Judicial Council of Georgia
Emergency Session

By Conference Call

Monday, June 1, 2020
2:00 p.m.

1. **Preliminary Remarks**
   (Chief Justice Harold D. Melton, Est. Time – 5 Min.)

2. **Roll Call of Judicial Council Members**
   (Cynthia Clanton, Judicial Council Secretary and AOC Director, Est. Time – 2 Min.)

3. **Adoption of Minutes from Emergency Session on May 18, 2020**
   (Chief Justice Harold D. Melton, Est. Time – 2 Min.)

4. **COVID-19 Update and Discussion of Statewide Judicial Emergency Orders by Judicial Council Members**
   (Chief Justice Harold D. Melton, Est. Time – 15 Min.)

   A. Judicial COVID-19 Task Force Update (Judge Shawn LaGrua)

5. **Reports from Courts, Councils, State Bar, and AOC (**Est. Time – 20 min.)

   A. Supreme Court

   B. Court of Appeals

   C. Business Court

   D. Council of Superior Court Judges

   E. Council of State Court Judges

   F. Council of Juvenile Court Judges

   G. Council of Probate Court Judges

   H. Council of Magistrate Court Judges

   I. Council of Municipal Court Judges

   J. State Bar of Georgia

   K. Administrative Office of the Courts

6. **Reports from additional Judicial Branch Agencies** (Est. Time – 10 Min.)

   A. **Council of Accountability Court Judges**

   B. **Georgia Commission on Dispute Resolution**

   C. **Council of Superior Court Clerks**

   D. **Chief Justice's Commission on Professionalism**

   E. **Georgia Council of Court Administrators**

   F. **Institute of Continuing Judicial Education**

   G. **Judicial Qualifications Commission**

7. **Old/New Business**
   (Chief Justice Harold D. Melton, Est. Time – 5 Min.)

8. **Concluding Remarks and Adjournment**
   (Chief Justice Harold D. Melton, Est. Time – 5 Min.)

Next Judicial Council Meetings – General Session

Friday, August 14, 2020	10 a.m. – 12:30 p.m.	Columbus Convention & Trade Center/Columbus, GA
Friday, December 11, 2020	10 a.m. – 12:30 p.m.	The Carter Center/Atlanta, GA

Judicial Council Meeting Calendar – 2021

Friday, February 12, 2021	10 a.m. – 12:30 p.m.	The James H. "Sloppy" Floyd Building/ Atlanta, GA
Friday, April 23, 2021	10 a.m. – 12:30 p.m.	The Classic Center/Athens, GA
Friday, August 13, 2021	10 a.m. – 12:30 p.m.	Location TBD
Friday, December 10, 2021	10 a.m. – 12:30 p.m.	The Carter Center/Atlanta, GA

Please continue to check www.georgiacourts.gov (the Judicial Gateway) for the latest updates and information. Thank you and continue to be safe!

Judicial Council of Georgia
Emergency Session
Conference Call
May 18, 2020 ● 2 p.m.

Members Present
Chief Justice Harold D. Melton, Chair
Presiding Justice David Nahmias
Chief Judge Brian Amero
Chief Judge Berryl Anderson
Chief Judge Jeffrey Bagley
Judge Michael Barker
Chief Judge Carl C. Brown
Chief Judge Chris Brasher
Chief Judge Geronda Carter
Judge Walter Davis
Chief Judge Donald W. Gillis
Chief Judge T.J. Hudson
Judge Asha Jackson
Judge Lisa C. Jones
Judge Jeffrey H. Kight
Chief Judge T. Russell McClelland
Chief Judge Christopher J. McFadden
Vice Chief Judge Brian Rickman
Judge Dale "Bubba" Samuels
Judge W. James Sizemore
Judge Wesley B. Tailor
Judge James G. Tunison, Jr.
Judge Ralph Van Pelt
Judge Willie C. Weaver
Chief Judge Kelli Wolk

Members Absent
Judge Wade Padgett
Chief Judge Juliette Scales
Mr. Darrell Sutton

Staff Present
Ms. Cynthia Clanton, Director
Ms. Michelle Barclay
Mr. Jorge Basto
Ms. Jessica Farah
Mr. Christopher Hansard
Ms. Stephanie Hines
Ms. Cheryl Karounos
Ms. Noelle Lagueux-Alvarez
Ms. Tynesha Manuel
Ms. Tracy Mason
Ms. Lashawn Murphy
Ms. Tiffanie Robinson
Ms. Maleia Wilson

Call to Order and Welcome

The meeting of the Judicial Council of Georgia (Council) was called to order at 2:00 p.m. by Chief Justice Harold Melton. Ms. Clanton called roll for Council members; staff and guests were instructed to submit their attendance to Ms. Robinson for the purposes of the minutes.

Adoption of Minutes – May 11, 2020

Chief Justice Melton directed the Council's attention to the minutes of the Emergency Session on May 11, 2020. A motion to approve the minutes was offered by Presiding Justice Nahmias, with a second from Judge Brasher. No discussion was offered, and the motion was approved without opposition.

COVID-19 Update and Discussion of Statewide Judicial Emergency Order by Judicial Council Members

Chief Justice Melton reported the second extension to the Statewide Judicial Emergency Order was issued Monday, May 11, 2020. Also issued was the Order creating the Judicial COVID-19 Task Force to aid in planning for the expiration of the Judicial Emergency period and identify best practices moving forward. The Task Force is chaired by Judge Shawn LaGrua and the first meeting is scheduled for May 19, 2020, at 10 a.m.

Chief Justice Melton recognized the judiciary for identifying ten to fourteen percent budget cuts as requested. The Georgia House and Senate Appropriations Committees are holding a joint hearing at 3 p.m., May 18, 2020; the agenda includes an overview of federal actions and funding.

