcement provisions in Executive Order 04.02.20.01" also recognizes the independence of the Judicial Branch of government.

To the extent portions of courthouse facilities are shared with non-court entities, courts should seek to coordinate on operating guidelines, but courts should ensure that all persons working for the court or attending court proceedings are protected consistent with the most recent Order Extending Declaration of Statewide Judicial Emergency.

General Safety

To ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing the courts, follow the guidelines below.

- All judges and court personnel should use all reasonable efforts to conduct proceedings remotely when lawful and practical to do so.

- Courts should consult with the local health authority for updates and suggestions for their local courts.

- Courts must follow the *Georgia Court Reopening Guide (*Section 3: Resources) on:
    - General Infection Control Measures
    - Providing Notice to the Public of Increased Health and Safety Measures
    - Providing Healthy and Safe Access to the Courtroom
    - Maintaining a Healthy and Safe Courtroom
    - Ensure Healthy and Safe Court Employees, and
    - Ensure Healthy and Safe Inmates and Detainees

- Provide written notice to attorneys, parties, and self-represented parties of the physical procedures and restrictions planned for use during the proceeding.

- Have specially set in-person proceedings, and have informal status conferences to review physical arrangements, scheduling, and coordinating witness appearance, where parties/counsel can sit, where witnesses will testify (if not in the usual location), and where the public can sit or observe the proceedings.

- Determine any special needs of parties, counsel, and other participants before in-person proceedings.

- Coordinate with other courts also conducting business in the courthouse to stagger scheduling of court proceedings to limit the number of persons coming in and out of the courthouse and waiting in common areas like hallways. Stagger hearing times throughout the day to reduce the number of people arriving for a morning or afternoon calendar.

- Consider using alternate locations such as other locations/courtrooms within the courthouse or other county-owned properties (county administration buildings, commissioner meeting rooms, agricultural centers.) Any change of location should be emphasized on the court notice and must comply with any applicable laws about where court can be held such as OCGA §§ 15-6-18 and 38-3-61 (c).

- Before moving court off-site, judges should consult with the Sheriff's Office and ensure the public has access to the venue and adequate security can be provided.

The public, courthouse staff, and attorneys should receive notice of general safety guidelines. Notice methods will vary across the judicial circuits. Whatever the notice method, courts should work to ensure prompt notice.

General Considerations for All Proceedings

Vulnerable Persons

"Vulnerable Persons" are those individuals who are at increased risk for severe illness from the novel coronavirus as currently defined by the Centers for Disease Control and Prevention and the Georgia Department of Public Health as individuals who are over age 60 and individuals with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune systems are compromised by chemotherapy or other treatments for medical conditions, Those persons who live with or care for a vulnerable person may also need accomodations, including alternatives to in-person court appearances and avoiding the need to travel to the courthouse.

Courts or clerks should include information with notices or other communications notifying individuals who are vulnerable persons of the ability to contact the court to identify themselves as a vulnerable individual and to receive accommodations. The court should also post a notice with this information in conspicuous locations around the court building.

Courts should work diligently to eliminate the need for vulnerable persons to attend court in-person. If the courts are unable to make such accommodations, vulnerable persons scheduled for court must be provided masks if they do not have their own, and courts must take additional efforts to reduce their exposure to communicable diseases

to the greatest extent possible. If a continuance is necessary to effectuate such accommodations, courts should grant such a continuance for good cause shown.

Self-Represented Vulnerable Persons

For litigants with counsel, their attorneys will likely have appropriate digital access to assist their clients. For self-represented litigants, courts may need to especially consider if the litigant can participate in court given their access to and experience with technology. Courts may find the following options useful for handling self-represented vulnerable persons.

- Consider placing a physical drop box outside the courthouse, or set up a cloud-based depository, to allow litigants to file documents with the clerk's office without entering the building.

- Consider the feasibility of a Mobile Legal Help Center, which would provide most of the services available in a traditional Help Center, but in a vehicle. A mobile center accommodates litigants who are homebound, disabled, otherwise unhealthy, or who are unable to travel to a courthouse by driving into communities to provide legal services in place of individuals needing to go to a courthouse.

If an attorney is a vulnerable person and has technology access issues, these same guidelines would apply.

Virtual Proceedings

During emergency declarations and even after emergency declarations end, judicial circuits may choose to continue court in-person and remotely as local circumstances allow. Each circuit will recognize that current technological limitations, including the ability of litigants to maintain reliable internet connections, impact courts' ability to conduct virtual proceedings. Therefore,proceedings held in-person while implementing proper social distancing guidelines have advantages.

In-person hearings limit the impact of potential technical issues and generally ensure adherence to the requirements of Uniform Superior Court Rule ("USCR") 22. USE OF ELECTRONIC DEVICES IN COURTROOMS AND RECORDING OF JUDICIAL PROCEEDINGS and the equivalent rules for others classes of courts. For example, in virtual hearings

involving non-jury domestic matters, reliance on a party's affirmation that he or she is adhering to the requirements of USCR 22 may be an insufficient safeguard against unauthorized recording. Additionally, the ability to utilize demonstrative evidence and confront witnesses with documents is sometimes limited or difficult with remote technology.

However, in-person proceedings present challenges as well. Size and configuration of courtrooms, wearing of masks or face shields, and the unwillingness or inability of necessary participants to attend can cause these hearings to be interrupted, disrupted, or delayed. Therefore, a judge must weigh each proceeding's format carefully, considering all these factors, in determining the appropriate manner of hearing.

Due to varying levels of access to technology throughout the state, a single, uniform rule on conducting non-jury proceedings is unfeasible. Several judicial circuits' courthouse staff, attorneys, or defendants lack access to the internet and internet-connected devices. In those circuits, conducting virtual proceedings may not be possible.

Virtual proceedings are time-consuming and pose numerous technological challenges. However, virtual proceedings present the benefit of reducing the risk of COVID-19 transmission. Virtual proceedings reduce in-person court time, providing courts the opportunity to devote more time to handle matters which must be handled in-person.

The judge should provide verbal instructions at the beginning of the proceeding to the parties, participants, and members of the public, reminding them not to record the proceeding, except in accordance with USCR Rule 22 or the equivalent rule of other classes of courts and informing them of the court's method of recording the proceeding.

Provide an announcement on the record that a judicial emergency is in effect because of COVID-19 and explain how the proceeding will occur. The judge should then obtain consent from the parties and counsel to proceed as described.

Due Process in Virtual Hearings

During the virtual proceeding, courts must ensure a method for protecting attorney-client communications. A dedicated phone line or a breakout room that allows the each

party to be able to communicate with his or her attorney privately may accomplish privileged communication needs.

Notice to the public and either streaming the proceeding virtually or having the judge physically present in an open courtroom may satisfy open courtroom requirements. Another option would be to have the information as to a particular judge's proceedings published on a local website with a number for the public to call if they wish to observe. The assigned judge should carefully consider the nature and sensitivity of a proceeding before using livestreaming as a means of ensuring an open courtroom. For example, issues related to family law are particularly sensitive and may be better suited for having the judge physically present in an open courtroom.

Virtual proceedings should be conducted pursuant to the applicable rules of court (as amended) or the current Order Extending Declaration of Statewide Judicial Emergency.

Access to Justice

Access to Technology Resources

To minimize in-person appearances to the greatest extent possible, technology access is essential, including internet access, WiFi, "Zoom" remote meeting technologies, or other such technologies. Access to technology is inequitable, creating a persistent socioeconomic "digital divide." Many Georgians do not have access to the technologies needed to participate in remote proceedings conducted using online videoconferencing or to conduct their court business otherwise online. Access considerations require creative and inclusive practices.

If a litigant has a device but no internet

If a litigant has a computer, laptop, or some other kind of internet-connected device but still needs access to a reliable internet connection, several options exist. Many public libraries, county law libraries, or private businesses offer free WiFi. WiFi should be password protected or via another secure mechanism. For instance, libraries typically require patrons to use their library credentials.

If a litigant has internet but no device

Solutions for this scenario include courthouse "Zoom Rooms," courthouse kiosks, or local community resources. Public libraries, county law libraries, and private businesses may offer a workspace that includes the computer and internet access. Again, WiFi should be password protected or via another secure mechanism. These accommodations may not be appropriate for vulnerable persons.

It may be possible in some areas to establish temporary or mobile internet access facilities.

If a litigant has neither internet nor a device

A phone-based connection (landline, mobile) is an option. The phone does not need to be a "smart" phone.

If none of the above options are available, or in the case of a litigant who is not "tech-savvy," an option is to continue the case until it becomes feasible for the litigant to appear in person at the courthouse.

Access to Legal Resources

Legal information is critical to empower litigants (especially those who are self-represented) to take action in their cases, particularly in circumstances where courts may be operating in-person on a limited basis and court staff may not be as available to the public as they would be during traditional court processes. Court staff may be able to answer questions via an online chat, send people links to legal information resources posted on court websites, or assist in navigating new court processes. Staff will need clear guidance on the difference between legal information and legal advice.

Courts should post information about free access to legal information and legal representation for the indigent.

- Self help resource centers-online/courthouse-based/law library-based/mobile or virtual
- Contact information for Legal Aid offices, community organizations, bar association information, and courts.

GeorgiaLegalAid.org is Georgia's statewide access to justice sponsored self-help website that provides general information, step-by-step interactive guides for court and legal forms, answers to FAQs, educational materials, brochures, and videos on legal issues including family law, public benefits, and housing.

- Include lists of local internet access options (such as courthouse-based/public library and law library-based, private businesses providing secure WiFi or other technology services.)

Procedures and Interpreter Protocols

Guidance for Specific Interpreter Functions, Roles, Responsibilities, and Considerations for Specific Settings

Understanding the interpreters' roles will ensure that courts and interpreters work together cohesively and allow all parties (English speakers, Limited English Participants ("LEP"), and Deaf/Hard of Hearing ("DHH")) to communicate and have access to justice.

Document/Video Translations

- Consider the increased need for the availability of court documents already translated into various languages.
- Ensure planning when sight translations are required.
- If possible, provide documents/videos to the interpreter in advance.
- Consider pre-recording repetitive colloquies or instructions in advance for many spoken languages, especially those played for the audience on video. Make the recordings available on audio/video recording for the LEP parties, and for American Sign Language ("ASL") parties, create a video recording that can be viewed on a tablet, dedicated screen, or shown in an interpreter box or split-screen in conjunction with the main video and ensure it has at least one language subtitled and other written translations available.

In-Person Interpretation

Ensure that new COVID-19 safety policies do not alter the currently required provisions of services when necessary to ensure effective communication by and with LEP or DHH participants (litigants, witnesses, and spectators).

- Although the safest place for the interpreters to work is in their office, a safe alternative must be explored, such as creating a designated space in the courtroom for interpreters and the use of remote interpreting equipment, etc.

- Give the interpreter discretion within the safety parameters to take off his or her mask or wear other alternatives such as face shields. Consider the impact on the interpreter of working for long periods of time with a facemask, including cognitive load and fatigue.

- Participants should be available to pre-conference with the interpreter(s).

- Consider practical guidelines regarding the physical placement of interpreters inside and outside the courtroom. Defer to the interpreter as to the best placement.

- Use face masks and face shields for LEPs and Interpreters. Default to the Interpreter to determine which face mask works best in each setting and allow the interpreter to conference with the LEP/DHH for their preference.

Remote Interpretation

- Create guidelines for technical briefings and pre-sessions with interpreters to make sure that all parties understand the mechanics of participating in remote proceedings. Include techniques to control turn-taking and requests for repetitions or clarifications.

- Create uniform communication guidelines between all parties to address the process for swearing-in, interpreter interventions on the record, and handling video or audio lags, etc.

- Create guidelines for maintaining confidentiality and protecting privilege during remote proceedings and consider conflicts of the interpreters for multi-role work.

- Ensure that the record reflects whenever an interpreter appears remotely via telephone or videoconferencing.

- Identify in advance and have all parties understand possible impediments to the performance by interpreters during remote interpreting sessions.

- Defer to interpreter to determine the best mode of interpretation for remote proceedings and the most appropriate mode of interpreting within a given platform (consecutive interpretation, simultaneous interpretation, or sight translation); ensuring that suitably qualified interpreters will use existing best practices to measure decisions which may conflict with current situational demands.

- Parties should be willing to share court documents, direct and cross-examination questions, and topics of questioning with interpreters in advance of the proceeding.

- Training for stakeholders and participants: judges, attorneys, clerks, stakeholders

- The angle of cameras and lighting: some participants may be difficult to see in the video due to improper angles or lighting, which may be perceived as inadequate preparation for the proceeding. Proper camera angles and proper lighting helps participants be recognized as more professional and comfortable with video settings.

- Muting/Unmuting: Parties need to unmute/mute their microphones as necessary during video proceedings. Parties may mute when they do not have to speak continually. Background noise can also be an issue when a party has not muted his or her microphone.

- Consider how the visual backgrounds of all participants can be just as distracting to DHH participants as background noise is to hearing participants.

- An echo in the speaker's voice can occur when the volume of the participants' speakers is too high, making it very confusing for the interpreter to understand the message.

- When DHH individuals connect via telephones they are holding in their hands, the phone can be an obstruction to communication. Work with the interpreter to determine the best ways to resolve these issues.

- Guide LEP/DHH individuals regarding how technology may influence the interpreted message, including but not limited to bandwidth, holding the phone or tablet in your hand, the angle of the camera, and lighting.

- Often, LEPs need guidance through the initial connection process. Parties ideally could coordinate in advance having a bilingual staff member or the interpreter contact the LEP via phone to guide the LEP in the connection process. Although outside the role of the interpreter, this might be the critical step that will allow the LEP to attend.

- Give the Interpreter time to conference with LEP/DHH individuals on the best processes for access to the hearing and the interpreter, i.e., pinning the interpreter, backgrounds, etc.

- Avoid utilizing services known to be unfriendly or ineffective to users, even when those platforms are free of cost.

- Provide a breakout room for interpreters to address issues for sidebar when appropriate.

