

FILED
STATE COURT
JACKSON COUNTY, GA

IN THE STATE COURT OF JACKSON COUNTY
STATE OF GEORGIA

2020 MAY 21 PM 3:27

CAMIE W. THOMAS, CLERK

**ADMINISTRATIVE ORDER REGARDING ALL IN-PERSON COURT PROCEEDINGS
FOR THE STATE COURT OF JACKSON COUNTY**

WHEREAS, Chief Justice Melton's "Second Order Extending Declaration of Statewide Judicial Emergency" provides that "courts have discretion to conduct essential and non-essential in-person judicial proceedings, but only in compliance with public health guidance" and

WHEREAS said Order further provides that "[b]efore 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;" and

WHEREAS said Order requires that "[g]uidelines 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 accommodations for high-risk individuals;"

NOW, THEREFORE, in compliance with the foregoing, the State Court of Jackson County, Georgia hereby enters this ADMINISTRATIVE ORDER REGARDING IN-PERSON COURT PROCEEDINGS FOR THE STATE COURT OF JACKSON COUNTY as follows:

In-Court Proceedings Generally

1.

The following guidelines shall apply to all in-court proceedings until further Order of the Court.

2.

All litigants, lawyers, or members of the public who are entering the courthouse for the purpose of attending in-person court proceedings with the State Court of Jackson County shall be screened by Jackson County Courthouse security personnel at the initial security checkpoint and prior to entering the interior courthouse facility to determine:

(a) Whether said individual currently has a temperature exceeding normal ranges; and



(b) Whether said individual is experiencing (or has experienced) any typical symptoms of COVID-19 in the seventy two (72) hour period prior to visiting the courthouse.

Any individual who meets either criteria set forth above shall not be admitted to the Jackson County Courthouse. Strict adherence to these guidelines shall be followed. If any individual who is refused admittance is a Defendant or attorney scheduled for in-court proceedings that day, a designated employee of the Solicitor's office should document the name, current address, and current telephone number of the individual in question and provide that information to the Court at the conclusion of the day's calendar so that matter may be properly re-scheduled for a later date. As an additional safety precaution, Defendants who meet this criteria shall not be required to sign any documentation prior to leaving the courthouse.

The head of each respective department providing services to the State Court (i.e., Solicitor's office, Public Defenders office, Clerk of Court, etc.) shall be responsible for ensuring that any employee attending in-person proceedings in the State Court has also been screened as noted above prior to attending court that day.

3.

To minimize the overall number of persons entering the courthouse facility, all children and non-essential persons shall be encouraged (but not required) to wait in their vehicles or outside the courthouse while litigants conduct their business. However, State Court proceedings are – and remain – open to the public and no members of the public should be denied access to the courthouse (or State Court Courtroom) should they desire to be present during in-person proceedings, subject to health screenings set forth in Paragraph 2 and the capacity limitations set forth below.

4.

- (a) The maximum occupancy for the State Court Courtroom (Courtroom 2) is One Hundred Fifty One (151) persons. Until further Order of the Court, whenever available, the State Court shall convene in the Jury Assembly Room, which should reduce the number of persons using the elevators and stairwells in the courthouse facility. The maximum number of persons who shall be present in the courtroom or jury assembly room at any given time during in-court proceedings, inclusive of courthouse staff, is twenty-five (25) persons, which represents an 83.4% reduction in capacity for Courtroom 2.
- (b) Traditionally, approximately fifteen (15) courthouse employees have been present during in-person court proceedings from various offices and departments that provide support services to the State Court. Each office providing support services to State Court operations is encouraged, but not required, to streamline its in-person court procedures in order to minimize the number of persons who need to be present in the courtroom to the extent feasible.
- (c) Courthouse security shall have a deputy posted outside the courtroom (or, as applicable, the jury assembly room) at a location to ensure compliance with the twenty-five (25) person capacity limit. Once the room has reached maximum capacity of 25 persons, an employee of the Solicitor's office shall, on a first come first serve basis, document the name and telephone number of each remaining litigant entering the courthouse and instruct the litigant (and any persons accompanying the litigant) to remain in their vehicles or otherwise outside the courthouse until they are contacted by telephone or text message to report to the State Court Courtroom. The list of defendants should be documented in the same order each defendant arrives (i.e., first come first served). The list should be provided to an employee of the Solicitor's office on a regular basis so that when one defendant completes his or her business and leaves the courtroom, the next defendant is summoned.