Presiding Justice Nahmias provided an update on legislation, reminding Councils if they identify any essential statutory changes those changes should be clearly defined and submitted immediately. While the official announcement for the return of the 2020 legislative session is still pending, the anticipated start is no later than June 15, 2020.

Judge LaGrua reported the Task Force is actively working on a bench card with the assistance of the Judicial Council/AOC staff. The goal is to divide the Task Force into smaller subsections to progress objectives more quickly.

Chief Justice Melton reminded the Council of election day requirements for the June 9, 2020, election, noting the declared judicial emergency does not foreclose on those statutory requirements.

The Council discussed thresholds for providing notice to the public to satisfy the open courtroom requirement, including streaming links, notices posted at the courthouse, and website postings.

Old Business

No old business was offered.

New Business

No new business was offered.

Concluding Remarks

Chief Justice Melton announced that the next Emergency Council meeting is scheduled for Monday, June 1, 2020.

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Adjournment

Hearing no further business, Chief Justice Melton adjourned the meeting at 2:13 p.m.

Respectfully submitted:

Tynesha Manuel
Assistant Director, Judicial Council/AOC
For Cynthia H. Clanton, Director and Secretary

The above and foregoing minutes

were approved on the _____ day of

_____, 2020.

_____

Harold D. Melton

Chief Justice

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Judicial Council of Georgia
Emergency Session
Conference Call
May 18, 2020 ● 2 p.m.

Guest Present
Mr. Douglas Ashworth, Institute of Continuing Judicial Education
Mr. Joseph Baden, Third Judicial Administrative District
Judge Christy C. Balbo, Atlantic Judicial Circuit
Ms. Therese Barnes, Supreme Court of Georgia
Mr. Josh Becker, Council of Accountability Court Judges
Judge R. Violet Bennett, State Court of Wayne County
Mr. Chuck Boring, Judicial Qualifications Commission
Mr. Bob Bray, Council of State Court Judges
Ms. Mazie Lynn Causey, Georgia Association of Criminal Defense Lawyers
Mr. Sean Collins, Pope McGlamry P.C.
Judge Melanie B. Cross, Tifton Judicial Circuit
Mr. Richard F. Denney, First Judicial Administrative District
Judge Lori B. Duff, Council of Municipal Court Judges
Mr. Steve Ferrell, Ninth Judicial Administrative District
Mr. Kevin Fisher, Law Offices of Kevin R. Fisher
Chief Judge Reuben Green, Superior Court, Cobb Judicial Circuit
Ms. Karlise Grier, Chief Justice's Commission on Professionalism
Ms. Stephanie Hines, Georgia Council of Court Administrators
Judge Gary Jackson, Municipal Court of Atlanta
Ms. Tracy Johnson, Georgia Office of Dispute Resolution
Ms. Taylor Jones, Council of Accountability Court Judges
Ms. Anne Kirkhope, Council of Juvenile Court Judges
Judge Shawn LaGrua, Superior Court of Fulton County
Mr. Gary Lamar, Dougherty Judicial Circuit
Ms. Cathy McCumber, Fourth Judicial Administrative District
Mr. David Mixon, Second Judicial Administrative District
Ms. Jimmonique Rodgers, Georgia Public Defender Council
Judge Arthur Lee Smith, Chattahoochee Judicial Circuit
Mr. Robert W. Smith, Jr., Prosecuting Attorneys' Council of Georgia
Mr. Jason Stephenson, Northeastern Judicial Circuit
Ms. Jill Travis, Georgia Association of Criminal Defense Lawyers
Ms. Kristen Wallace, Council of Juvenile Court Judges
Ms. Cindy Wang, Department of Juvenile Justice
Judge Alvin T. Wong, State Court of Dekalb County

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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. These practices are presented here 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.

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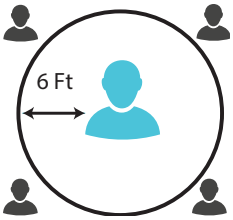
7 Healthy and Safe Inmates and Detainees

1 General Infection Control Measures

Require all employees and the public to wear a mask or face covering when entering the court facility.



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.

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.
- ✓ Avoid touching eyes, nose, and mouth.
- ✓ Stay home when sick.
- ✓ Clean and disinfect frequently touched objects and surfaces, including countertops, public access computers, and seating throughout the facility.

- **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.
- **Bathrooms should be well-stocked** with soap and paper towels at all times.
- **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.
- **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.

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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

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 population (or living in a household with someone who is immune-compromised).
- ✓ 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

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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 or anyone in their household have experienced symptoms of COVID-19, including: cough, shortness of breath or difficulty breathing, fever, chills, muscle pain, sore throat, new loss of taste or smell.
- ? 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 100.4 degrees or higher.
- ? Any person denied entry for health reasons should have his or her case continued.

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.
- 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.

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.

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 fifty person calendar for 8:30 a.m. Rather, schedule the first group of 12 for 8:30 and the second group of 12 for 10:00.

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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.

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 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, working in 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 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.

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.
- **Provide for proper spacing** in transport vehicles.
- **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.

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SUPREME COURT OF GEORGIA

May 22, 2020

The Honorable Supreme Court met pursuant to adjournment. The following order was passed:

It is ordered that the following additional advisory members are hereby appointed to the Standing Committee on Judicial Workload Assessment as specified below:

- Justice of the Supreme Court of Georgia, chosen by the Supreme Court;

- Judge of the Court of Appeals of Georgia, chosen by the Court of Appeals.

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.
Witness my signature and the seal of said court hereto affixed the day and year last above written.

, Clerk