

IN THE MUNICIPAL COURT
CITY OF THOMASTON
STATE OF GEORGIA

ORDER OF RESUMPTION OF OPEN COURT
AND TEMPORARY OPERATIONAL
GUIDELINES

WHEREAS, pursuant to the Order Declaring a Statewide Judicial Emergency by the Chief Justice of the Supreme Court of Georgia as a result of the COVID-19 pandemic on March 14, 2020, as amended on May 11, 2020, by the Chief Justice in an Order Extending Declaration of Statewide Judicial Emergency until 12 June 2020; and

WHEREAS, the Municipal Court of Thomaston has been opened for only essential emergency court business and has not performed regular courtroom sessions during the months of the last half of March and all of April and May and the first part of June, 2020; and

WHEREAS, pursuant to the terms of the Extended Order, Courts are allowed to begin court operations provided each court develop written guidelines as to how in-court proceedings and particular types of proceedings will be conducted to safeguard and protect the health of litigants, lawyers, judges, court personnel, and the public; and

WHEREAS, the Council of Municipal Court Judges has promulgated the Best Practices & Guidelines for Operating Municipal Courts During the COVID-19 Recovery (Exhibit A) which are hereby adopted by this Court by specific reference; and

WHEREAS, as a result of this authorization to begin open court sessions once again, the Municipal Court of Thomaston will begin open court sessions beginning June 30, 2020; and

WHEREAS, the following guidelines shall be followed for all open court sessions, and the procedures and provisions set out herein shall be the Order of the Court and shall be followed by all

court personnel and citizens to the extent practicable for the operation of the Municipal Court of Thomaston, Georgia.

IT IS HEREBY ORDERED:

1. Court calendars shall be scheduled with no more than sixty-five (65) Defendants on any one calendar.

2. Calendar starting times may be staggered to minimize the number of Defendants in the courtroom at any one time. Multiple times may be scheduled on the same date to accommodate this procedure. The auditorium in the County/City Government Complex will be utilized as a holding area when numbers of attendees are too large to be accommodated in the courtroom. Defendants and their lawyers will be brought into the courtroom as space becomes available.

3. These guidelines shall apply to all open courtroom matters, including but not limited to Arraignments, Motion Hearings, Probation Revocation Hearings, and Bench Trials.

4. Defendants who request a reset because of COVID-19 concerns shall be granted a continuance if they are a member of an at-risk group, such as those persons over 65 years of age; or they have small children and no available childcare; or they have a family member suffering with COVID-19 or if they have been exposed to someone suffering from the virus; or they are a member of an immune-compromised population (or living in a household with someone who is immune compromised).

5. All staff members, including, but not limited to, law enforcement personnel, clerks, probation personnel, city employees and lawyers who have business or provide services during courtroom sessions shall be required to wear protective masks and, where necessary, protective gloves.

6. All persons within public areas of the County/City Government Complex must conduct themselves in such a manner as to respect the concept of "social distancing" and maintain six (6) feet of separation from other persons.

7. All persons shall be required to wear a mask, cloth, bandanna, scarf or other covering over their mouth and nose which must be worn at all times in the main building of the Government Complex. If a person does not have a mask, one may be provided by the courtroom personnel. If no masks are available or the person refuses to wear a mask that is provided and the person is a Defendant, the case may be continued or held until the end of the calendar for disposition.

8. All individuals entering the building for Court shall check in through the security entrance station. At the security entrance station, court personnel shall screen each person by asking the following questions:

- (a) Has the person traveled to or from any area in which COVID-19 is particularly active within the past thirty (30) days?
- (b) Have they or anyone in their household experienced symptoms of COVID-19?
- (c) Have they been tested for the virus? If the response is yes, they should be questioned further as to the date and results of the test. If they advise that they tested positive within 14 days of the court date, they should be rescheduled by the Court.

9. If these questions are answered satisfactorily, each person will have their temperature taken electronically and anyone exceeding 100.4 degrees shall not be allowed in the auditorium or courtroom. If the person is a Defendant, their case will be rescheduled. If they do not exhibit such a level of temperature, they will be admitted inside the auditorium and courtroom.

10. The courtroom and auditorium shall be set up to accommodate persons in such a manner as to allow six foot spacing between each person. If a space limitation problem arises during any court session, the previously referenced staggering method may be implemented. Additionally, any Defendant may choose to provide a cellphone number to the bailiff and be directed to wait in their car until they are notified by court personnel via cellphone to return to the courtroom.

11. Any and all citizens shall have access to the courtroom. However, due to the necessity of ensuring low-density population inside the courtroom so as to protect the health, safety, and welfare of

the general public, litigants, court personnel, lawyers and all others, Defendant's will be given priority for admission into the courtroom.

12. Once inside the courtroom, individuals should only be seated in designated areas.

Appropriate seats will be indicated and certain seats shall remain empty. Bailiffs shall assist and instruct individuals upon entering and being seated in the courtroom.

13. In order to facilitate appropriate crowd flow and social distancing concerns, certain areas will be quarantined off. Only designated court officials shall be allowed within those restricted areas.