- (d) Courthouse security inside the courtroom should enforce appropriate social distancing requirements in the gallery, including that defendants should remain seated at least six (6) feet apart from one another.
- (e) To promote the orderly and efficient handling of cases, the Court is hopeful that these procedures will allow approximately 6-10 defendants and private attorneys to be present inside the courtroom at any given time, while maintaining appropriate social distancing. Additional defendants shall be summoned to the courtroom by the Solicitor's office by text message or telephone as other defendants complete their business and leave. However, the Court is mindful that real world adjustments must be made, depending on the number of non-essential spectators who wish to be present for the proceedings. For example, if members of the public who are not parties wish to be present and view the proceedings, additional non-party spectators necessarily will reduce the number of other defendants present.
- (f) Although not commonly an issue, to the extent that any one case would bring a large number of spectators that would, in and of itself, exceed the 25 person capacity set forth herein, courthouse security shall notify the Court of the situation and the Court shall deal with those matters on a case-by-case basis.

5.

All litigants, lawyers, court personnel, or members of the public who are attending in-person court proceedings other than the Judge and Court Reporter shall wear a mask while inside the courtroom. The Court shall have available masks for those who did not bring a mask, the cost of which shall be paid from the State Court budget. Each member of the public requesting a mask shall be allowed no more than one (1) mask per day.

6.

To minimize contact between and among persons during in-court proceedings, all defendants shall be permitted to address the court from where they are located in the gallery and shall not be required to enter into the well of the Court.

7.

To further minimize the possibility of cross-contamination by the exchange of papers and writing utensils, Defendants shall not be required to sign any plea forms, notices, or other in-court documentation until further Order of the Court. If a defendant is represented by counsel, the attorney shall sign on the defendant's behalf and the defendant shall state on the record that the defendant was provided the document(s) in question. If a defendant is unrepresented, the Court shall put any necessary plea colloquy or acknowledgment of receipt of relevant documents on the record without signatures required.

8.

For all in-person court proceedings, probationers who have outstanding community service obligations shall be given 3-for-1 hour credit to provide courtroom sanitation services, whereby probationers would be provided spray bottles of sanitizer, PPE, and gloves to thoroughly spray and wipe down areas of the gallery after being occupied and prior to new persons entering the Courtroom. For small calendars, one (1) probationer would be sufficient. For larger calendars, two (2) probationers would be preferred. This community service is to be 100% voluntary and no probationer shall be compelled to complete community service in this manner.

9.

Courthouse maintenance staff shall thoroughly clean and disinfect all courtroom surfaces including, without limitation, benches, tables, railings, and other areas that would be commonly

touched by courthouse staff and litigants the day before and immediately after each in-person court session. Additionally, all restrooms servicing the public on the third floor should be thoroughly cleaned and disinfected the day before and immediately after each in-person court session. The Court encourages maintenance staff to clean and disinfect the elevators at least once every hour while court is in session.

10.

Provided that noise can be kept to a minimum, the doors to the courtroom may be propped open while court is in session to avoid persons having to touch door handles to enter and leave the courtroom. If the doors must be closed, if available, a community service worker should open doors for litigants so members of the public will not have to touch the door handles. If not available, a deputy should open doors for the public.

Large Calendar Proceedings (Such as Arraignments and Calendar Calls)

11.

In addition to the guidelines noted above, the following guidelines shall apply to all in-court proceedings for large calendars until further Order of the Court.

12.

As used herein, the term "Large Calendars" shall mean any single calendar having more than fifty (50) individual cases. Whenever possible, the Court encourages the scheduling of calendars smaller than this threshold. Moreover, the Court is considering the adoption of staggered, smaller proceedings for Large Calendars in the future, but is also mindful that many notices for Large Calendars have already been served. It is impractical that many *pro se* defendants can be re-served for those court appearances prior to the scheduled appearance dates.