Hybrid Modality of Interpretation

To achieve effective and efficient communication between LEP parties/individuals and the court, even more advanced coordination will be required before the beginning of the proceedings.

Courts should consider several issues when using a hybrid approach, depending on which individuals are remote and which are present. Having the LEP individual present in the courtroom while the interpreter is remote, having the interpreter present in the courtroom while the LEP individual is remote, or having the non-LEP party present while the LEP party is remote, all require different considerations for effective communication.

If proceedings are held utilizing a hybrid approach, avoid having the interpreter remote while the LEP/DHH individuals are present in the courtroom with other people.

Section 2: Best Practices

The following are best practices for different types of court cases and scenarios that may be useful depending on local circumstances. Courts are encouraged to implement them as practicable as possible, keeping in mind the guidelines above. Topics in this section include:

Criminal Matters

Civil Matters

Alternative Dispute Resolution

Criminal and Civil Jury Trials

Juvenile Court

Probate, Magistrate, and Municipal Courts

Criminal Matters

Courts will continue to use and increase the use of technology to conduct remote judicial proceedings as a preferred alternative to in-person proceedings, both to ensure that essential court functions are continued and to conduct non-essential proceedings to limit the backlog of such matters when the judicial emergency is terminated

Courts will also conduct essential and non-essential in-person judicial proceedings, but only in compliance with public health guidance and with the requirement of the United States and Georgia constitutions and applicable statutes and court rules, including the public's right of access to judicial proceedings and a criminal defendant's rights to confrontation and open courtrooms.

Grand Juries

The Judicial COVID-19 Task Force continues to work on more detailed guidance for conducting grand jury proceedings, including the possibility for remote grand jury proceedings and grand jury selection.

- To the extent that the emergency order authorizes in-person meetings of a grand jury: All members of the grand jury should be seated a minimum of six feet away from any other person, including the District Attorney and witness. Most existing grand jury rooms will not allow for such spacing, so the courts should consider other locations in the courthouse and other county buildings where the distancing requirements can be accomplished while maintaining the statutory secrecy required of grand jury proceedings.

- Due to the intimate nature of grand jury presentations and deliberations, each grand juror, witness, and the District Attorney should wear a mask or other face-covering at all times while the grand jury is meeting.

- Witnesses should be scheduled to arrive at staggered times to discourage the practice of waiting together in a witness room where social distancing would be challenging to maintain. Witnesses should be encouraged to leave upon the completion of testimony and avoid congregating in hallways or other public areas.

- District Attorneys or their designated staff should educate law enforcement and witnesses prior to the grand jury meeting about staggered arrival times and the need to be on time for their presentation to the grand jury.

- When showing evidence, if possible, technology should be utilized to avoid passing evidence between the grand jurors. When evidence must be passed between the grand jurors, gloves and hand sanitizer should be made available.

- Counties should consider utilizing concurrent grand juries pursuant to OCGA §15-12-63. This will allow the grand jury to meet more frequently without further hardship to those who are working and allow a more expedient resolution of any backlogs caused by the judicial emergency. Furthermore, if a member of one of the grand juries should test positive for COVID-19 and that grand jury is required to stop meeting for a period of time, the concurrent grand jury will be able to continue deliberating on cases.

- Grand juries are required to inspect the offices of the Clerk of Superior Court, District Attorney, Probate Court, and Tax Commissioner once every three years. OCGA §15-12-71. If no inspection is required in 2020, grand juries are encouraged to allow their successors to conduct those inspections in the next calendar year. If an inspection is required during this calendar year, the grand jury should, if possible, utilize technology to conduct the inspection. If the inspection must be conducted in person, all guidelines of the CDC, Georgia Department of Public Health ("DPH", and local public health departments should be followed.

- Grand juries are required to inspect the county jail every year. OCGA §§15-12-71, 15-12-78. If the grand jury did not inspect the county jail prior to the judicial emergency, technology should be utilized to complete the inspection, if possible. If the inspection must be conducted in person, all guidelines of the CDC DPH, and local public health departments should be followed.

- Grand juries are permitted, when necessary, to inspect or investigate any county office or building. OCGA §15-12-71. If a grand jury determines that such an inspection or investigation is required, the grand jury should, if possible, utilize technology to conduct the inspection. If the inspection must be conducted in person, all guidelines of the CDC, DPH, and local public health departments should be followed.

Arraignment

When appropriate, judges should accept waiver of arraignment in writing.

Civil Matters

Motions Practice

For hearings on motions without witnessesjudges are encouraged to:

- Utilize to the greatest extent possible the authority granted pursuant to USCR 9.1 9.2, ora similar rule,to require remote proceedings without the consent of parties/counsel.
- Rule "on the paper" in chambers when possible.
- Use virtual proceedings over in-person hearings.
- Hold a hearing if a party objects to an in-person proceeding.
- USCR 6.4
    - Enforce strict compliance with USCR 6.4 by requiring counsel/parties to "confer" prior to involving the court in a discovery dispute and remind attorneys of their professionalism obligation.
    - Take an active role in assisting attorneys in resolving discovery disputes.

Depositions

Where the parties are unable to reach stipulations or when entering scheduling orders or case management order in appropriate cases, judges are encouraged to adopt the following practices:

- Pursuant to OCGA 9-11-30(b)(4), a deposition may be taken by telephone or other remote electronic means by order of this Court.
- Absent a showing of good cause, telephone or other remote electronic means depositions should be permitted. Refusing to participate in an electronic means deposition (such as via Zoom or a similar platform) standing alone is not good cause.

- Except as otherwise provided, the rules governing the practice, procedures, and use of depositions apply to remote electronic-means depositions.

Nothing in this these best practices should compel any party's physical attendance or prohibit any party from physically attending and being present with the deponent during the deposition, at that party's expense, provided, however, that a party attending a deposition should give written notice of that party's intention to appear at the deposition to all other parties within a reasonable time prior to the deposition.

If a witness objects to an in-person deposition because of valid concerns over COVID-19, counsel should attempt to reach a reasonable accommodation to include an agreed-upon location where social distancing and compliance with prevailing public health guidelines can be maintained, or if unable to resolve the valid concern of the witness by agreement, counsel should proceed with a remote electronic-means deposition.

- The court reporter may administer the oath remotely.
- Any exhibits or other demonstrative evidence to be presented to the deponent by any party at a remote electronic-means deposition must be visible to all participants. Parties are encouraged to provide exhibits to the officer administering the oath and all other parties within a reasonable period prior to the deposition when possible.
- No recording of a remote electronic-means deposition should be made other than the recording disclosed in the notice of deposition or by explicit agreement of counsel on the record.

Civil Trial Dockets

- Discourage mass calendar calls for trial announcements, etc.
- Allow written announcements by email, letter, or pleading.
- Space out trial dates.
- Schedule in-person appearance at specific times to comply with social distancing and other public health guidelines in effect.
- Conduct a virtual or telephonic pre-trial conference in all cases after the initial discovery period and enter scheduling orders, including trial dates, if possible.
- Cooperate with scheduling in-person hearings and in-person appearances so that resources of the courthouse are not overburdened.

- Conduct pre-trial status conferences remotely by video or telephone.
- Bench trials may be conducted remotely with the consent of the parties pursuant to the rules and the most recent Order Extending Declaration of Statewide Judicial Emergency. Courts should encourage and allow bench trials to be conducted when the parties consent.

When trials resume, it may be advisable that, those matters currently scheduled ("Pending Trials") should be taken up first, and to the extent an opening occurs because of a continuance or settlement, the trials which were continued as a result of the COVID-19 pandemic ("Continued Trials") should be taken up as the trial court's calendar allows. Witnesses (both lay and expert) should be advised to be available during those timeframes, and counsel/litigants should be preparing for trial with reasonable expectation that their matters will only be continued in the event a court will not be able to move forward with civil jury trials because of public safety guidelines.

While Continued Trials should be reset as soon as practicable, forcing a hard reset on all trial dates will result in far more disruption than maintaining Pending Trials and using Continued Trials as a back-up. Continued Trials become the first back-up to Pending Trials. A trial court may have already reset a Continued Trial. Courts should not continue Pending Trials in favor of those Continued Trials.

Family Law

Sensitive Issues to Consider When Video Conferencing

Unfortunately, due to the almost universal recent adoption of videoconferencing across the world, it does not appear that any group has published best practices or guidelines on how to protect sensitive information in virtual proceedings. Virtually all information related to videoconferencing internationally or locally at the state and federal level has focused solely on making sure those using the technology know how to use it to participate in their respective hearings properly. Family law is more likely to deal with the following sensitive issues, and therefore, a greater level of care should be taken when considering virtual hearings, including:

- Mental health and substance abuse allegations and diagnoses,
- Confidential and private financial information and proprietary business information,
- Potential for identity fraud given the evidence presented, and

- Potential for bullying/harassment during a remote video hearing.
- Testimony involving minor children, including Guardian ad Litem reports.
- Testimony regarding allegations of abuse.

Before closing any proceeding or part of a proceeding to the public, a judge should apply the four-part test outlined by *Waller v. Georgia*, 467 U. S. 39, 48 (1984), including making findings on the record.

Alternative Dispute Resolution

The use of dispute resolution processes is an effective means for helping the judiciary utilize its resources more efficiently. While most court case management plans include a dispute resolution process, courts may want to consider expanding its use to offer litigants additional options for resolving their dispute. Using a layered Alternative Dispute Resolution ("ADR") approach would allow courts to provide such options throughout the entirety of a case, thereby increasing litigants' access to justice, reducing delay, and generally increasing availability through which disputes can be resolved. Virtual platforms, such as Zoom and WebEx, may also be used to create a safe environment for all parties, especially in sensitive or high-conflict cases. The Commission on Dispute Resolution supports and encourages the use of video technology to allow parties, attorneys, and representatives to appear remotely for a dispute resolution session.

- Encourage all forms of ADR, especially virtual mediation, and consider requiring mediation in all pending cases.
- Strategies for judges and lawyers on how and when to best use ADR.
- Explore non-traditional methods of ADR for certain cases as appropriate.
- Consent of parties required.
- Facts and legal issues have to be appropriate for summary jury trial.
- Lawyers have to trust and respect one another.
- Reluctance to reveal trial strategy and possible impeachment may affect attorneys' willingness to use this form of ADR.

- Judicially hosted mediation or case evaluation via remote videoconference or in-person conference (e.g., Fulton County program).

- Non-binding arbitration – similar to late case evaluation.

Virtual Platform: Encourage remote participation for all dispute resolution processes

- Available resources from the Georgia Office of Dispute Resolution:

    - Video Mediation: A Guide for Parties and Attorneys
    - Video Mediation: A Guide for Mediators
    - Best Practices: Video Mediation in Court ADR Programs
    - Supreme Court ADR Rules, Appendix A, Uniform Rules for Dispute Resolution Programs

Training: Georgia Office of Dispute Resolution is willing to provide training for judges and attorneys to emphasize a new landscape of ADR during and after the pandemic, including: (1) strategies on how and when to best use ADR; (2) best practices for virtual mediation; and (3) how to incorporate a layered approach to ADR in case management plans.

Criminal and Civil Jury Trials

The Judicial COVID-19 Task Force continues to develop guidelines for the resumption of criminal and civil jury trials, including the possibility of conducting certain jury proceedings virtually. Sufficient guidance will be provided separately in advance of summoning jurors.

Juvenile Court

Scheduling Hearings

The following court schedules are established to reduce occupancy in court buildings. Juvenile Court will follow Uniform Juvenile Court Rules 12.1 and 12.2 when conducting hearings by phone or videoconference. Pursuant to the Order Extending Declaration of Statewide Judicial Emergency, the Court may compel participation by the parties in certain judicial proceedings via remote video hearings. In the event a party is unable to participate in a video hearing, said party or counsel for said party should contact the Clerk of Court or such other court personnel as may later be designated by the court to make alternate arrangements for participation.

Until such time as full in-person courtroom hearings recommence, the court should follow these protocols:

Essential Hearings

Essential hearings are subject to interpretation; however, some matters that fall into the essential function category are, at a minimum:

- Where an immediate liberty or safety concern is present, requiring the attention of the court as soon as the court is available, and
- Juvenile court delinquency detention hearings and emergency removal matters.

Factors that could be considered in determining whether a hearing is essential are:

- Whether or not there has been a finding after a preliminary hearing or waiver thereof for a child who has been removed from the home into foster care or detention;

- Whether or not there has been an adjudication of delinquency for a child who remains detained after a detention hearing or a waiver thereof;

- Whether or not any party has filed a petition or motion requesting an immediate change in a child's custodian/guardianship circumstances.

As to essential hearings, the same should be scheduled under the standard rules existing in the provisions of Chapter 11 of Title 15 of of the Official Code of Georgia Annotated except that, at the court's discretion, said hearings may be held via videoconferencing so long as said hearing(s) comport with due process of law and other legal requirements.

Non-Essential Hearings

Non-essential hearings should be scheduled using the timelines established by the provisions of Chapter 11 of Title 15 of the Official Code of Georgia Annotated and the tolling periods in the Judicial Emergency Orders AND SHOULD BE SCHEDULED AS REMOTE VIDEO HEARINGS when practical to do so.

A "calendar call" may be conducted by the court and further direction given as to times assigned per case or the Clerk of Court or such other designated court personnel should assign specific times to each case and notify all attorneys, CASA, probation, and self-represented litigants. Attorneys should provide all videoconference information to their clients and witnesses.

If any litigant does not have access to the technology necessary to participate in a videoconference, the court should direct the self-represented litigant or their attorney to contact the assigned clerk or other designated court personnel and alternate arrangements should be made to allow the litigant to participate in the hearing. If granting a continuance is necessary to effectuate alternative arrangements, the court should grant such a continuance for good cause shown.

Each court should develop and provide written instructions to attorneys and self-represented litigants on how videoconference hearings will be conducted, along with the virtual location of said hearing.

Delinquency and CHINS Adjudication

All delinquency and Child in Need of Services ("CHINS") adjudication hearings and contempt matters should be held in-person unless said in-person requirement is waived by the parties.