14. If it is necessary for the Defendant to meet with probation, the Probation Officer will set up their desk and surrounding area in consideration of the social distancing six (6) foot requirement. Once the probation procedures have been completed, the Defendant shall exit the building.

15. Signs shall be posted in prominent locations throughout the courtroom, lobby and auditorium advising persons to wash their hands, maintain social distancing and wear protective masks.

16. Court personnel will set up hand sanitizing stations throughout the auditorium, courtroom and lobby at appropriate locations and people will be encouraged to use these stations as they come into and exit the area.

17. City personnel shall regularly clean and sanitize the courtroom, auditorium and public areas utilized by the Municipal Court in the building in a reasonable manner.


18. Any individual who violates or fails to comply with these Court Operational Guidelines shall be subject to the following:

1. Will be asked to comply with the specific guideline;
2. If any individual then fails to comply, they will be instructed to quietly leave the building or, where appropriate, be quarantined in the auditorium until all other cases are disposed and they can be brought to the courtroom with proper social distancing;

3. If, based upon a violation or failure to comply, any individual refuses the request of a bailiff or law enforcement officer to leave the building or be quarantined in the auditorium, they may be subject to a citation for contempt.

These provisions regarding the conduct of Court shall remain in full force and effect until such time as rescinded by further Order of the Court.

SO ORDERED, this ~~8th~~ day of June, 2020.


David Fowler
Judge of Municipal Court
City of Thomaston



 A. Chatman

6/10/20 @ 1357



Council of Municipal Court Judges

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

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Judge Davis Will

District Five
Judge Tiffany Carter Sellers
Judge Parag Shah

District Six
Judge J. Kristi Lovelace
Judge Clayton Davis

District Seven
Judge Robert Cowan
Judge Nathan Wade

District Eight
Judge Joseph Sumner
Judge Dexter Wimbish

District Nine
Judge Pamela Boies
Judge Claude Mason

District Ten
Judge Graham McKinnon
Judge Ryan S. Hope

With the gradual expansion of services offered by the Courts, certain guidelines will have to be followed in order to ensure the safety of both the Court staff and the public that come in contact with the Courts. Given the diversity of the Municipal Courts, it is impossible to create a one-size-fits-all policy that will suit big city and small city Courts alike. However, there are certain principles that apply across the board. These guidelines and best practices are presented by the Council of Municipal Court Judges in order to help each Court create its own individual policy conducting business during COVID-19 recovery.

We recognize that resources vary widely throughout the State and not all of these best practices will be available in every Court but they should be followed to the extent practicable.

PERSONNEL/STAFF

- Implement staggered shifts for all possible workers and /or implement teleworking for all possible workers;
- Discourage workers from using other workers' phones, desks, offices, or other work tools and equipment;
- Where possible, stagger workstations to avoid employees standing adjacent to one another or next to each other. Where six (6) feet of separation is not possible, consider spacing options that include other mitigation efforts with increased frequency of cleaning and sanitizing surfaces;
- Require all employees to wear face coverings at all times;
- Consider temperature checks of employees upon entering work each day; and
- Require workers who exhibit signs of illness to not report to work or to seek medical attention.

NOTIFICATION

The standard notification for hearings for defendants and other witnesses and necessary parties will need to be modified.

At a minimum, in addition to the standard information regarding date, time, and location of the hearing, include information about how to contact the Court to request an automatic 30-60 day continuance in the event that the noticed party:

- is a member of an immune-compromised population (or living in a household with someone who is immune-compromised);
- if they are over 65; and
- if they have small children and do not have child care.

You may want to include information about interpreters or other reasonable and necessary accommodations so that people know how to request an interpreter or other accommodations ahead of time to avoid an unnecessary trip to the building. Consider having a separate calendar for those who need interpreters to avoid additional trips to the Courthouse for the interpreter.

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Individuals who feel uncomfortable leaving their homes during the pendency of the Shelter-in-Place order should be allowed a courtesy reset upon request.

COURTROOM MANAGEMENT

Low-Density Population

Governor Kemp's Executive Order dated April 23, 2020 provides certain guidelines to ensure the safety of individuals required to be in proximity to one another for business purposes. The Executive Order does not allow for any municipal government to allow gatherings of persons outside their residence who do not reside together, with only limited exceptions.

In order to meet with those exceptions, the following is necessary:

- Maintain a six (6) foot distance between individuals who do not reside together.
- Do not schedule more individuals to arrive at the Courtroom (including staff) than the dimensions of the courtroom can accommodate to allow a six (6) foot distance between the individuals.
- Calculate this by measuring the square footage of the seating area of the room. There should be no more than one defendant for every six (6) square feet of space.
- Consider a maximum of 25 people total per session considering the allowance per the formula.

Staggered Scheduling

Although it is common practice in most Courtrooms under normal circumstances to have large calendar calls, under these unusual circumstances, stagger the arrival of defendants and other necessary individuals so that there are not a large number of individuals arriving at the same time. For example, if your Courtroom can accommodate twelve (12) people, do not schedule your normal fifty (50) person calendar for 8:30 a.m. Schedule the first 12 for 8:30, the second 12 for 10:00, and so on.

