

**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

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.<sup>1</sup>

---

<sup>1</sup> 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.<sup>2</sup> 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

---

<sup>2</sup> 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.

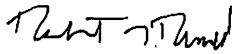
#### **9. Publication and Dissemination of Guidelines.**

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.

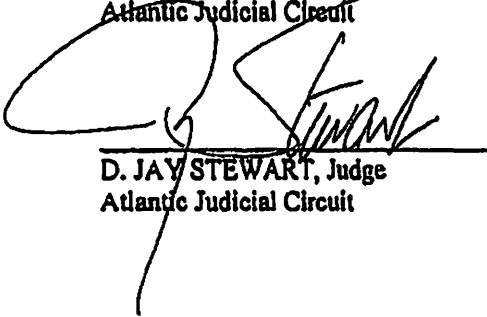
10. Duration

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

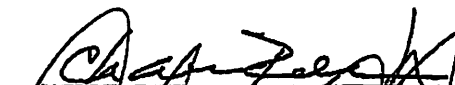
SO ORDERED on this the 29<sup>th</sup> day of May, 2020.



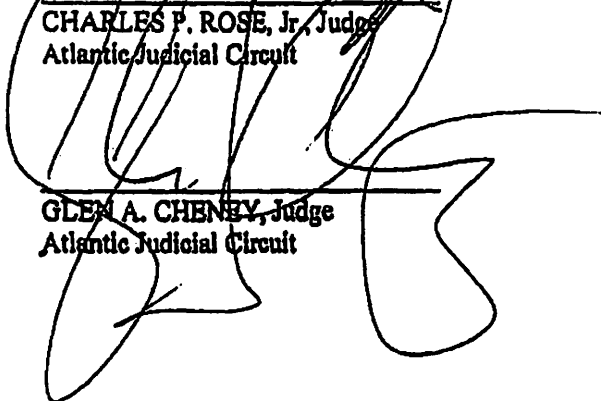
ROBERT L. RUSSELL, III, Chief Judge  
Atlantic Judicial Circuit



D. JAY STEWART, Judge  
Atlantic Judicial Circuit



CHARLES F. ROSE, Jr., 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?**

[illegible]

## **Exhibit B**

# **Georgia Department of Public Health Cleaning Guidance for COVID-19**

**(Comprised of 2 pages not including this page)**

## 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.

### 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.

**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.

### **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.

Laundry 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.



Telephone:  
(912) 437-3033  
FAX:  
(912) 437-3034

**Robert L. Russell**  
Chief Judge of the Superior Courts  
Atlantic Judicial Circuit  
Post Office Box 581  
Darien, Georgia 31305

Counties:

Bryan  
Evans  
Liberty  
Long  
McIntosh  
Tattnall

March 27, 2020

Sherry Bland, Clerk  
Tattnall County Superior Court  
Post Office Box 39  
Reidsville, GA 30453

RE: Order of Cancellation of Habeas Corpus hearings on April 22, 2020

Dear Sherry:

Enclosed please find the Order cancelling the Habeas Corpus calendar for April 22, 2020, at 9:00 o'clock a.m. It has come to the attention of the Court that there has been positive testing of inmates in some of the penitentiaries in Georgia for the Coronavirus. Because of this situation, the Court believes it is in the best interest of court personnel, law enforcement, transportation personnel, courthouse security personnel, and attorneys traveling from all over the State that this court date be cancelled and rescheduled at a future date and time.

If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

Robert L. Russell

RLR/cmw

Encl

cc: Chief Justice Harold D. Melton  
Judge Charles P. Rose, Jr.  
Judge D. Jay Stewart  
Judge Glen A. Cheney  
Paula Smith, Senior Assistant Attorney General  
John Cloy, Atlantic Judicial Assistant Public Defender  
Attorneys for Habeas Corpus Petitioners  
Warden, Smith State Prison  
Warden, Georgia State Prison

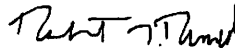
IN THE SUPERIOR COURT OF TATTNALL COUNTY

STATE OF GEORGIA

IN RE: HABEAS CORPUS CALENDAR FOR APRIL 22, 2020, AT 9:00 O'CLOCK  
A.M.

It is hereby ordered that because of the circumstances surrounding the ongoing  
Coronavirus situation, this Court believes that it is in the best interest of public safety that the  
habeas corpus hearings previously scheduled for Wednesday, April 22, 2020, be cancelled and  
rescheduled at a future date and time.

SO ORDERED, this 27<sup>th</sup> day of March, 2020.



---

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





Telephone:  
(912) 437-3033  
FAX:  
(912) 437-3034

**Robert L. Russell**  
Chief Judge of the Superior Courts  
Atlantic Judicial Circuit  
Post Office Box 581  
Darien, Georgia 31305

Counties:

Bryan  
Evans  
Liberty  
Long  
McIntosh  
Tattnall

**FILED IN OFFICE**  
**MAR 13 2020**  
*[Signature]*  
**CLERK OF SUPREME  
COURT OF GEORGIA**

March 13, 2020

IN RE:           Coronavirus/COVID 19

Dear Colleagues and Leaders:

Governor Kemp of the State of Georgia has issued a call to action. Chief Justice Melton of the Georgia Supreme Court at an emergency Judicial Council meeting approved a template order for declaring a judicial emergency for Chief Judges of Circuits in Georgia to use to suspend all non-essential operation/court functions for a period of up to thirty (30) days in the discretion of the Chief Judge.