In each case where a delinquency or CHINS adjudication hearing or a contempt matter is required, the court should inquire of the parties whether they are amenable to conducting a videoconference hearing. If the parties do not desire to do so, the court may, at the court's discretion, enter an order in any individual case requiring that the time requirements set forth under the provisions of Chapter 11 of Title 15 of the Official Code of Georgia Annotated be instituted and, thereafter, schedule an in-person hearing following the guidelines and directives set forth herein. Alternatively, the court may continue the matter until after the Judicial Emergency Order terminates.

In-Person Hearings

When conducting in-person hearings, Courts must follow the *Georgia Court Reopening Guide* to ensure the safety of staff and all participants.

Access for public: The court should ensure that the public has access to view all hearings that are open to the public pursuant to OCGA § 15-11-700. Should said access be restricted to internet access only, the court should adhere to the notice and procedure requirements set forth in Amended Uniform Juvenile Court Rule 12.2 (e)(4).

Recording of hearings: Regardless of the method of hearing, Uniform Juvenile Court Rule 13 should apply.

Uniform Juvenile Court Rule 12.2 should be followed when conducting videoconference hearings. Courts should ensure confidential attorney-client communications are possible so that clients and attorneys have a private means of communication when in different locations.

For all hearings in which the parties consent to having the matter heard via videoconference, the consent should be made on the record.

Probate, Magistrate, and Municipal Courts

Arraignments

- Utilize written waivers of arraignment whenever practical and allow attorneys to waive via mail or electronic means.
- Coordinate with other judges and courts to avoid scheduling extensive in-person proceedings at the same time.
- When defendants must be physically present, schedule small numbers to appear at a specific time depending on the size of the courtroom and the public health requirements in effect. Stagger the schedule at intervals throughout the day.
- Consider the use of plexiglass barriers in front of the bench, the court reporter, and other in-court staff when six feet of distancing cannot be maintained.
- Mark the seating locations for social distancing or remove seating to require social distancing.
- Allow the first individuals who appear to enter the courtroom until the maximum recommended persons for a room of that size is reached. As others arrive, they will sign in, leave their phone number, and return to their cars and await a text message telling them to report back as space becomes available in the courtroom. (Text messaging apps used by restaurants and health care providers are available at different price points.)
- Provide a copy of the waiver of arraignment on the court's website for the defendant to review.
- Provide a procedure for signing of forms; only forms that are essential should be signed by defendants. If forms are to be signed, provide pens for each person to use and keep or clean each pen after use. The judge could also obtain consent to sign on the defendant's behalf, if appropriate.
- Conduct video arraignments if appropriate. The notice to the defendant could include a statement that they can opt to handle their arraignment via videoconference. The defendant needs to provide an address and be willing to

download the necessary videoconference app. The defendant also needs to be given a date and time to join the meeting. You may have several arraignments at one time in one video "meeting." Video meeting times could be staggered throughout the day in the same manner as in-person meetings.

- Accommodate individuals in high-risk categories.

Failures to Appear

- Provide additional notices and opportunities to appear for first time "no shows."
- Collect contact information when parties are prohibited from entering the courthouse due to COVID-19 symptoms or exposure. (See *Tracking Form for Persons Denied Entry Due to COVID-19 Guidelines* in Section 3.)

Filings

- Encourage parties to use online filing when not required to do so.
- Encourage courts to contact vendors to determine if fees could be waived for indigent parties.
- Make space available to maintain social distancing while completing the paperwork. Any pens or clipboards used by a member of the public should be sanitized before another member of the public uses the same objects.

Probate Court Related Issues

Courts should continue to give oaths remotely via videoconference whenever possible by adhering to the following best practices:

- Make a record by recording the proceeding. Begin by stating the case and the purpose of the video and record the giving and signing of the oath.
- Conduct remote oaths by videoconference only, NOT over the telephone.
- Email the oath to the individual receiving the oath prior to administering the oath on video.

- Ask for the names of those present and ask to see the photo identification of the person taking the oath on video.
- Give the oath on video.
- Watch the individual sign the oath form during the videoconference.
- Instruct the individual to send the original, signed oath back to the court.
- Save the video.
- Have the court personnel who administered the oath sign the original oath when it is received.

Courts should make guardianship and conservatorship proceedings a priority. Consideration should be given to the following:

- Courts should begin scheduling guardianship/conservatorship proceedings that must be conducted in-person, but whenever possible, courts should continue to conduct all matters via videoconference that can be handled remotely.
- Courts should utilize telephone status conferences to determine the logistics for in-person hearings, including the number of witnesses, accommodations for vulnerable parties or witnesses, video testimony, or video access to the hearing. Courts should review all guardianships and conservatorships for which annual reporting requirements have not been met during the judicial emergency. Courts should send reminders regarding annual returns, personal status reports, inventories, and asset management plans to Guardians and Conservators with language lifting the tolling of deadlines on these matters.
- Courts should carefully screen all annual reporting documents and issue citations to those which indicate or show evidence of misuse of funds.
- Courts should make preparations to address temporary minor guardianships with consideration of the start of school.
- Courts should process uncontested matters during the remaining judicial emergency.

- Courts should make preparations to hold hearings on temporary guardianship cases where hearings will be needed as soon as practical.

- Courts should continue to utilize the precautions previously established in issuing marriage licenses, including the following:

- Require applicants to make appointments to minimize the number of people in the office at one time.

- Require applicants to wear facemasks.

- Limit appointments to the applicants only, without any other family or friends present during the application process.

- Screen applicants at exterior doors, when possible, but allow access to the office as necessary and appropriate.

- Issue marriage licenses to in-state and out-of-state applicants as provided by law.

Courts should continue to process weapons carry applications in accordance with Georgia Law and with the memos issued by the Council of Probate Judges on April 24, 2020, and May 7, 2020.

Magistrate Court Related Issues

Courts should consider clearly informing each litigant of his or her new specific deadline. Merely providing a blanket statement that a defendant has a certain number of days from service to respond may be inaccurate if a case was served immediately before or during the period of judicial emergency. This case-specific information can be communicated through the summons or a supplemental notice.

Beyond communicating specific deadlines and court dates, such notice may also include other critical information, such as online filing availability, public health guidance, courthouse entry procedures and requirements, contact information for low-income legal representation options, where to learn more about the CARES Act, and resources for any court-based rental assistance programs that may exist. This information could also be shared on court websites, social media, and other outlets.

In the interest of public health, courts should generously consider initial continuance requests, untimely Answers, and Motions to Set Aside Default based on direct COVID-19 concerns (a litigant or immediate family member's illness or exhibition of symptoms, exposure to an individual with a confirmed or suspected case of COVID-19, etc.). Before entering a default, courts should take particular care to ensure a defendant was not rejected from the courthouse for a COVID-19 related reason, unable to connect to a virtual hearing due to technical difficulties, or made an attempt to contact and notify the court of his or her related absence caused by the above reasons.

Municipal Court Related Issues

Municipal Court staff are reminded to consult the *Georgia Court Reopening Guide* when working with the public (inside or outside the courtroom) to ensure general infection control measures are being taken and policies to support healthy and safe court employees are being followed whenever possible. In addition, individual court's guidelines should be consulted.

Municipal Courts should follow the Council of Municipal Court Judges Best Practices & Guidelines for Operating Municipal Courts During the COVID-19 Recovery.

Section 3: Resources

Georgia Court Reopening Guide

Addressing Issues of Language Access and Interpretation

Sample Order - Contact During State of Emergency

How to Use Zoom in Court

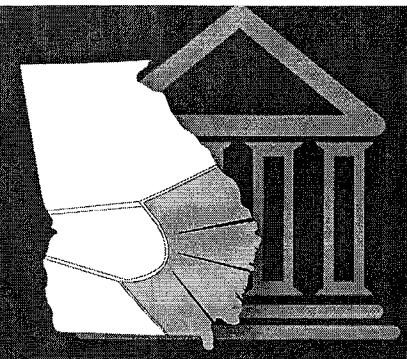
Audio and Internet Concerns During Video Conferencing

Guidance for Litigants Appearing in Virtual Court

Zoom Tutorials and Walkthroughs – Links

Sample Order Requiring Videoconference Hearings

List of Subcommittees and Members



Georgia Court Reopening Guide

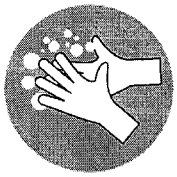
Judicial Council Strategic Plan
Standing Committee

When the courts reopen, certain general practices will need to be followed to ensure the health and safety of both court employees and the public. Due to the wide variety of courts across the State, it is impossible to create a one-size-fits-all COVID-19 policy that will work for both small and larger localities. There are, however, certain general practices that could be applied to all courts and adjusted where necessary to meet the unique needs of each court. The practices presented here are to assist all Georgia courts meet the challenges of resuming operations in the wake of the public health emergency caused by COVID-19.

Guiding Principles

- ☑ Reduce the transmission of COVID-19 among court employees and the public.
- ☑ Maintain healthy court operations and facilities for the public.
- ☑ Maintain a healthy work environment for court employees.
- ☑ Exercise flexibility when applying these guidelines to ensure each litigant receives a fair hearing as required by law.

Table of Contents

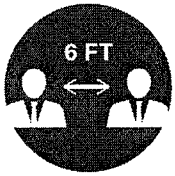
1  **General Infection Control Measures**

2

Provide Notice to the Public of Increased Health and Safety Measures

3 **Provide Healthy and Safe Access to the Courtroom**

4 **Maintain a Healthy and Safe Courtroom**

5 

Healthy and Safe Court Employees

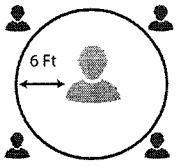
6 **Healthy and Safe Jurors and Potential Jurors**

7 **Healthy and Safe Inmates and Detainees**

Special thanks to Dr. Mark Swancutt, Fulton County Board of Health

1 General Infection Control Measures

Require all employees and the public to wear a mask or face covering when entering the court facility. If possible, provide a mask to employees and members of the public seeking entry who do not have one.



Limit room capacity throughout the court facility. Calculate room capacity using the area of a circle with a radius of six feet, which is equal to approximately 113 square feet per person. Use your best judgment to adjust this calculation to the specific layout of each room and to accommodate cohabitating groups sitting together.

- **Provide the public with access** to handwashing and multiple hand sanitizer stations throughout the facility.
- **Provide signage** to direct the public to bathrooms for handwashing and hand sanitizer stations.
- **Request that housekeeping personnel clean and sanitize bathrooms and other areas** more frequently and adequately to control the transmission of COVID-19.
- **Restrooms should be well-stocked** with soap and paper towels at all times.
- **Post signage limiting restroom capacity** to facilitate social distancing.
- **Prohibit the use** of water fountains.
- **Consider physical barriers** like plexiglass to protect court employees and the public.
- **Permit employees and the public to wear their own protective equipment**, including a face covering.
- **Any person not wearing a mask** should remain at least ten feet away from other people.
- **Ventilation system:** Work with public health to evaluate ventilation needs. The CDC recommends improving central air filtration to a MERV-13 filter or the highest compatible with the filter rack, as well as sealing the edges of the filter to limit bypass.
- **Locate additional space:** Identify other government facility space to provide more room, e.g., commission meeting rooms, jury assembly rooms, auditoriums, etc.
- **Coordinate your efforts** with the other tenants in your building to ensure uniform practices throughout the facility.
- **Isolate persons who become symptomatic** while in the court facility until they are able to leave and remove others from any rooms they have occupied.
- **Consult a public health or medical professional** if you have questions or need help adapting these guidelines to your unique circumstances.

Maintain Safe Behavioral Practices

- ✓ Frequently wash hands or use alcohol-based (at least 60 percent alcohol) hand sanitizer when soap and water are not available.
- ✓ Wear a mask or other face covering. If wearing a mask would negatively impact a litigant's right to a fair hearing, consider transparent face shields, physical distancing, or other infection control measures in consultation with a public health or medical professional.
- ✓ Avoid touching eyes, nose, and mouth.
- ✓ Stay at least six feet (about two arms' length) from other people.
- ✓ Stay home when sick.
- ✓ Clean and disinfect frequently touched objects and surfaces, including door handles, security bins, countertops, public access computers, and seating throughout the facility.

2 Provide Notice to the Public of Increased Health and Safety Measures

Modify the existing hearing notice to include that the court has taken certain health and safety measures to limit the transmission of COVID-19.

2 Continued next page

2 Provide Notice to the Public of Increased Health and Safety Measures continued

Add information to the existing hearing notice about how to contact the court to request a continuance in the event that the noticed party:

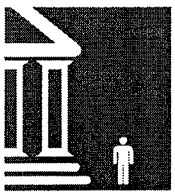
- ✓ Is currently infected with COVID-19 or in quarantine due to exposure to a person with COVID-19.
- ✓ Is a member of an immune-compromised or medically fragile population (or living in a household with someone who is immune-compromised or medically fragile).
- ✓ Is over age 65.
- ✓ Has small children but does not have child care due to COVID-19.

Include information about how to request a reasonable and necessary accommodation in advance of arriving to court, such as an interpreter.

Post adequate signage to provide the public with instructions on how to comply with health and safety measures.

Post signage and floor decals to direct the flow of foot traffic throughout the court facility.

3 Provide Healthy and Safe Access to the Courtroom



SCREENING

Establish a process to screen individuals for COVID-19 before entering the court building and the courtroom.

Ask a series of questions to each individual before or upon entry to the building, such as:

- ? Whether or not they have traveled to or from any areas in which COVID-19 is particularly active.
- ? If they have, within the past ten days, experienced symptoms of COVID-19, including: cough, shortness of breath or difficulty breathing, fever above 100.0 degrees, chills, muscle pain, sore throat, headache, or new loss of taste or smell.
- ? If they have been in contact with someone known to have COVID-19 within the last 14 days.
- ? If they have been tested for the virus and the result of such test.
- ? If possible, take the temperature of each individual seeking to enter the building with a no-contact thermometer and deny entry to anyone with a fever of 100.0 degrees or higher. Persons reporting a fever above 100.0 degrees in the past 72 hours should also be denied entry.
- ? Any person denied entry for health reasons should have his or her case continued and be advised to seek medical evaluation and testing.
- ? The following information should be collected from any person denied entry for health reasons: name, contact information, the court he or she was scheduled to attend and why, and the specific reason for denying entry.