Screening

Consider having some sort of screening process for individuals before they enter your Courtroom.

- Have a series of questions you ask each individual 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; or
 - if they have been tested for the virus.
- If possible, their temperature can be taken and anyone with a fever higher than 100.4 degrees should be refused admission and their case continued.

Staging

Do not allow patrons to congregate in waiting areas or common areas. Design a process to ensure patron separation while waiting to be seated that can include:

- Floor markings;
- Outdoor distancing;
- Waiting in cars; or
- Utilization of tenting.

TYPES OF HEARINGS

Initial hearings, preliminary hearings, and bond hearings, have long been authorized by statute to be done by video conference. See O.C.G.A. 17-4-47. Consistent with Chief Justice Harold Melton's April 6, 2020 "Order Extending Declaration of Statewide Judicial Emergency," the use of video and teleconferencing is

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encouraged “to reduce backlogs when the judicial emergency ends.” Municipal Court Rule 15.2 also allows for the expanded use of video conferencing to take pleas in criminal cases, conduct probation revocation hearings, and other cases.

Use of conference calls, computer programs such as WebEx, Zoom, Skype, Google, and others are relatively low-technological solutions that are widely available and inexpensive and can be used creatively for all sorts of hearings with the active and informed consent of all parties involved. When doing so, ensure compliance with the recordation required in Municipal Court Rule 26.

If your Court does not already have one, consider instituting a policy which would allow defendants to waive arraignment. When allowing defendants to do so, make sure that the policy ensures the preservation of all constitutional rights protected by the arraignment process.

COURTROOM MANAGEMENT

Protective Equipment

All courtroom staff should be properly equipped with masks and should be educated on and given the opportunity to wash their hands frequently. Equipment such as telephones and computer keyboards should not be shared.

If possible, handwashing or hand sanitizing stations should be available to both staff and the public.

Suggestions include:

- Directing individuals to the sinks in the bathroom
- Separate sanitation stations,
- Frequently placed hand sanitizer dispensers, or
- Providing sanitizing wipes for people to disinfect surfaces they must touch, such as door handles, chair arms, and pens.

Enact policies and procedures to encourage Social Distancing for patrons and employees. Measures may include:

- Protective Plexiglass screens at service counters and at payment windows;
- Decals on the floor or aisles with messaging on Social Distancing;
- Signs throughout the Court giving visuals and information on Social Distancing;
- Allowing anyone who brings their own protective equipment to wear it;
- Providing masks for individuals who do not have their own;
- Allowing each individual who signs a document to retain the pen he or she uses to avoid cross-contamination.
- Disallowing the gathering of large groups in common areas like lobbies and parking lots.

Flow

Consider the route that people will take through your building and/or Courtroom. Enact policies and procedures that encourage Social Distancing, such as:

- Roping or taping off certain seating areas or hallways;
- Placing arrows on the floors to direct foot traffic; or
- Require people to enter through one door and exit through another.
- Coordinate with other stakeholders located in your building to maximize efficiency of effort.

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Open Courtroom Concerns

Many individuals bring support persons when they come to Court. While this is normally encouraged in Georgia's open Courtrooms, this may prove difficult when ensuring the low-density population in the Courtroom to provide the necessary social distance safety requires. When possible, allow anyone in the Courtroom who wishes to be there, so long as the low-density population rules and Social Distancing rules are followed. When this is not possible, have a policy in place that limits the constrictions on an open courtroom. Consider having a live YouTube or Facebook or Zoom or other link that you can provide for individuals who want to see what is going on in the Courtroom. Consider rotating individuals in and out as quickly as possible.

SIGNAGE

Place a sign near the entry of the building/Courtroom and in other prominent places that states that individuals who have a fever or other symptoms of COVID-19 shall not enter the Courthouse.

Place a sign in prominent places reminding individuals to wash their hands frequently and to cover their mouths and noses when they cough and sneeze.

Use arrows and tape to direct the flow of foot traffic through the building.

SANITATION

Do your best to keep the Courtroom and the Courthouse sanitized at all times. Use disinfectant wipes and sprays on chairs, benches, tables, and other shared furniture and equipment between uses, including between each Court session.

Request that the bathrooms and other shared facilities be cleaned and sanitized regularly. Check to see that bathrooms are cleaned and well-stocked with soap and paper towels at all times.

Be sure to coordinate with the stakeholder located in the building with your Court to combine efforts.

GRANTS

Many of these measures cost money, which can be hard to come by. There are some grants available, notably some through the Georgia Emergency Management (email request) and the Department of Justice.

CONCLUSION

This is uncharted territory for all of us, and we are trying our best to come up with reasonable policies that take into account the needs of the Courts and the public while keeping everyone's safety in mind. If you have any further questions or concerns, please do not hesitate to contact the Council or your local district representative.

Sincerely,

*Judge Dale "Bubba" Samuels, President
Council of Municipal Court Judges*