**IN THE SUPERIOR COURT OF BANKS COUNTY**
**STATE OF GEORGIA**

# ADMINISTRATIVE ORDER

WHEREAS On March 14, 2020, in response to the COVID-19 Pandemic, the Chief Justice of the Georgia Supreme Court issued an Order Declaring Statewide Judicial Emergency pursuant to O.C.G.A. § 38-3-6, which was extended on April 6, 2020, and May 11, 2020, and is currently set to expire June 13, 2020. The Court is aware of the uncertain trend of the virus and CDC guidelines, and accordingly the Court reasonably anticipates that this order may be further extended.

WHEREAS said emergency order provides that "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."

WHEREAS said emergency order further requires that "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."

WHEREAS the Georgia Supreme Court requires that the "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."

NOW, THEREFORE, in compliance with the foregoing directives, the Chief Judge of the Piedmont Judicial Circuit hereby enters this ADMINISTRATIVE ORDER REGARDING IN-PERSON COURT PROCEEDINGS.

1.

The following guidelines shall apply to all in-person 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 Superior Court of Banks County shall be screened by 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 one hundred degrees Fahrenheit (100°F); and

(b) Whether said individual is experiencing (or has experienced) any typical symptoms of COVID-19 (as outlined by the CDC to include: fever, chills, coughing, shortness of breath or difficulty breathing, muscle pain, sore throat, new loss of taste or smell) in the seventy two (72) hour period prior to visiting the courthouse; and

(c) Whether said individual has been exposed to an individual diagnosed with COVID-19 within the last fourteen (14) days prior to visiting the courthouse.

**Any individual who meets criteria set forth above shall not be admitted to the Banks County Courthouse**. Strict adherence to these guidelines shall be followed. If any individual who is refused admittance is scheduled for in-person court proceedings that day, courthouse security personnel shall immediately inform the Judge's office, and should document the name, current address, email 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.

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, Superior Court proceedings are – and remain – open to the public and no members of the public should be denied access to the courthouse (or any Courtroom utilized by Superior Court) should they desire to be present during in-person court proceedings, subject to the health screenings outlined above and capacity limitations set forth below.

4.

(a) The Court has considered the size, use, normal traffic patterns, and maximum capacities of each Courtroom and hearing room used by the Superior Court and until further order of this Court, the maximum number of persons at any given time during in-person proceedings, inclusive of court personnel, for each Courtroom is **twenty-five (25) persons**.

(b) Each office providing support services to Superior Court operations is encouraged 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 inside the courtroom should enforce appropriate social distancing requirements in the gallery, including that individuals should remain seated at least six (6) feet apart from one another. Each courtroom shall have tape (or some other mechanism) affixed to the gallery benches designating where individuals may sit. The Court notes that courthouse security should consider an exception to these seating requirements for those individuals who live together.

(d) To promote the orderly and efficient handling of cases, the Court is hopeful that these procedures will allow approximately 8-10 witness and party participants and attorneys to be present inside the courtroom at any given time, while maintaining appropriate social distancing. Additional participants shall be summoned to the courtroom as other participants 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 spectators necessarily will reduce the number of other individuals present in the courtroom.

(e) 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 courtroom capacities 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.

(f) Attached hereto are Exhibits A, B, and C, which demonstrate how the Court shall implement these procedures and provide guidance to those agencies charged with the task of ensuring compliance with the directives of this Order.

5.

The Court shall encourage the use of masks and shall have masks available for any litigants, lawyers, court personnel, or members of the public who are attending in-person court proceedings and that wish to use them, which shall be paid from the Court's 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 persons 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. While it is customary for counsel and unrepresented parties to request permission to approach the bench for a conference or to request permission to approach a witness for examination, the Court encourages counsel and parties to minimize the number of bench conferences requested and to examine witnesses from a safe distance.

7.

To further minimize the possibility of cross-contamination by the exchange of papers and writing utensils, the Court encourages the parties to minimize the exchange of papers to the extent possible. Parties are encouraged to consider the use of a drop box or other electronic means to exchange documents such as exhibits. Documents should be provided to the Court and opposing party twenty-four hours prior to the scheduled hearing.

8.

(a) 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 should be thoroughly cleaned and disinfected the day before and immediately after each in-person court session.

(b) Courthouse security shall sanitize the benches, podiums, tables, railings, and other commonly touched surfaces within the courtroom after each hearing, and shall sanitize the witness stand after each witness testifies.