STAGING

Individuals should not congregate in common areas while waiting to access the courtroom.

Design a process to facilitate social distancing while individuals wait to enter the courtroom, such as:

- ☑ Floor or sidewalk markings to keep individuals six feet apart.
- ☑ Outdoor distancing so individuals can spread out.
- ☑ Waiting in cars.
- ☑ Set up a tent where individuals can wait in compliance with social distancing measures.
- ☑ Call or send a text message when it's time to enter the building.

FLOW

Control the route that people will take through your building to access the courtroom to encourage social distancing, such as:

- ☑ Roping or taping off certain seating areas or hallways.
- ☑ Placing arrows on the floors to direct foot traffic.
- ☑ Requiring people to enter through one door and exit through another.
- ☑ Limiting elevator capacity to facilitate social distancing (e.g., two person maximum) and offering the stairs as an alternative route.

4 Maintain a Healthy and Safe Courtroom

Maintain a six foot distance in the courtroom between individuals who do not reside together to facilitate adequate social distancing.

Limit Courtroom Capacity

Do not schedule more individuals to arrive at the courtroom (including staff) than the square footage of the courtroom can accommodate to allow for social distancing.

One way to calculate room capacity is to use the area of a circle with a radius of six feet, which is equal to approximately 113 square feet per person.

Continue to conduct virtual hearings by video conference or teleconferencing whenever possible.

Consider providing a live YouTube, Facebook, Zoom or other link to individuals who want to see what is going on in the courtroom but cannot be present due to room capacity.

Rotate individuals in and out of the courtroom as quickly as possible to limit contact.

Use microphones capable of picking up audio from a safe distance or clean close proximity microphones after each use. Court employees should wear gloves and hold handheld microphones if used.

Limit contact with shared documents and exhibits as much as possible. Present documents and exhibits electronically if possible and appropriate.

Conduct bench conferences in a room that provides for adequate social distancing (defendant may need to waive his or her presence if necessary).

Disinfect the courtroom after each proceeding or as frequently as practicable.

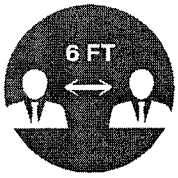
Consider Staggered Scheduling

Under normal circumstances, it is common to have large calendar calls in many courts where many people report at one time.

To maintain adequate social distancing, stagger the arrival of persons participating in proceedings to ensure that a large number of individuals do not arrive at the same time.

For example, if a courtroom can accommodate twelve people, do not schedule your normal 50 person calendar for 8:30 a.m. Rather, schedule the first group of 12 for 8:30 a.m. and the second group of 12 for 10:00 a.m., etc.

5 Healthy and Safe Court Employees



Implement staggered shifts for all court employees and implement teleworking for all possible court employees.

Discourage employees from sharing phones, desks, offices, surfaces, or other equipment.

Provide for adequate spacing between employee workstations to facilitate social distancing.

Provide a separate entrance to the court facility for employees, if possible.

If six feet of separation is not possible, consider options like plexiglass barriers and frequently disinfecting shared surfaces, such as table tops, door knobs, elevator buttons, pens, security bins, etc.

Require all employees to wear face coverings at all times.

Consider temperature checks of employees when employees report to work each day with a no-contact thermometer.

Require employees who exhibit signs of illness to stay home or seek medical attention.

Provide courtroom employees with adequate personal protective equipment, including face coverings.

Courtroom employees should be trained on best practices to prevent infection, including frequent hand washing for at least 20 seconds with soap and water.

Clean and disinfect offices daily or as frequently as possible.

6 Healthy and Safe Jurors and Potential Jurors

The number of jurors and potential jurors should be limited to the amount a room or facility can accommodate with social distancing and other infection control measures.

Potential jurors:

- Likely to have more conflicts than prior to COVID-19 (e.g., childcare, looking for work, or working in the medical field).
- Will likely have health concerns about being around a group of strangers.

Jury selection may take longer due to social distancing and other infection control measures.

Jury holding and deliberations:

- Likely cannot take place in a typical jury room due to size.
- Use a larger room, such as the courtroom or another large meeting room to facilitate social distancing.
- Turn off video and audio recording in the room if the jury is deliberating there.
- Limit jury deliberations to two hours at a time with 15-minute breaks to go outside into fresh air and/or separate from each other. Jurors should not deliberate for more than eight hours per day.

Provide individual boxed lunches and bottled water to jurors. Vending machines should be wiped down regularly and have a hand sanitizing station nearby.

Juror transportation: If jurors are shuttled to the court facility, provide for proper spacing in transport vehicles and sanitize vehicles after each use. Jurors should stay six feet apart while waiting for the shuttle.

Require all jurors to wear a mask or face covering while in the court facility and the juror shuttle, if applicable. If wearing a mask would make it difficult to evaluate the demeanor of jurors or otherwise negatively impact a litigant's right to a fair hearing, consider transparent face shields, physical distancing, or other infection control measures in consultation with a public health or medical professional.

7 Healthy and Safe Inmates and Detainees

- **Use video conferencing** for proceedings whenever possible.
- **Screen inmates and detainees** for COVID-19 symptoms before transport to court.
- **Work with law enforcement** to provide for proper spacing in transport vehicles and masks for inmates and detainees during transport. Stagger arrivals and departures to facilitate spacing in transportation vehicles and holding areas.
- **Sanitize transport vehicles** after use.
- **Label holding areas** to provide for social distancing.
- **Sanitize holding areas**, restraints, and other commonly used items after each use.
- **Make hand sanitizer available** to inmates and detainees.
- **Require** all inmates and detainees to wear a mask or face covering while in the court facility. If wearing a mask would negatively impact an inmate or detainee's right to a fair hearing, consider transparent face shields, physical distancing, or other infection control measures in consultation with a public health or medical professional.
- **Ensure** deputies who are required to be in close proximity to inmates and detainees have face coverings and gloves.

Addressing Issues of Language Access and Interpretation:

Continuing Guidance and Support

- Create an Advisory Council to guide the reopening of the courts concerning Language Access, oversee implementation of processes and procedures, and be available to assist courts with best practices for proceedings based on the specific needs of the courts, interpreters, and parties

- Provide training for courts, staff, clerks, interpreters, etc. on best practices for interpreting remote proceedings, in-person proceedings with safety policies and considerations, and hybrid proceedings

- Create a number/hotline for clarification of best practices for Language Access Services and when working with interpreters

- Provide an advisory opinion from the Georgia Commission on Interpreters or National Center for State Courts regarding possible drawbacks, costs, and liabilities of not using a qualified interpreter, including a number of interpreters (teams), using an interpreter who is fatigued beyond the recommended time, interpreters who do not understand safety guidelines (masks, social distancing, remote interpreting) may influence or alter the message, or any significant error committed by an interpreter under these circumstances.

- Provide an advisory opinion from the Georgia Commission on Interpreters or National Center for State Courts regarding possible drawbacks, costs, and liabilities of any issues or errors in interpretation caused by delays in video or audio feeds during remote interpretation.

    - Grant the Georgia Commission on Interpreters ("COI") and the Administrative Office of the Courts ("AOC") oversight over American Sign Language ("ASL") interpreters and firms to facilitate vetting of these interpreters given the multiple available credentials in this field.

    - Create VRI Training for Georgia Licensed interpreters, add a VRI endorsement to the interpreters' license, only allowing interpreters

licensed in Georgia to offer VRI and interpret in cases where VRI might be needed.

- Require interpreting agencies to register with the Georgia Commission on Interpreters (similar to Court Reporting Agencies) to monitor the use of licensed interpreters.

Guidance and Support for Available Resources

Safety considerations must be balanced with the specific situation surrounding each proceeding and the needs of the Limited English Participant ("LEP") and the Court.

Update Existing Resources

- Supplement current Spoken and Sign Language Interpreting Bench Cards. Cover each of the modalities of interpreting: remote proceedings, in-court proceedings with COVID-19 Safety measures, and the hybrid approach where some individuals are remote, and some are in person.
- Supplement the Model Administrative Protocol issued by the Georgia Commission on Interpreters (MAP).
- Create an Online repository of relevant documents (see below).

Create New Resources and New General Guidelines

- Create Templates and Checklists that can be used uniformly by any county or jurisdiction and adjusted to their needs. Make these documents available through a centralized website resource webpage managed by the Georgia Commission on Interpreters.
- Recommendations regarding the vetting and qualifying of interpreters in remote settings; qualification and use of non-licensed interpreters; the use of agencies to procure licensed interpreters for the courts; and guidelines requiring them to vet and qualify interpreters according to court protocols in advance.
- Create guidelines for the use of vetted bilingual staff in linking with court administration for customer service purposes.

- Create guidelines in easy to read cards on how to verify interpreter qualifications in the courtroom and online.
    - Courts should not assume that an agency or contracted interpreter has the appropriate court training, regardless of what the agency or interpreter has indicated, (unless the agencies are held accountable for sending unqualified interpreters).
- Create a list of acceptable certifications and certification definitions for courts, clerks, staff, and judges to reference when vetting an interpreter
- Create a standardized template for interpreters to state their credentials and require that they do so on the record (Name /Certifying Body / Number / Category)
    - If the interpreter is unlicensed or licensing information is unknown, the court should interview the interpreting according to the standard required by the Commission on Interpreters (see the Commission's webpage coi.georgiacourts.gov).
- Create planning guidelines to assist in identifying interpreter needs and teams and mitigating interpreter fatigue and cognitive overload, including the type of proceeding, length, location or platform, number of LEPs, etc.
- Create a template form for the request of interpreters, which considers the type of proceeding, the number of interpreters needed, roles of LEPs, consults with attorneys or sight translations required, etc.
- Create accessible checklists outlining instructions and best practices for all parties to follow when participating in remote, in-person, and hybrid interpretation settings
- Create guidelines for the use of technology during hearings and minimum technological requirements for access to remote proceedings (broadband, phone, remote satellite locations, devices, microphones, visual and auditive feedback, framing, lighting, acoustic feedback and shock, speakers, etc.)
- Create and maintain an easily accessible inventory of assistive listening and wireless interpreting equipment and encourage personnel to become familiar with its use and how to make it available whenever needed

Maintain a document repository with common sight-translated documents or other documents useful for LEPs and court administrators (plea sheets, applications, probation notices, probation instructions, sentences, arraignment colloquies, bond orders, revocation of arrest warrants, etc.)

- Information for LEPs on their Language Access Rights; Language Identification cards
- Templates for courthouse signs (entryways, directions, interpreter requests, language identifications, directions to receive assistance, etc.)
- Training materials which are developed for court personnel on best practices for booking, scheduling and working with interpreters (link from NCS, NAJIT or other or GA specific training material)
- Information and easy read cards on how to qualify interpreters in the courtroom and online
- Links to White papers and other resources on interpreter best practices
- Document guidelines on using assistive listening equipment and remote interpreting equipment, plus appropriate platforms and technology requirements for online proceedings using interpreters

Sample Order - Contact During State of Emergency

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: FAM 1	)	
CONTACT DURING STATEWIDE	)	JUDGE REBECCA CRUMRINE RIEDER
JUDICIAL EMERGENCY	)	
	)	
	)	

Please be aware that pursuant to the Supreme Court Order Declaring Judicial Emergency, entered August 11, 2020, we are hearing matters that may be conducted via video-, tele-conference, or person pursuant to the Order. This will remain in effect until September 10, 2020.

Reset notices will be sent. Please contact Judge Rieder's Chambers if you have any questions or needs to ensure compliance with this Order at Tameka.Black@fultoncountyga.gov.

To assist with case management, we will hold status conferences and litigation matters via videoconferencing (see below for access information) **as requested and re-scheduled** on a case by case basis and in conformity with the Emergency Order.

If you would like to proceed via videoconferencing, or feel your matter is an emergency and cannot wait the thirty (30) days, please contact Will Williams (for 30 or 60 Day Status Conference matters) at Will.Williams@fultoncountyga.gov or Susan Shaver (for any 120-Day Status Conference, Emergency Hearings or Final Trials) at Susan.Shaver@fultoncountyga.gov.

If you are set for a Zoom hearing/trial, please see EXHIBIT A ATTACHED HERETO, and:

(1) This is open Court, and you are to appear and behave as such;

(2) Use the best internet connection and plan ahead for Zoom meetings to ensure reliable connectivity;

(3) Remain in a stationary place (at a desk/table);

(4) Your video is to remain on at all times absent specific excusal from Court;

(5) Your name screen ID name should be displayed as your full name to include first and last name;

(6) Desktops and laptops are preferred for a better video and audio quality, do not attend a hearing/trial on a mobile cellular device, these devices are only permitted as a last option;

(7) Attorneys, please ensure your client is aware of and abides by all provisions;

(8) Provide access to exhibits exchanged to your client *prior* to the hearing/trial.

(9) Recording/Photographs/Reproduction: Any video recording, audio recording, photographing, taking screenshots, or reproducing of the livestream, if any, is strictly prohibited. The recording, publishing, broadcasting or other copying or transmission of courtroom proceedings by video, audio, still photography or any other means is strictly prohibited except as provided in Uniform Superior and State Court Rule 22, which requires application by the party seeking to record the proceedings and approval of the court prior to the beginning of the

proceeding. Violations of Rule 22 is subject to the penalties for contempt of court. Observers should keep their video off and sound on mute.

(10) Upon the court or either party invoking the rule of sequestration, no witness may observe or listen to any portion of the proceeding until he or she has been called to testify. Witnesses listening or observing the proceedings is strictly prohibited in those instances, and violators will be subject to contempt of court.

Failure to comply with the provisions of this Standing Order may result in Contempt of Court and monetary fines.