13.

To minimize the number of people entering the courthouse facility, for Large Calendars the Solicitor's Office and the Public Defender's office shall establish a process to check in and evaluate applications outside the courthouse (weather permitting, see below for inclement weather contingencies). If a check in table / tent is utilized, the sidewalk outside the courthouse shall be marked by sidewalk chalk, tape, or other prominent markings to establish appropriate social distancing guidelines of at least six (6) feet between defendants as they wait in line to check in with courthouse staff.

14.

The check in table(s) and courthouse staff located at the table should be separated from the public by utilizing some type of physical barrier preventing the public from approaching within 6-8 feet of the table itself (i.e., cones, signage, roadblock barrier, plexiglass barrier, "do not cross" tape, tent with walled sides, or other tangible method of establishing clear physical separation between the public and courthouse personnel). The Jackson County Sheriff's Office should assist the Solicitor's office in having some type of physical barrier in place prior to the Large Calendar start time.

15.

In advance of any Large Calendars, the Solicitor's office is encouraged, but not required, to adopt specific policies that could resolve minor traffic and other minor violations at the "check in" stage without the necessity of an in-person court appearance. (For example, and by way of example only, the Solicitor could adopt a policy that any speeding citation less than 20 mph over the legal limit could be automatically reduced to 14 mph over and the Defendant's case could then be continued to allow payment to be made on-line before the continued court date. Thus, that defendant could leave immediately after check-in never having entered the courthouse).

16.

The Public Defender's office is encouraged to develop policies and procedures whereby defendants applying for its services at Large Calendars may do so at the check in stage without the necessity of an in-court appearance. Those defendants who do qualify may then be given continuance notices and instructions how to proceed without having to enter the courthouse facility.

17.

After checking in, any Defendants (and members of the public accompanying defendants) who still require an in-person court appearance shall be sent to the courtroom on a first come, first served basis until the 25 person courtroom capacity is reached. After capacity is reached, defendant's names and telephone numbers should be documented and the defendant (and any persons accompanying the litigant) should be instructed to remain in their vehicles or otherwise outside the courthouse until they are contacted by telephone or text message to report to the State Court Courtroom. The list of defendants should be documented in the same order each defendant checks in (i.e., first come first served). The list should be provided to an employee of the Solicitor's office in the courtroom on a regular basis so that when one defendant completes his or her business and leaves the courtroom, the next defendant is summoned.

18.

To the extent that any defendants present for Large Calendars are determined at check in to be high risk individuals (as defined by CDC guidelines), they should be given the option to have their matters continued to a "High Risk Calendar" at a later date. High Risk Calendars shall be set on existing "Jail Cases and Revocations" dates and shall be structured with staggered times for appearance. It is anticipated that High Risk Calendars will result in a brief continuance of less than 14 days from the scheduled court appearance.


19.

The Jackson County Sheriff's Office shall provide at least two (2) to three (3) deputies outside to assist courthouse staff with mandating compliance with the forgoing guidelines for all Large Calendars. It is recommended that a bullhorn be used such that defendants can be instructed on how to properly line up and employ social distancing measures. The Solicitor's office should notify the Jackson County Sheriff's Office of any upcoming Large Calendars at least seven (7) days in advance so that staffing can be appropriately accommodated.

20.

Inclement Weather Contingency: In the event of mild to moderate inclement weather, the Jackson County Sheriff's office should funnel courtroom traffic into one (1) parking lot. A second deputy should direct cars into specific spaces so that the occupants can be checked in on a "first come, first served" basis. Occupants should be instructed to remain in their vehicles and that a member of the Solicitor's and Public Defender's staff will come to them and check them in in accordance with the procedures noted above. In the event of more severe inclement weather, it may be necessary to postpone Large Calendars which shall be addressed on a case-by-case basis.

SO ORDERED, this 21st day of May, 2020.



Robert D. Alexander, Judge
State Court of Jackson County, Georgia