(c) Elevator capacity shall be limited to one (1) individual. Courthouse security shall monitor the elevators to ensure that no more than one (1) person is permitted on an elevator at a time and shall encourage the use of the stairs in order to avoid repeated use of a small, confined space. Courthouse security shall frequently sanitize the elevator and stairwell railings. Signs shall be posted designating the elevator capacity limitations and the locations of stairwells. Additional hand sanitizing stations shall be installed throughout the courthouse.

9.

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. This procedure provides the additional benefit of expanding the Courtroom so that individuals may sit outside the traditional courtroom walls and still view Courtroom proceedings in the event the Courtroom reaches maximum capacity. When required or deemed appropriate, hearings shall be made available via video-conferencing capability such as Zoom, Webex, or possibly live-streaming.

10.

*In addition to* the guidelines noted above, the following guidelines shall apply to scheduling in-person hearings:

(a) As used herein, the term "Large Calendars" shall mean any single calendar having more than thirty (30) individual cases, which are generally criminal calendar days. Whenever possible, the Court encourages the scheduling of calendars smaller than this threshold. Moreover, the Court is adopting the procedure of scheduling staggered, and thus smaller proceedings.

(b) With respect to Large Calendars, in the interest of keeping the Courtroom operating within the outlined capacities, the Court may find it necessary to adopt a procedure whereby the day's calendar is broken into staggered portions. For example, one quarter (1/4) of the cases may be scheduled for 9:00 am, the next quarter (1/4) of the cases may be scheduled for 10:30 am, the third quarter (1/4) scheduled for 1:30 pm, and the last quarter (1/4) scheduled for 3:30 pm. Participants awaiting their scheduled time may be encouraged to wait outside the Courthouse in their car or in the Courthouse's hallway waiting area in order to comply with the capacity requirements outlined above.

(c) With respect to scheduling, all Judges and Staff shall be mindful of other divisions of Superior Court and classes of Courts (Probate, Magistrate, and Juvenile Courts) when conducting business and scheduling hearings, so as not to schedule multiple Large Calendars on the same day.

(d) With respect to scheduling contested civil matters, in order to minimize the number of individuals in the Courtroom at a time, the Court's customary practice of scheduling multiple cases for the same time shall be suspended, and only one hearing shall be scheduled at a certain time.

(e) Although parties may request an in person hearing, the Court reserves the right to

allow parties and witnesses to appear via videoconferencing.

(f) Accommodations for high-risk individuals shall be made on a case-by-case basis. Such accommodations may include (but are not limited to) allowing participation via videoconferencing or taking a case "out of order."