If you are set for an in-person hearing/trial:

(1) You must comply with the Declaration of Statewide Judicial Emergency dated August 11, 2020.

(2) As set forth therein, anyone entering the Courthouse must wear a face mask. Please bring your own face mask.

(3) Stay home and immediately notify Chambers staff if you feel sick or are experiencing any symptoms of COVID-19 or have had them within the past ten days. https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html.

SO ORDERED, this, the ___ day of ___, 2020.

How to Use Zoom in Court

To conduct Court via Zoom, you will need a **desktop computer, laptop, or smartphone that is equipped with a camera and microphone and a stable internet connection**. If you do not have access to those devices, see **Call-In Options** at the bottom of this document. The instructions for attending a remote hearing are as follows:

Step 1: Install Zoom For Free

For **smartphones** and **tablets**, install ZOOM from the Play Store or App Store.

For your **desktop computer**, **laptop,** or notebook device with webcam and microphone, please visit www.zoom.us and follow the instructions to download the app.

Step 2: Create an Account

Create a Zoom account by going to Zoom.us, and click, "sign up, it's free" and follow the prompts from there. You will need to use your email address and create a password. You only need to do this one time; this is the account you will use each time you enter a Zoom virtual hearing.

You will need to obtain a premium (paid) membership to hold hearings without disruption. The maximum time limit for free accounts is 45 minutes per meeting.

You should test audio and video at least 24 hours before the conference. This can be done in the "Preferences" or "Settings" window of the program. You will also want to test the program to be sure that you have a strong WiFi connection. If your signal strength is too weak this may impact your ability to participate in the virtual hearing. If you are unable to participate by video, see the section titled "Call-In Options."

Step 3: Join the Zoom Call

Be sure to join the Zoom call 15 minutes before the start time.

To join, you will need to access the Zoom remote court session information, which includes the meeting ID and password. This information should be emailed to the participants prior to the hearing.

- Please take note of the Meeting ID and Password for that specific court session.

- A "Join Now" link to the hearing will be provided. Clicking on the Join Now link will open your Zoom app and may ask you to enter the Zoom session's meeting ID and password.

- After you enter the meeting ID and password, a screen should load showing your face, after you see this screen, click "**join with video.**"

- Once these above steps have been completed, you will have joined the Zoom session and be placed into the Zoom Waiting Room. (When in the Waiting Room, you cannot hear or see the court proceedings.)

- The name that you choose for yourself will be shown on the screen during the call. You **must** use your full name as it appears in your case and your case number so that you can be identified. If you fail to do so, you may not be admitted into the proceeding from the Waiting Room.

- When the court is ready to hear your case, you will be allowed entry into the Zoom meeting from the Waiting Room.

- A message box will then appear asking you to "**join with computer audio**," or "**join with internet audio**." Selecting this will allow you to hear the1meeting and speak through your device.

- Mute all sounds from other applications when videoconferencingerencing (i.e., email notifications, chat messaging, etc.).

    - If the programs do not allow for muting, then close the application completely.

    - Avoid using a mobile device for video. While tablets (iPads) and smartphones can be used, their platform functionality is limited, and the video performance is inferior.

If using a laptop, avoid using battery power only. Plug into a suitable power source while in a meeting. (Videoconferencingerencing tasks are intensive functions for your computer and will drain power faster.)

- Avoid running any unnecessary applications besides Zoom (or other videoconferencingerencing platform), to conserve your computer's processing power and networking.

- Restart your computer every day and before every new hearing. This refreshes your computer's memory and allows the new meeting to run smoothly.

- Avoid using an open microphone and speakers, such as those that are built into laptops or webcams. Using a good quality headset (headphones with a microphone) will often help ensure you can be heard and can hear others with maximum quality.

- Avoid distracting real or virtual backgrounds.

- Avoid poor camera positioning. Try to frame yourself so you take up most of the screen at eye level.

- For trial calendars, parties should be instructed to disable audio and video until the judge calls their case. This limits the potential distraction for others participating in the proceeding.

- If the parties are unwilling or unable to do it themselves, instructions are included below that allows the judge or their staff attorney to turn off those functions for participants manually.

- Avoid using WiFi. Connection via a hardwire Ethernet cable will always be faster and more reliable than WiFi. If you must use WiFi, make sure you are close to the router. Avoid sharing your internet service with others during the session. (i.e., others in the household watching Netflix or other video streaming platforms.)

Tips:

- Do not join the Zoom meeting while in a moving vehicle. Internet connectivity may affect your Zoom connection.

- You may join the Zoom court session if you join before the host is ready to start the session. **Please do not leave the meeting**; once the host begins the session, you will be placed into the Waiting Room

- Join the Zoom Court Session 15 minutes before the scheduled time. If you arrive late, you will end up waiting longer in the Waiting Room.

- When you are admitted from the Waiting Room, you should mute yourself by clicking on the microphone icon. A red line through the microphone indicates that you are muted and cannot be heard by the people in the meeting. When it is your turn to speak, you will need to unmute yourself by clicking the microphone.

- If you have not previously clicked on the "Join by Video" button, you may click on "start video" after joining the meeting so that others can see you. If the "start video" icon on the bottom left corner has a red line through it, that means that no one else can see you.

Utilizing Videoconferencing in Domestic Litigation

When possible, videoconference hearings should be conducted by the presiding judge in a courtroom or other designated room open to the public with social distancing capabilities.

Conducting a hearing pursuant to this section will allow the court to forgo sending links or passwords to the public, as outlined below. Any interested parties will be able to view the proceedings from the gallery as they have previously done.

If the presiding judge is unable to conduct their portion of a videoconference hearing from an open courtroom, then the following guidelines should be followed:

- We discourage the use of livestreaming platforms. Popular livestreaming platforms include, but are not limited to, Facebook Live, Instagram Live, Periscope, and YouTube Live.
- Only use videoconferencing platforms with upgraded security measures. A non-exhaustive list includes Cisco WebEx, Blue Jeans, GoToMeeting, and Zoom. Platforms with 256-bit, end-to-end encryption are strongly preferred.
- Prior to beginning hearings, everyone accessing the hearing should be reminded to check for and update their platform software to ensure it is up to date. This ensures that any security updates which have been made available by the platform are in place when the hearing begins.
- Only the judge's office or designee should send out or post-meeting invitations and passwords.
- Prior to sending out meeting invitations, all settings should be reviewed in the application settings and the web browser platform profile.
- Always turn off the ability for parties to record through the application itself. Have the attorneys/parties state on the record that they are not recording the proceeding using other means.
- Utilize passwords for all hearings. This practice limits interested parties from unintentionally gaining access to proceedings or "Zoombombing" them.
- Only provide meeting links and passwords directly to attorneys or self-represented parties.

- Provide meeting links to the public only when requested on a case by case basis, if possible. This does not bar the public from participating. This rule is designed to make it more difficult for those with ill-intentions to access and disrupt proceedings.

Do not allow screen-sharing of exhibits during trial proceedings when the public potentially has access to the proceedings electronically. Doing so allows for the potential public disclosure and misuse of mental health diagnoses, Guardian ad Litem reports, confidential or proprietary business information, and could lead to instances of identity fraud.

If the presiding judge cannot hold the hearing electronically in a courtroom or other area open to the public, pre-marked exhibits should be exchanged electronically or by courier by close of business the day before the trial, or at another time ordered by the court. This creates the same type of knowledge an interested party would have with exhibits in pre-pandemic proceedings.

Additional guidance:

- Utilize waiting rooms by automatically having meeting attendees go straight to the meeting room when they log in, and the court will manually add them to the proceeding.
- Turn off messaging/chatting functions for all parties and attorneys during the hearing.
- If the public does attend electronically, the court should turn off its video and audio to limit potential disruptions.

Audio and Internet Concerns During Videoconferencing

In general, the necessary internet speed to effectively videoconference is between 2-4 Mbps for small groups, while larger groups can require up to 8-10 Mbps (download speed). Most widely available consumer internet plans start at 15-25 Mbps, with plans increasing to 1 Gbps. So, regardless of party's home internet provider, there should be sufficient speed to effectively videoconference from home. So, regardless of the party's home internet provider, there should be sufficient speed to effectively videoconference from home. This is not a concern for business internet providers, as their internet speeds typically equal or exceed consumer internet speeds.

When possible, a "hard wire" connection should be used in lieu of a wireless connection when utilizing videoconferencing. When possible, a "hardwire" connection should be used in lieu of a wireless connection when utilizing videoconferencing. The speeds that are quoted by internet service providers are hardwire speeds and generally do not maintain the same level of consistency or performance over a wireless connection, especially the further away you are from the router. If you must use your wireless connection, you should be as close to your router as possible (i.e., no walls between your computer and the router).

Any participants that are not technologically savvy should be encouraged to utilize only the video portion of their computer when participating in hearings. Allowing these participants to utilize their telephone for their audio needs limits the potential start/stops associated with poor internet quality. (i.e., the audio/video feed of a participant continuously freezing or buffering no longer impacts the hearing because their audio is done over a separate (cellular) network.) Instructions for how to enable and utilize this feature are included below.

Guidance for Litigants Appearing in Virtual Court

Behave as You Would in a Courtroom

- You should be appropriately dressed if appearing by video for a virtual hearing.
- Be aware of your background (area behind you). Make sure it is appropriate; it will be seen by the Judge and other people attending the hearing. Make sure you are not sitting directly in front of or behind a window, because the light or reflection can affect the video.
- Choose a quiet place to participate in the hearing. Cell phones should be muted, doors to rooms closed and disruptions minimized.
- You should remain on mute until it is your time to speak. Do not speak over anyone, and do not interrupt anyone. Use appropriate language as you would in a courtroom.
- A court reporter or language interpreter may interrupt from time to time to clarify who is speaking.

- If you do not follow the Court's rules, you may be removed from the Court hearing, and the Judge can impose a fine or other punishment.

- Recording/Photographs/Reproduction: Any video recording, audio recording, photographing, taking screenshots, or reproducing of the livestream, if any, is strictly prohibited. The recording, publishing, broadcasting or other copying or transmission of courtroom proceedings by video, audio, still photography or any other means is strictly prohibited except as provided in Uniform Superior and State Court Rule 22, which requires application by the party seeking to record the proceedings and approval of the court prior to the beginning of the proceeding. Violations of Rule 22 is subject to the penalties for contempt of court. Observers should keep their video off and sound on mute.

- Upon the court or either party invoking the rule of sequestration, no witness may observe or listen to any portion of the proceeding until he or she has been called to testify. Witnesses listening to or observing the proceeding is strictly prohibited in those instances and violators will be subject to contempt of court.

Zoom Tutorials and Walkthroughs – Links

Click on the links below for video tutorials on the specifics of each of these functions.

- Schedule a Meeting
    - Video walkthrough
    - Video and screenshots
    - Features for a premium (paid) membership always include:
        - Meeting password
        - Webcam usage
        - Enable join before host
        - Enable waiting Room
        - Allow for telephone and computer audio
        - Breakout room pre-assign

- Sending Meeting Invitations
    - This can be done at the same time as scheduling a meeting or afterwards
- Meeting Audio
    - Enable "join by telephone." The number to call in will be in the Zoom invitation you received for your hearing.
- Meeting Controls
    - Basic controls
    - Mute/Unmute button
        - Bottom left-hand corner, microphone icon,
        - Additional drop-down options allow a user to change how they are connecting to the audio portion of the hearing

- Video on/off button
    - Bottom left-hand corner, second icon from the left, camera icon
    - Should always be on for parties and attorneys during trial proceedings
    - Ability to invite participants while the hearing is ongoing
        - Useful for adding witnesses to the proceeding as necessary
- Manage participants
    - Allows your office the ability to modify permissions for participants during proceedings if necessary
    - Also contains "mute all" button
    - Turn on enter/exit chimes so you as the host know when people join and leave
- Share Screen
    - This feature must be used with caution as third parties can record or otherwise capture the screen being shared which could grant access to personal/confidential information.
    - Examples of documents that should not be shared this way include:
        - Guardian ad Litem reports, business information, personal financial information, and medical information.
- Chat Functions
    - Controlling and Disabling in meeting chat
    - These should not be used as it allows for potential harassment
- Record Session
    - This function should be turned off for participants

- End Meeting
    - Make sure you end the meeting for all participants at the conclusion of the hearing
- Join Meeting
- Video Breakout Rooms
- Enable Breakout Rooms
    - Breakout room button is only available to a host or co-host
        - You can add co-hosts after the hearing begins
        - Button is on bottom right-hand side of program
    - Hosts can alternate between rooms
    - Ability to pre-assign break out rooms during meeting creation
    - Managing Breakout Rooms
- Waiting Rooms
    - The Waiting Room feature allows the host to control when a participant joins the meeting.
    - Individuals who join the meeting must be admitted manually by the host.
    - This prevents unwanted guests/participants from accessing the videoconference
- In Meeting Security Features
    - How to Navigate the Security Icon
        - Hosts and co-hosts only can: enable waiting room, lock the meeting, edit participant permissions.

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA
FAMILY COURT DIVISION

_____	§	**CIVIL ACTION FILE NO.:**
Petitioner	§	_____
And	§	
_____	§	
Defendant	§	

ORDER REQUIRING VIDEO CONFERENCE HEARINGS

Due to the Order Declaring Judicial Emergency entered March 13, 2020, by the Chief Judge of Fulton County Superior Court and the Order Declaring Statewide Judicial Emergency entered March 14, 2020 by the Chief Justice of Supreme Court of Georgia, pursuant to O.C.G.A §38-3-61, all non-emergency hearings shall be conducted via video - conference during the COVID -19 emergency period if possible.