In Liberty County alone, next week, we have three major jury selections scheduled for murder, rape, and civil matters. The number of jurors, law enforcement, attorneys, clerks, parties, witnesses, and inmates, with other courts and services would in my estimation involve over 500 people in one courthouse.

The University of Georgia has been cancelled, the State of Georgia Legislature has been cancelled, other judicial circuits non-essential functions have been cancelled, some schools have been cancelled.

The President of the United States has called for travel bans and to restrict socialization.

Accordingly, as Chief Judge of the Atlantic Judicial Circuit in an abundance of caution, considering the Coronavirus pandemic high infection rate, I declare a judicial emergency, closing the courthouses and courts of the Atlantic Judicial Circuit from thirty (30) days from March 16, 2020, for non-essential functions.

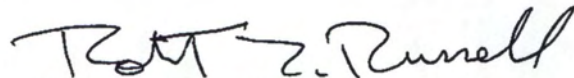
All parties are urged to conference call and text with Judges and each other for such matters as bond orders, TPO's and emergency matters.



Enclosed please find a copy of the Order.

If I can be of any assistance, please feel free to call me.

Very truly yours,

  
Robert L. Russell

RLR/cmw

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

IN RE: Declaration of Judicial Emergency

Date: March 16, 2020

\*  
\*  
\*  
\*  
\*

**ORDER DECLARING JUDICIAL EMERGENCY**

WHEREAS, IT HAS BEEN DETERMINED that a Judicial Emergency exists in the Atlantic Judicial Circuit affecting all courts such that there is a serious health emergency pursuant to O.C.G.A. § 38-3-60(2)(D). *See* O.C.G.A. § 38-3-60(2)(D) (providing that “Judicial Emergency” means “[s]uch other serious emergency”).

WHEREAS, IT HAS BEEN DETERMINED that the Judicial Emergency substantially endangers or infringes upon the normal functioning of the judicial system as it relates to jury service, including grand jury service, and any non-essential matters, unless they can be conducted via video or teleconferencing.

Therefore, pursuant to O.C.G.A. § 38-3-61, The Honorable Chief Judge Robert L. Russell of the Atlantic Judicial Circuit DOES HEREBY ORDER AND DECLARE the existence of a Judicial Emergency in the Atlantic Judicial Circuit. The nature of this emergency is the continued transmission of Coronavirus/COVID-19 throughout the Atlantic Judicial Circuit and the potential infection of those who are required to appear in our courts and interact with large groups due to jury service, including grand jury service, or other large, non-essential calendars.

Thus, the undersigned hereby makes this declaration of a judicial emergency affecting all courts and clerk’s offices in the Atlantic Judicial Circuit as it relates to jury service, including grand jury service, and any non-essential matters, unless they can be conducted via video or teleconferencing.



Accordingly, IT IS THE ORDER of the Court that no jurors or grand jurors shall report and no jury trials shall be held for a period of thirty (30) days from the effective date of the Order, which is March 16, 2020. Furthermore, no civil or non-essential matters shall be heard by the courts during this 30-day time period, unless they can be conducted via video or teleconferencing. Parties or attorneys in any non-essential matters should contact the chambers of the judge assigned to their case if they have any questions and/or need to ensure their compliance with this Order.

Pursuant to O.C.G.A. § 38-3-62, during the period of this Order, the Court hereby suspends, tolls, extends, and otherwise grants relief from: (1) a statute of limitation; (2) the time within which to try a case for which a demand for speedy trial has been filed; (3) the time within which to hold a commitment hearing; (4) the time within which to return a bill of indictment or an accusation or to bring a matter before a grand jury; and/or (5) such other legal proceedings as determined to be necessary, including calendars involving large numbers of litigants, lawyers, or other persons.

Should the state of emergency extend beyond the period indicated above or should the nature of the emergency otherwise require modification by the Court, the Court will make a determination of available alternative remedies for the conduct of court business, as necessary, and a corresponding Order will be entered and distributed in accordance with Georgia law.

Pursuant to O.C.G.A. § 38-3-63:

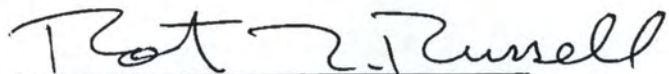
IT IS ORDERED that the Sheriffs of their respective counties shall post this Order on his public notification site and in the courthouses;

IT IS FURTHER ORDERED that the undersigned shall immediately notify and serve Chief Justice Harold D. Melton of the Supreme Court with a copy of this Order, such service to be accomplished via email to Tee Barnes, the Clerk of the Supreme Court of Georgia, at [barnest@gasupreme.us](mailto:barnest@gasupreme.us);

IT IS FURTHER ORDERED that the undersigned shall immediately notify and serve a copy of the order on the judges and clerks of all courts sitting within the jurisdictions affected and on the clerks of the Georgia Court of Appeals and the Georgia Supreme Court, such service to be accomplished through reasonable means to assure expeditious receipt; and

IT IS FURTHER ORDERED that the undersigned shall give notice of the issuance of this Order to the affected parties, counsel for the affected parties, and the public.

**IT IS SO ORDERED** this 13th day of March, 2020 at 5:00 p.m. The effective date of this Order is March 16, 2020.

A handwritten signature in black ink, appearing to read "Robert L. Russell", written over a horizontal line.

**Robert L. Russell, Chief Judge**  
Superior Courts  
Atlantic Judicial Circuit