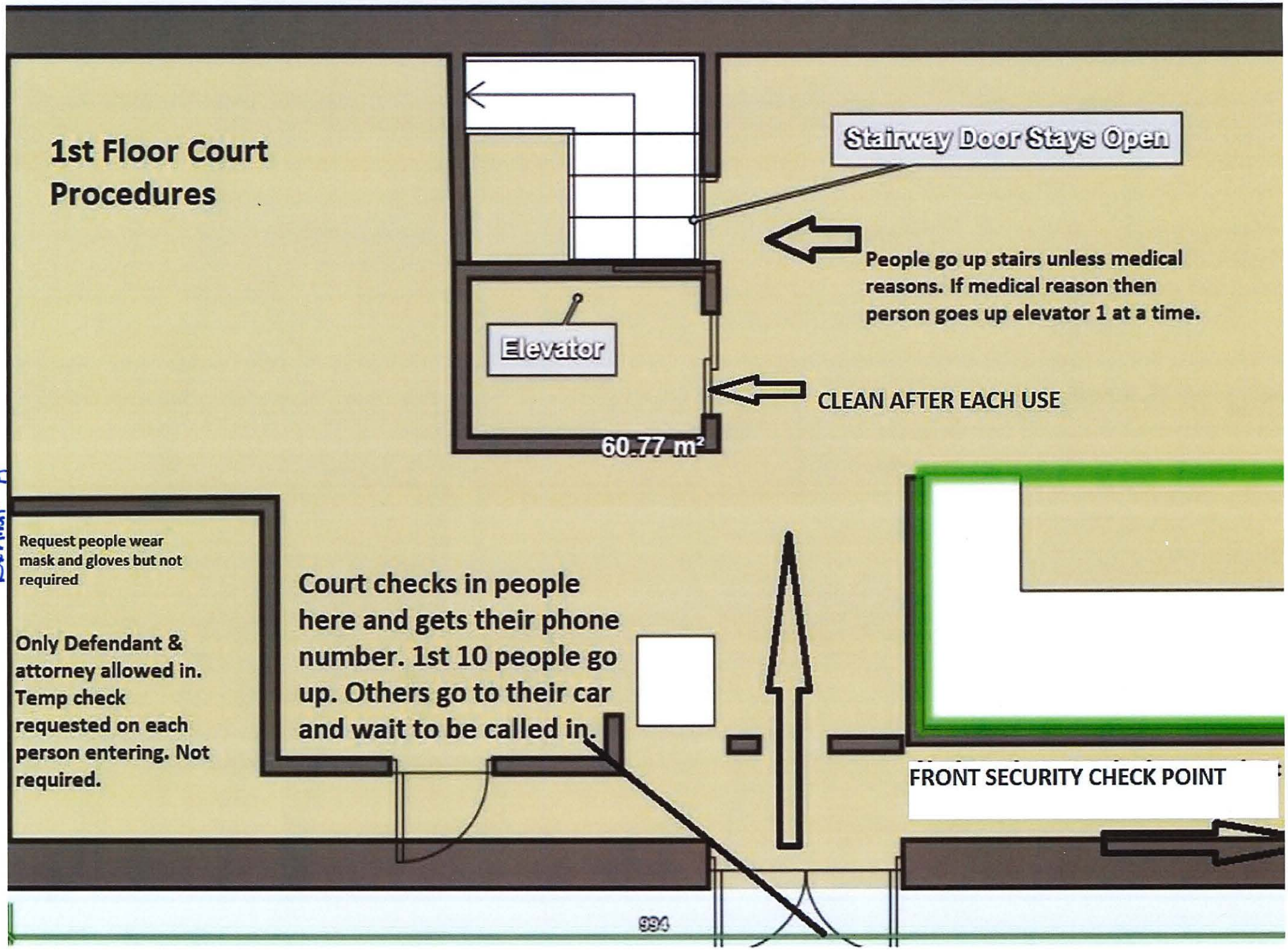
The Court reserves the right to further modify this order as needed.

SO ORDERED this 5th day of June, 2020.

Joseph Booth, Chief Judge
Banks County Superior Court
Piedmont Judicial Circuit

Exhibit A

# 1st Floor Court Procedures



courtroom 1 the 1st group sits on bench
, & 5 spaced six feet apart in all
ections. After they are finished
meone will clean benches 1,3, & 5 and
meone else will call the next 10 people
and let security know. (Please make sure
aning supplies are provided)
d group sits on bench 2,4, & 6 and the
me procedure is repeated alternating
ws until court is complete.

In courtroom 1 the public will enter through the 2 double doors and go left and sit where directed

If the person needs to see probation they will go by the jury box and out the single door and then right and down the hall to the last open door past the restrooms on the right

oor stays open
nce seated no gets up to
mply with six foot rule.
less an emergency or to
e court official

Courtroom 2

Probation

EXIT

6FT MARKS

68.32 m²

RESTROOMS

DOOR STAYS OPEN

Elevator-One person at a time on it

6FT MARKS

1 2 3 4 5 6

ENTER

2ND FLOOR COURTROOM
1 PROCEDURES

Stairway Door Stays Open

Probation

Judges Desk

Courtroom 2

Exhibit B

Exhibit C

urtroom 2 the public will enter
gh the 2 double doors and go
ht then left and sit where directed

Judges Desk

erson needs to see probation they
lk by the jury box to the two open
nto the probation/jury room behind
om 2

roup sits on bench 1,3,5, & 7
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s benches 1,3,5, & 7 while
her person calls the next ten
le in and lets security know.
se make sure cleaning supplies
rovided)
group sits on bench 2,4, & 6 and
ame procedure is repeated
nating rows until court is
plete.

airway Door Stays Open

EXIT & TO PROBATION

1 2 3 4 5 6 7

2 open doors

Probation Exit

Probation

ONCE SEATED NO GETS UP UNTIL EXITING OR SEEING COURT OFFICIALS TO ADHERE TO THE SIX FOOT RULE-UNLESS AN EMERGENCY

DOOR STAYS CLOSED-NO EXIT OR ENTRY

SIX FOOT MARKERS HERE TO COURT ENTRY DOOR

Open Door

Courtroom 2

68.32 m²

Door Open-Enter Here

Elevator-One person at a time on it

2nd FLOOR COURTROOM 2 PROCEDURES