All Status Conferences and hearings shall be conducted by video conference. The Court has set up video conferencing through Zoom. *Zoom Basic Personal Meeting* is available free of charge and can be downloaded onto your computer at https://zoom.us/pricing or *Zoom Cloud Meeting App* is available for free in the Google play store of IPhone. You can join the meeting at https://us02web.zoom.us/j/

The Court will conduct this trial by video conferencing through *Zoom*. This time set for this trial is at **10:00 A.M.** on **July 8, 2020.** It is imperative that you call or join by video in at the time set forth above. If the Court has not joined the meeting please stay connected and wait for the Judge to join in the event a prior conference exceeds the allotted time. **Please review the CONTACT DURING STATEWIDE JUDICIAL EMERGENCY ORDER located at _____. Please note when appearing by video it is required for all participants to turn the camera feature on and keep it on at all times. Use a reliable internet connection and remain in a stationary place. Your screen ID name should be displayed as your first and last name.**

Recording/Photographs/Reproduction: Any video recording, audio recording, photographing, taking screenshots, and/or reproducing of the livestream, if any, is strictly prohibited except as provided in Uniform Superior and State Court Rule 22, which requires application by the party seeking to rercord the proceedings and approval of the court prior to the beginning of the proceeding. Violations of Rule 22 is subject to the penalties for contempt of court. Observers should keep their video off and sound on mute.

The meeting ID for your meeting is _____

This Order supersedes your previously filed Order to Attend Status Conference or other hearing notice.

So Ordered __ day of _____, 2020.

_____

SAMPLE

Tracking Form for Persons Denied Entry Due to COVID-19 Guidelines

This form is to be completed by all individuals denied entry because of COVID-19 guidelines

Name: _____

Address: _____

Phone Number: _____

Email Address: _____

Reason for Court Appearance (Plaintiff, Defendant, Criminal Defendant, Witness, etc.):

_____

_____

Judge: _____

Courtroom: _____

This section is to be completed by Security/Sheriff's/Marshall's personnel

Reason for Denied Entry into Courthouse (Body temperature over 100.4°, Health symptoms consistent with COVID-19, Exposure to Coronavirus/COVID-19, etc.):

_____

_____

Signature: _____

Date: _____

Subcommittee Members

Criminal Matters

Judge Kenneth B. Hodges III – Co-chair
Jimmonique R.S. Rodgers – Co-chair
Judge Brendan Murphy
Judge Norman Cuadra
Judge Kathlene F. Gosselin
Judge Rob Leonard
Robert Smith
Don Samuel
Terry Norris
Sheila Ross

Civil Matters

Judge Russ McClelland - Chair
Judge Walter Davis
Judge Kathlene F. Gosselin
Judge Rebecca Rieder
Judge Jeff Bagley
Judge Ben Studdard
Judge Al Wong
Judge Jeff Hanson
Elizabeth Fite
Catherine Vandenberg
Adam Malone
David Nelson
William Custer
Tina Shadix Roddenbery

Grand Jury

Judge Melanie Bell - Chair
Cindy Mason
Robert Smith
Debra Nesbit

Other Court

Judge Lindsay Burton - Chair
Judge Russ McClelland
Judge Brendan Murphy
Judge Norman Cuadra
Judge Melanie Bell
Debra Nesbit
Cathy Vandenberg
Michael Lucas

Juvenile

Judge Lindsay Burton – Chair
Judge Melanie Bell
Cindy Mason
Jimmonique R.S. Rodgers
Michelle Barclay

Court Reporters & Interpreters

Judge Norman Cuadra - Chair
Judge Russ McClelland
Judge Melanie Bell
Judge Brendan Murphy
Judge Dax Lopez
Robin Rooks
John Botero
Lashawn Murphy
Paul Panusky
Maria Ceballos-Wallis
Rene Weatherford

GUIDANCE FOR LOCAL COMMITTEES ON RESUMING JURY TRIALS

The resumption of jury trials in the midst of the pandemic presents an especially challenging task for the judiciary. Every jurisdiction is unique with respect to accommodations within courthouses, the availability of alternative facilities, technological needs, potential public reluctance to serve as jurors, and the level of COVID-19 infection within the community. Protective measures that might be prudent in one jurisdiction may be unnecessary in another. For this reason, the Chief Judge of the superior court of each judicial circuit shall convene a **local committee** of participants in the judicial system for each county within the circuit, who will develop a detailed and locally tailored plan to resume jury trials in that county. Each local committee's plan shall be consistent with the Chief Justice's Order Declaring Statewide Judicial Emergency, as extended, any local judicial emergency order, and the Judicial COVID-19 Task Force's Guidelines, and shall seek to ensure the health, safety, and constitutional protections of all participants in the judicial system, including jurors and potential jurors, litigants, witnesses, lawyers, judges, court personnel, and the public, after considering and inspecting the local court facilities and infrastructure.

The committees should generally consist of at least one representative from each of the following sources:

- Each class of court within the county that is authorized to conduct jury trials.
- The District Attorney and the Solicitor General, if applicable.
- The Circuit Public Defender or an experienced criminal defense attorney designated by the county's indigent defense coordinator.
- One or more attorneys designated by the local bar association, if one exists, or one or more attorneys who regularly handle jury trials in the county designated by the Chief Judge.
- The Sheriff.
- The clerk of each class of court that is authorized to conduct jury trials.
- One or more jury administration officials.

EXHIBIT "C"

- Court administration official(s) of each class of court that is authorized to conduct jury trials.
- Court information technology (IT) officials.
- A designee of the local department of health or its equivalent.
- Any other person the Chief Judge deems helpful to the development of the plan.

Each local committee is also encouraged to include a representative of the local county commission in its discussions.

The local committee's plan shall include the following:

- Identification of facilities for jury assembly, voir dire, and jury trials, including the identification of rooms within the courthouse that are suitable for these functions and alternative locations where necessary.
- Development of written public health and safety guidelines consistent with public health guidance, including sanitization procedures, face-covering requirements, social distancing protocols, etc.
- Development of a notification procedure for alerting stakeholders when courthouse personnel or visitors to the courthouse have tested positive for COVID-19.
- Protection of constitutional and statutory rights for litigants, witnesses, victims, and observers.
- Notification to potential jurors, the public, and parties of public health precautions being taken by the court, including information on sanitization procedures, face-covering requirements, social distancing protocols, etc., and identification of the most effective means to ensure that information is provided.

The Chief Judge of each court that conducts jury trials will decide whether to fully adopt or amend the portions of the committee's recommended plan that are applicable to his or her court and will then incorporate a final jury trial plan into the court's written operating guidelines for in-person proceedings that have been developed pursuant to the statewide judicial emergency order as extended. Because of the

extensive preparations required to resume the jury trial process, the updated operating guidelines should be submitted to the Administrative Office of the Courts at https://georgiacourts.gov/covid-19-court-operating-guidelines-form/ for posting as soon as possible and no later than October 10, 2020.

Guidance Issued September 10, 2020

This guidance is based on recommendations made by the Criminal Law Subcommittee of the Judicial COVID-19 Task Force.

IN THE SUPERIOR COURTS FOR THE ATLANTIC JUDICIAL CIRCUIT
STATE OF GEORGIA

ORDER ESTABLISHING GUIDELINES FOR IN PERSON COURT PROCEEDINGS
ATLANTIC JUDICIAL CIRCUIT

On May 11, 2020, the Honorable Chief Justice Harold D. Melton of the Supreme Court of Georgia issued the Second Order Extending Declaration of Statewide Judicial Emergency addressing continuation of essential court services and the re-opening of non-essential court services. Paragraph numbered 4 of said Order states:

> Except for jury and grand jury proceedings as discussed in Section 2 above, courts have discretion to conduct essential and non-essential in person judicial proceedings, but only in compliance with public health guidance and with the requirements of the United States and Georgia constitutions and applicable statutes and court rules, including the public's right of access to judicial proceedings and a criminal defendant's rights to confrontation and open courtrooms.
>
> Before conducting extensive in-person proceedings, particularly in non-essential matters, each court should develop written guidelines as to how in-court proceedings generally and particular types of proceedings will be conducted to protect the health of litigants, lawyers, judges, court personnel, and the public. Guidelines should specify who should be admitted to the courthouse and courtroom and how public health guidance will be followed regarding such matters as health screening of court personnel and visitors, social distancing (including by capping the occupancy of courthouses, interior areas, and courtrooms based on their size), availability and use of personal protective equipment (PPE) by court personnel and visitors, and sanitization practices. Guidelines should provide for accommodations for high-risk individuals. Courts should consider the use of staggered, smaller proceedings to conduct proceedings involving many cases or participants, such as calendar calls and arraignments. Guidelines should be prominently posted at courthouse entrances and on court and government websites to provide advance notice to litigants, lawyers, and the public.
>
> Support for the development of guidelines will be provided by the Judicial COVID-19 Task Force discussed in Section 7 below, as well as by the councils for each class of court. Courts of different classes that share courthouse facilities or operate in the same county should seek to coordinate their guidelines.

Based upon the authority granted to the Superior Courts of the Atlantic Judicial Circuit, in the exercise of judicial discretion, the court issues the following order establishing guidelines to

EXHIBIT "D"

protect the health of litigants, lawyers, judges, court personnel, and the public (hereafter referred to as the "Guidelines") for in person court proceedings.

1.

The health of each litigant, lawyer, judge, court personnel, and the public is first and foremost the responsibility of each person. The court cannot guarantee, nor does it attempt to guarantee, that strict adherence to the guidelines will prevent the contraction or spreading of any infectious disease, including but not limited to COVID-19. If any person has an objection to attendance or participation in an in person court proceeding, then such objection shall be made known to the court at least three days prior to the scheduled court proceeding, or as soon as is practicable, and shall accompany such objection with a proposed reasonable accommodation to such attendance. The court will consider the request, and in its discretion, will rule as to which accommodation, if any, is appropriate.

2. Number of Persons Admitted to the Courthouse and Courtroom

A. Courthouse.

Other constitutional officers, Magistrate and Probate Judges, and other occupants such as tax assessors, elections office, county commissioners, and other governmental entities that maintain office space in the courthouse should develop occupancy guidelines consistent with public health guidelines, courthouse safety plans and other relevant factors. Admittance to the courthouse will be in the discretion of the Sheriff of each county, consistent with public health guidelines, courthouse safety plan, the guidelines established by varying occupants of each courthouse, and other relevant factors in the discretion of each Sheriff.[1]

[1] All references to "Sheriff" in this order shall include any deputy, bailiff or other designee acting under the authority of the Sheriff.

B. Courtroom

The term "Courtroom" shall include, but not be limited to, the common areas of the courthouse immediately adjacent to a courtroom, jury rooms, jury assembly rooms, witness sequestration rooms, judge's chambers, law libraries attendant to the courtroom, attorney lounges attendant to the courtroom, and any other room regularly used when court is in session.

Admittance to the Courtroom shall be governed by public health guidelines, specifically but not by way of limitation, social distancing guidelines. In each courtroom, the number of persons allowed in the visitor section shall not exceed the number that can be admitted in the visitor section of the courtroom while exercising social distancing guidelines. The Sheriff or his designee shall place a marker designating where a person may be seated in accordance with social distancing guidelines. A person may be seated only on a marker. However, if persons in the visitor section reside in the same household, they may be allowed to sit together. Then, the next visitor must be seated on a marker at an appropriate social distance. Once the visitor section is fully occupied using such social distancing guidelines, then no additional persons may enter the courtroom.[2] If an attorney is not engaged in a hearing in progress, she or he shall sit in the visitor section of the courtroom, or may remain outside the courtroom awaiting the calling of her or his case for trial/hearing.

In the front of courtroom, where the hearing/trial is conducted, all persons, including but not limited to the judge, court reporter, clerk, and attorneys and her or his client shall exercise

[2] Each court is encouraged, but not mandated, to provide an overflow room where the proceedings may be watched via a live video feed. The court is aware that based upon the physical attributes of some facilities, this may be easily accomplished, and that based upon the physical limitations of some facilities, this may be more difficult, if not impossible to accomplish. In criminal proceedings, the constitutional right of the Defendant to an open proceeding shall not be abridged, and the application of these guidelines shall not be construed to in any way limit this constitutional right. Furthermore, in all proceedings, the goal is to provide an open forum for public viewing, while at the same time attempting to provide a safer environment based upon existing public health guidelines, and these guidelines shall be interpreted and implemented consistent with such goals.

social distancing guidelines. If an attorney and client need closer contact for confidential matters, they may request to be excused from the courtroom or may otherwise confer privately with the court's approval. Sequestered witnesses shall observe social distancing guidelines, and the Sheriff is ordered to find sufficient rooms to sequester witnesses while maintaining social distancing guidelines. Furthermore, while court is in session, the Sheriff shall assure that social distancing is being followed by all persons in the courtroom, as the term courtroom is defined in 2(b) above.

3. Health Screening

Health Screening personnel are not trained medical professionals. If anyone has any questions or concerns about his or her health or potential COVID-19 exposure, then such person should contact his or her personal physician, Georgia Department of Public Health, or other qualified medical professional.

On days when court hearings are scheduled, a Health Screening shall be conducted on each person entering the courthouse. The Sheriff of each county shall conduct a health screening on each person entering the courthouse by using the tool provided as Exhibit A to this Order. The Sheriffs of each county shall make best efforts to procure sufficient no-contact thermometers for use in measuring the temperature of persons entering the courthouse. If a Sheriff is unable to locate sufficient no-contact thermometers for use by health screening personnel, then the Sheriff shall not be required to take the temperature of those entering the courthouse, but shall ask all questions and document all responses of all persons entering the courthouse on the tool provided on the attached Exhibit A. If any of the questions on the screening tool is answered in the affirmative, then such person shall not be allowed to enter the courthouse. If the person who is not allowed into the courthouse is a litigant or witness in a case scheduled for an in person hearing,

then the Sheriff shall immediately notify the court (presiding judge or staff) of the person not so admitted.

4. Personal Protective Equipment

Personal Protective Equipment ("PPE"), including but not limited to masks (paper or cloth) and gloves, may be worn by all who enter the courthouse and all who enter a courtroom. All persons who enter the courthouse for court proceedings are STRONGLY ENCOURAGED, but not required to wear PPE, including but not limited to facemasks covering the nose and mouth. Court personnel and litigants may use PPE in their discretion. The court has a limited supply of PPE for use by court personnel. Each county has a limited supply of PPE for use by visitors to a courtroom. If a visitor desires to use a PPE and does not have access to PPE, then he or she shall notify the health screening personnel of such need, and PPE shall be provided to such visitors for so long as limited supplies last.

5. Sanitization practices.

The county commissioners of each county shall ensure that custodial or other personnel are sufficiently trained in the method and manner for sanitizing a courtroom, as the term courtroom is defined in paragraph numbered 2 herein. Persons tasked with sanitization practices shall follow guidelines established by the United States Centers for Disease Control ("CDC"), the Georgia Department of Public Health, and/or the county health department. Please see attached hereto Exhibit B, a potential resource document entitled "Cleaning Guidance for COVID-19" from the Georgia Department of Public Health.

Courtrooms shall be cleaned and disinfected after each use. To provide as much time after cleaning and disinfecting prior to the next use, such cleaning and disinfecting shall take place as soon after use as is practically and reasonably possible. Certain high traffic areas in the courtroom

may need cleaning more often (e.g. between hearings or witnesses), in accordance with public health guidelines.

Each county shall supply hand sanitizer for use in the courtroom, which shall be available for use by court personnel. Writing instruments shall be personal, disposable, or sanitized after each use and before use by another person in the courtroom.

6. Accommodations for high risk individuals.

The following persons are defined as high risk individuals:

a. Those persons who are 65 years of age or older.

b. Those persons who live in a nursing home or long-term care facility, including inpatient hospice, assisted living communities, personal care homes, intermediate care homes, community living arrangements, and community integration homes.

c. Those persons who have chronic lung disease.

d. Those persons who have moderate or severe asthma.

e. Those persons who have severe heart disease.

f. Those persons who are immunocompromised. Many conditions can cause a person to be immunocompromised, including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medication.

g. Those persons, of any age, with class III or severe obesity.

h. Those persons diagnosed with the following underlying medical conditions: diabetes, liver disease, and persons with chronic kidney disease undergoing dialysis.

If any lawyer, party, or witness falls into one of the above categories of high risk individuals, then the lawyer for such party or lawyer who subpoenaed such witness shall notify the

presiding judge or presiding judge's staff of such condition at least three days prior to the scheduled court proceeding, or as soon as is practicable, and shall accompany such notification with a proposed reasonable accommodation for such lawyer, party, or witness. If a party is self-represented, then such party shall follow the same procedure as an attorney for a party. The court will consider the request, and in its discretion, will rule as to which accommodation is appropriate.

7. Resources.

All individuals should educate themselves about the relative dangers of attending gatherings of people, including in person court proceedings. The CDC, Georgia Department of Public Health, and county health departments are excellent resources for use in such educational process. Each individual is responsible for his or her education in this matter.

8. Implementation.

Except as otherwise specified herein, the Sheriff of each county, in the exercise of his discretion, shall be responsible for implementation of these guidelines.

9. Publication and Dissemination of Guidelines.

This order and guidelines shall be published on the website for the Superior Courts of Georgia First Administrative District, on the website of each Clerk of Court and County Government (if such websites exist), and at the entrance to each courthouse. A copy of this order shall be available at the Clerk of Superior Court office of each county within the Atlantic Judicial Circuit, and shall be prominently posted in each courthouse where similar public announcements are posted. Furthermore, the Clerk of Court is ordered to email a copy of this order to each attorney who has an office within the respective counties according to the latest directory of the State Bar of Georgia.

DocuSign Envelope ID: FC505BEA-32F6-4F70-BA64-C67471D72D8A

10. Duration

This order shall be effective June 15, 2020 and shall remain in full order and effect until further notice.

SO ORDERED on this the 29 day of May, 2020.

ROBERT L. RUSSELL, III, Chief Judge
Atlantic Judicial Circuit

CHARLES P. ROSE, Jr., Judge
Atlantic Judicial Circuit

D. JAY STEWART, Judge
Atlantic Judicial Circuit

GLEN A. CHENEY, Judge
Atlantic Judicial Circuit

Exhibit A

Health Screening Tool

(Comprised of 1 page not including this page)

_____ County Courthouse

COVID-19 Health Screening

Date: _____

Protocol Questions:

1. Have you traveled out of the country in the last 14 days?

2. Have you had contact with anyone with confirmed COVID-19 in the last 14 days?

3. Have you had any of these symptoms in the last 14 days?

- **Fever greater than 100**
- **Difficulty breathing/Shortness of breath**
- **Cough**
- **Recent change in sense of taste or smell**
- **Upper respiratory illness accompanied by fever**

4. Are you currently experiencing fever over 100 degrees, difficulty breathing or cough?

Name and Telephone Number of Person Screened	Position	Temp at Screening	Cleared Survey	Screener Initials

Exhibit B

Georgia Department of Public Health Cleaning Guidance for COVID-19

(Comprised of 2 pages not including this page)

Georgia Department of Public Health
Southeast Health District

Cleaning Guidance for COVID-19

Current evidence suggests that novel coronavirus may remain viable for hours to days on surfaces made from a variety of materials. Cleaning of visibly dirty surfaces followed by disinfection is a best practice measure for prevention of COVID-19 and other viral respiratory illnesses in households and community settings.

Cleaning Guidance

You may practice routine cleaning of frequently touched surfaces (for example: tables, doorknobs, light switches, handles, desks, toilets, faucets, sinks) with household cleaners and EPA-registered disinfectants that are appropriate for the surface. Be sure to follow the instructions on the label.

Cleaning refers to the removal of germs, dirt and impurities from surfaces. Cleaning does not kill germs, but by removing them, it lowers their numbers and the risk of spreading infection.

Disinfecting refers to using chemicals to kill germs on surfaces. This process does not necessarily clean dirty surfaces or remove germs, but by killing germs on a surface *after* cleaning, it can further lower the risk of spreading infection.

How to Clean and Disinfect

Hard Surfaces

Wear disposable gloves when cleaning and disinfecting surfaces. Gloves should be discarded after each cleaning. Consult the manufacturer's instructions for cleaning and disinfection products used. Clean hands immediately after gloves are removed. If surfaces are dirty, they should be cleaned using a detergent or soap and water prior to disinfection. For disinfection, diluted household bleach solutions, alcohol solutions with at least 70% alcohol, and most common EPA-registered household disinfectants should be effective.

Soft Surfaces

For soft (porous) surfaces such as carpeted floor, rugs, and drapes, remove visible contamination if present and clean with appropriate cleaners indicated for use on these surfaces. After cleaning: launder items as appropriate in accordance with the manufacturer's instructions. If possible, launder items using the warmest appropriate water setting for the items and dry items completely, or use products with the EPA-approved emerging viral pathogens claims (see: https://www.americanchemistry.com/Novel-Coronavirus-Fighting-Products-List.pdf) that are suitable for porous surfaces.

Clothing, Towels, Linens, etc.

Wear disposable gloves when handling dirty laundry from an ill person and then discard after each use. If using reusable gloves, those gloves should be dedicated for cleaning and disinfection of surfaces for COVID-19 and should not be used for other household purposes.

Clothing, Towels, Linens, etc. (cont.)

Clean hands immediately after gloves are removed. If no gloves are used when handling dirty laundry, be sure to wash hands afterwards. If possible, do not shake dirty laundry. This will minimize the possibility of dispersing virus through the air.

Launder items as appropriate in accordance with the manufacturer's instructions. If possible, launder items using the warmest appropriate water setting for the items and dry items completely. Dirty laundry from an ill person can be washed with other people's items.

Clean and disinfect clothes hampers according to guidance above for surfaces. If possible, consider placing a bag liner that is either disposable (can be thrown away) or can be laundered.

Hand Hygiene

Household members should clean hands often, including immediately after removing gloves and after contact with an ill person, by washing hands with soap and water for 20 seconds. If soap and water are not available and hands are not visibly dirty, an alcohol-based hand sanitizer that contains at least 60% alcohol may be used. However, if hands are visibly dirty, always wash hands with soap and water.

Household members should follow normal preventive actions while at work and home including recommended hand hygiene and avoiding touching eyes, nose, or mouth with unwashed hands.

Additional key times to clean hands include:

- After blowing one's nose, coughing, or sneezing
- After using the restroom
- Before eating or preparing food
- After contact with animals or pets
- Before and after providing routine care for another person who needs assistance (e.g. a child)

Other Preventive Actions

Besides cleaning your home and clinics more frequently, take everyday preventive actions:

- Wash your hands frequently.
- Avoid touching your eyes, nose, and mouth.
- Stay home when you are sick.
- Cover your cough or sneeze with a tissue, then throw the tissue in the trash.
- Clean and disinfect frequently touched objects and surfaces.
- Be prepared if your child's school or childcare facility is temporarily dismissed or for potential changes at your workplace.

SUPREME COURT OF GEORGIA

JUDICIAL COUNCIL DRAFT
October 10, 2020

SEVENTH ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY

On March 14, 2020, in response to the COVID-19 pandemic, the Honorable Harold D. Melton, as the Chief Justice of the Supreme Court of Georgia, issued an Order Declaring Statewide Judicial Emergency pursuant to OCGA § 38-3-61. That Order has been extended six times, with modifications, by orders issued on April 6, May 11, June 12, July 10, August 11, and September 10, 2020. After consulting with the Judicial Council of Georgia and other judicial partners, recognizing again that most in-court proceedings compel the attendance of various individuals rather than allowing them to decide how best to protect their own health, and further recognizing that the novel coronavirus continues to spread in Georgia, it is hereby determined that the Order should be extended again.

Courts in Georgia have continued to perform essential functions despite the pandemic. Courts have also greatly expanded the use of remote proceedings and have resumed limited in-person proceedings that can be conducted safely. In an effort to return to more robust court operations, many of the deadlines imposed by law on litigants in civil and criminal cases that had been suspended, tolled, or extended since the initial March 14 Order were reimposed as of July 14, allowing more pending and newly filed cases to move forward in the judicial process. The last extension order on September 10 authorized the Chief Judge of each superior court, in his or her discretion after consultation with the District Attorney, to resume grand jury proceedings if doing so can be done safely and in compliance with public health guidance based on local conditions. A number of courts have utilized this authority, and more are expected to do so going forward.

However, jury trials, which require the assembly of larger numbers

EXHIBIT "E"

of people and thus pose more significant issues for conducting safely, have remained suspended. That blanket prohibition cannot continue, even though the pandemic continues, because our judicial system, and the criminal justice system in particular, must have some capacity to resolve cases by trial, and our trial courts have accumulated many cases that are awaiting trial. The September 10 extension order directed the Chief Judge of each superior court to convene for each county in his or her circuit a local committee of judicial system participants to develop detailed guidelines for the safe resumption of jury trials in the county, utilizing the "Guidance for Resuming Jury Trials" included in the Appendix to this order. And as announced in the September 10 order, this order in Section I below authorizes the Chief Judge of each trial court, in his or her discretion, to resume the jury trial process if local conditions allow and the Chief Judge, in collaboration with the local committee, has developed and issued a final jury trial plan.

It should be recognized that grand jury hearings and jury trials will not actually start until a month or longer after the process for resuming them begins in a particular county or court, due to the time required to summon potential jurors for service. It also should be recognized that there are substantial backlogs of unindicted and untried cases, and due to ongoing public health precautions, these proceedings will not occur at the scale or with the speed they occurred before the pandemic. Thus, while our justice system must resume moving cases to indictment and trial as rapidly as can be done safely, **statutory deadlines based on indictments and jury trials will remain suspended and tolled**. Finally, it should be understood that plans may need to be revised based on changing circumstances.

As has been the direction since the original Order, all Georgia courts must continue to conduct proceedings, remotely or in-person, in compliance with public health guidance, applicable statutes and court rules, and the requirements of the United States and Georgia Constitutions, including the public's right of access to judicial proceedings and a criminal defendant's rights to confrontation and an open courtroom. All courts should continue to use and increase the use of technology to conduct remote judicial proceedings as a safer alternative to in-person proceedings, unless required by law to be in person or unless it is not

practicable for technical or other reasons for persons participating in the proceeding to participate remotely. This order again delineates the health precautions required for all in-person judicial proceedings and requires courts to adopt and maintain operating guidelines consistent with the Georgia Court Reopening Guide and any more specific local public health guidance.

Accordingly, the Order Declaring Statewide Judicial Emergency, which would have expired on Saturday, October 10, 2020, at 11:59 p.m., is further **extended until November 9, 2020, at 11:59 p.m.** All Georgia courts shall continue to operate under the restrictions set forth in that Order as extended; **the provisions of this order below are identical to the October 10 extension order except for Section I, which has been substantially revised, and minor revisions in Section II (A) and IV (C).** Where this order refers to "public health guidance," courts should consider the most specific current guidance provided by the federal Centers for Disease Control and Prevention (CDC), the Georgia Department of Public Health (DPH), and their local health departments.

I. Grand Jury Proceedings and Jury Trials

(A) Grand Jury Proceedings Authorized

(1) The Chief Judge of each superior court, in his or her discretion after consulting with the District Attorney, may resume grand jury proceedings in person or remotely (where consistent with law), if doing so can be done safely and in compliance with public health guidance based on local conditions. When a Chief Judge exercises this authority, he or she must provide sufficient notice to the appropriate clerk of court or court administrator to allow the process of summoning potential jurors, and potential jurors should be informed in advance about the practices that the court will use to ensure their safety. Guidance for safely conducting in-person grand jury proceedings, based on recommendations from the Judicial COVID-19 Task Force, is included in the Appendix to this order, and guidance on conducting remote grand jury proceedings is forthcoming.

(2) Courts and counsel are reminded that many criminal

cases may proceed on accusation and do not require a grand jury indictment.

(B) **Jury Trials Authorized; Local Committees to Develop County Jury Trial Guidelines**

(1) As directed in the September 10 extension order, every county should have in place a local committee of judicial system participants, convened by the Chief Judge of the county's superior court, which is charged with developing a plan for safely resuming jury trials in the county as further described in the "Guidance for Local Committees on Resuming Jury Trials" included in the Appendix to this order. The local committees should utilize the "Guidance for Resuming Jury Trials" also included in the Appendix in developing their plans, which must be submitted to the Administrative Office of the Courts (AOC) as soon as possible and before the jury trial process begins.

(2) **The blanket suspension of jury trials that has been in place since the March 14 Order is ended effective immediately.** The Chief Judge of each trial court is authorized, in his or her discretion, to summon new trial jurors and to resume jury trials, if that can be done safely and in accordance with a final jury trial plan developed in collaboration with the local committee and incorporated into the court's written operating guidelines for in-person proceedings discussed in Section IV below. As with grand jury proceedings, when a Chief Judge exercises this authority, he or she must provide sufficient notice to the appropriate clerk of court or court administrator to allow the process of summoning potential jurors, and potential jurors should be informed in advance about the practices that the court will use to ensure their safety.

(C) Because there are substantial backlogs of unindicted and untried cases and because grand jury proceedings and jury trials even when resumed will not occur at the scale or with the speed as before the pandemic, deadlines calculated by reference to the date of grand jury proceedings or jury trials, including but not limited to the speedy trial deadlines in OCGA §§ 17-7-170 and 17-7-171 and the deadlines for indicting detained individuals in OCGA §§ 17-7-50 and 17-7-50.1, will

remain suspended and tolled as discussed in Section II (A) (1) below.

II. Reimposition of Deadlines on Litigants

(A) The July 10 extension order reimposed all deadlines and other time schedules and filing requirements (referred to collectively herein as "deadlines") that are imposed **on litigants** by statutes, rules, regulations, or court orders in civil and criminal cases and administrative actions and that had been suspended, tolled, extended, or otherwise relieved by the March 14, 2020 Order Declaring Statewide Judicial Emergency, as extended, on the following schedule and with the following exceptions and conditions:

(1) Consistent with Section I above, **deadlines for jury trial proceedings (including statutory speedy trial demands), deadlines for grand jury proceedings, and deadlines calculated by reference to the date of a civil or criminal jury trial or grand jury proceeding shall remain suspended and tolled.** This provision does not apply to deadlines calculated by reference to the date of non-jury (bench) trials. Statutes of limitation in criminal cases shall also remain tolled until further order.

(2) **All other deadlines imposed on litigants were reimposed effective July 14, 2020**, as further explained below.

(3) In cases that were pending before the March 14 Order, litigants were provided the same amount of time to file or act after July 14 that they had as of March 14.

(4) In cases filed between March 14 and July 13, 2020, the time for deadlines began to run on July 14.

(5) In cases filed on or after July 14, 2020, litigants must comply with the normal deadlines applicable to the case.

(6) If the reimposed deadline falls on a weekend or legal holiday, the deadline will as normal be the next business day. See OCGA

§ 1-3-1 (d) (3).

(7) Any extension of time for a litigant's filing or action that was granted by a court, or was agreed or consented to by the litigants as authorized by law, before July 14, 2020, also extended the time for that filing or action after July 14.

(8) Litigants may be entitled to additional time based on the provisions of a local judicial emergency order applicable to their case if such an order tolled applicable deadlines before the March 14, 2020 Order Declaring Statewide Judicial Emergency or tolls applicable deadlines after July 14, 2020.

(9) The tolling and suspension of deadlines imposed on litigants in civil and criminal cases that are calculated by reference to terms of court were lifted as of July 14, 2020, and any regular term of court beginning on or after July 14 counts toward such deadlines. See also the May 4, 2020 "Guidance on Deadlines and Time Limits Defined by Reference to Terms of Court" included in the Appendix.

(10) The 122 days between March 14 and July 14, 2020, or any portion of that period in which a statute of limitation would have run, shall be excluded from the calculation of that statute of limitation.

(11) Litigants may apply in the normal way for extensions of reimposed deadlines for good cause shown, and courts should be generous in granting extensions particularly when based upon health concerns, economic hardship, or lack of child care.

(B) Recognizing the substantial backlog of pending cases, deadlines imposed on courts shall remain suspended and tolled. All courts should nevertheless work diligently to clear the backlog and to comply with usual deadlines and timetables to the extent safe and practicable.

(C) If before July 14 a court reimposed deadlines by order in a specific case based on the authority to do so granted by prior extension orders, the case-specific order reimposing deadlines shall control over the

deadlines for the same filings or actions reimposed by this statewide order.

(D) If in a divorce or adoption case a time period required by law actually passed or passes before the court entered or enters a consent order, consent judgment, or consent decree regarding the divorce or adoption, such order, judgment, or decree shall not be invalid based on any suspension or tolling of the applicable period by the March 14 Order as extended.

III. Proceedings Conducted Remotely Using Technology

(A) All courts should continue to use and increase the use of technology to conduct remote judicial proceedings as a safer alternative to in-person proceedings, unless required by law to be in person or unless it is not practicable for technical or other reasons for persons participating in the proceeding to participate remotely.

(B) Courts should understand and utilize the authority provided and clarified by the emergency amendments made to court rules on video conferences and teleconferences.

(C) Courts may compel the participation of litigants, lawyers, witnesses, and other essential personnel in remote judicial proceedings, where allowed by court rules (including emergency amendments thereto). Such proceedings, however, must be consistent with public health guidance, must not impose undue burdens on participants, and must not be prohibited by the requirements of the United States or Georgia Constitutions or applicable statutes or court rules.

(D) In civil, criminal, juvenile, and administrative proceedings, litigants may expressly consent in the record to remote proceedings not otherwise authorized and affirmatively waive otherwise applicable legal requirements.

(E) Courts must ensure the public's right of access to judicial proceedings and in all criminal cases, unless affirmatively waived in the

record, a criminal defendant's rights to confrontation and an open courtroom.

IV. In-Person Proceedings Under Guidelines for Safe Operations

(A) **Courts have discretion to conduct in-person judicial proceedings, but only in compliance with public health guidance and with the requirements of the United States and Georgia Constitutions and applicable statutes and court rules**, including the public's right of access to judicial proceedings and a criminal defendant's rights to confrontation and an open courtroom.

(B) **No court may compel the attendance of any person for a court proceeding if the court proceeding or the court facility in which it is to be held is not in compliance with this order**, including in particular large calendar calls. **Courts are also prohibited from compelling in-person participation in any court-imposed alternative dispute resolution session that is to be conducted in a manner inconsistent with applicable public health guidelines.**

(C) **Each court shall develop and implement operating guidelines** as to how in-court proceedings generally and particular types of proceedings, including grand jury proceedings and jury trials, will be conducted to protect the health of litigants, lawyers, jurors, judges, court personnel, and the public.

(1) The Judicial Council Strategic Planning Committee and the Judicial COVID-19 Task Force have issued a bench card entitled "Georgia Court Reopening Guide," which is included in the Appendix and should be used as the template for such operating guidelines, which at a minimum should include all subject matters contained therein. Courts should also consider guidance from local health departments and guidance provided by CDC and DPH; if local public health guidance is more restrictive than the bench card, the local public health guidance should be followed instead.

(2) With regard to everyone who works in a court facility,

the operating guidelines shall require **isolation** of any person with known or suspected COVID-19 and **quarantine** of any person with COVID-19 exposure likely to result in infection, in accordance with the DPH Eighth Amended Administrative Order for Public Health Control Measures, a link to which may be found in the Appendix, or any subsequent version thereof.

(3) When there is reason to believe that anyone who works at or has visited a court facility has been exposed to COVID-19, DPH or the local health department shall be notified, and **notification** of persons who may have been exposed shall occur as directed by DPH or the local health department.

(D) Courts of different classes that share courthouse facilities or operate in the same county should coordinate their operating guidelines, and should seek to coordinate operating guidelines with non-judicial entities sharing courthouse facilities.

(E) Each court must submit its operating guidelines to the AOC at https://georgiacourts.gov/covid-19-court- operating-guidelines-form/ to be posted at https://georgiacourts.gov/covid-19-court-operating-guidelines/ as a centralized website available to litigants, lawyers, and the public. Operating guidelines also should be prominently posted at courthouse entrances and on court and local government websites to provide advance notice to litigants, lawyers, and the public.

(F) Operating guidelines shall be modified as public health guidance is modified, and shall remain in effect until public health guidance indicates that they are no longer required.

V. Discretion of Chief Judges to Declare More Restrictive Local Judicial Emergencies

(A) Nothing in the Order Declaring Statewide Judicial Emergency as extended and modified limits the authority of the Chief Judge of a superior court judicial circuit under OCGA §§ 38-3-61 and 38-3-62 to add to the restrictions imposed by the statewide judicial

emergency, if such additional restrictions are constitutional, necessitated by local conditions, and to the extent possible ensure that courthouses or properly designated alternative facilities remain accessible to carry out essential judicial functions. A Chief Judge may impose such additional restrictions only by a properly entered order.

(B) No court may disregard the restrictions imposed by the Order as extended and modified.

VI. Guidance on Application of the Order

Included in the Appendix are several guidance documents that clarify the application of the order in particular contexts. Additional guidance documents may be posted on the AOC's website at https://georgiacourts.gov/judicial-council/aoc/. Guidance related to the tolling of deadlines should be read in light of the reimposition of deadlines by this order and by orders in specific cases.

VII. Professionalism

With regard to all matters in this challenging time, all lawyers are reminded of their obligations of professionalism. Judges are also reminded of their obligation to dispose of all judicial matters promptly and efficiently, including by insisting that court officials, litigants, and their lawyers cooperate with the court to achieve that end, although this obligation must not take precedence over the obligation to dispose of matters fairly and with patience, which requires sensitivity to health and other concerns raised by court officials, litigants and their lawyers, witnesses, and others.

VIII. Notice Provisions

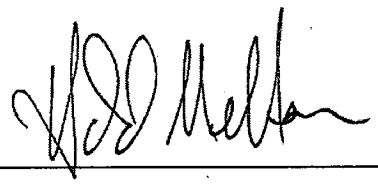
(A) Notice will be provided as to the expected termination of the Order as extended and modified at least one week in advance to allow courts to plan for the transition to fuller operations.

(B) The clerks and court administrators of trial courts that conduct jury trials and convene grand juries will be provided sufficient notice of the resumption of jury proceedings to allow the complicated process of summoning potential jurors to be completed.

(C) The impact of COVID-19 varies across the state, and the level of response and adjustment will likewise vary among courts. Courts should make available to the public the steps they are taking to safely increase operations while responding to the COVID-19 pandemic. Recognizing that not all courts have a social media presence or website, the AOC will continue to post court-specific information as it becomes available on the AOC website at https://georgiacourts.gov/covid-19-preparedness.

(D) Pursuant to OCGA § 38-3-63, notice and service of a copy of this order shall immediately be sent to the judges and clerks of all courts in this State and to the clerk of the Court of Appeals of Georgia, such service to be accomplished through means to assure expeditious receipt, which include electronic means. Notice shall also be sent to the media, the State Bar of Georgia, and the officials and entities listed below and shall constitute sufficient notice of the issuance of this order to the affected litigants, counsel for the affected litigants, and the public.

IT IS SO ORDERED this 10th day of October, 2020, and effective at 11:59 p.m.



Chief Justice Harold D. Melton
Supreme Court of Georgia

COVID-19 SCREENING QUESTIONS FOR POTENTIAL GRAND JURORS

Please circle the appropriate answer or fill in the blank as indicated and return the completed questionnaire to the Clerk of Superior Court within ten (10) days of your scheduled date to report for service.

1. Please provide a mobile phone number which can be used to reach you: _____.

2. What is an email address for you which you check regularly? _____.

3. Have you or a family member been diagnosed with COVID-19? If yes, indicate the date of diagnosis and whether you or a family member are currently experiencing symptoms.

   YES _____

   NO

4. Are you or a member of your household a "vulnerable person?" If yes, indicate if the vulnerable person is you and/or what family member. See definition below.

   YES _____

   NO

"Vulnerable Persons" *are those individuals who are at increased risk for severe illness from the novel coronavirus as currently defined by the Centers for Disease Control and Prevention and the Georgia Department of Public Health as individuals who are over age 60 and individuals with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune systems are compromised by chemotherapy or other treatments for medical conditions."*

Exhibit "F"

5. Within the past ten days, have you experienced symptoms of COVID-19, including: cough, shortness of breath or difficulty breathing, fever above 100.4 degrees or a feeling of feverishness, chills, sore throat, new loss of taste or smell, fatigue, muscle or body aches, headache, congestion or runny nose, nausea or vomiting, or diarrhea? If yes, please list date and the symptoms.

YES _____

NO

6. Have you been in contact with some known to have COVID-19 within the last 14 days?

YES _____

NO

7. Do you have children at home who require your direct supervision due to school and/or daycare closing? *Note*: Ths applies if there is NO ONE else in the household who can provide care during jury service.

YES _____

NO

8. Have you been tested for COVID-19, and what was the date and result of such test?

YES _____

NO

9. Do you feel ill, or have you taken any medication today for the purpose of reducing a fever? If yes, please explain.

YES _____

NO

10. Have you been on an airplane, train, or cruise ship within the last two weeks? If yes, indicate airline, rail line, and/or airline, where you traveled, and what dates.

YES _____

NO

11. Have you traveled out of the country within the last two weeks? If yes, indicate to which country you visited, your method of travel, and what dates.

YES _____

NO

12. Will you be able to wear a mask during Grand Jury proceedings? If no, please explain.

YES

NO _____

13. Are you willing to serve as a juror during this COVID-19 pandemic?

YES

NO

14. If you would rather discuss this with the Clerk of Superior Court telephonically, their numbers are as follows:

Clerk, Bryan County Superior Court	912-653-3871
Clerk, Evans County Superior Court	912-739-3868
Clerk, Liberty County Superior Court	912-876-3625
Clerk, Long County Superior Court	912-545-2123
Clerk, McIntosh County Superior Court	912-437-6641
Clerk, Tattnall County Superior Court	912-557-6716