Judicial Council of Georgia
Emergency Session

By Conference Call

Monday, August 3, 2020
2:00 p.m.

1. **Preliminary Remarks**
   (Chief Justice Harold D. Melton, Est. Time – 2 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 July 27, 2020**
   (Chief Justice Harold D. Melton, Est. Time – 2 Min.)

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

   A. Draft of 5th Order Extending the Statewide Judicial Emergency

   B. Judicial COVID-19 Task Force Discussion and Vote *(Action Item)*
   (Judge Shawn LaGrua, Est. Time – 15 Min.)

5. **Test of August 14 General Session Voting and Ranking Procedures**
   (Mr. Christopher Hansard, Est. Time – 15 Min.)

6. **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**

7. **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**

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

9. **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.	By Zoom Conferencing
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
July 27, 2020 ● 2 p.m.

Members Present
Chief Justice Harold D. Melton, Chair
Presiding Justice David Nahmias
Chief Judge Jeffrey S. Bagley
Judge James G. Blanchard, Jr.
Chief Judge Christopher S. Brasher
Judge Kerri B. Carter
Judge Melanie B. Cross
Judge Walter W. Davis
Judge Lori B. Duff
Chief Judge T.J. Hudson
Chief Judge Asha Jackson
Ms. Dawn Jones
Judge Lisa C. Jones
Judge Quinn Kasper
Judge Jeffrey H. Kight
Chief Judge Christopher J. McFadden
Vice Chief Judge Brian Rickman
Judge Fletcher Sams
Judge W. James Sizemore, Jr.
Judge Arthur Smith (for Chief Judge Brian Amero)
Judge Wesley B. Tailor
Judge Ralph Van Pelt, Jr
Chief Judge Sarah Wall
Chief Judge Willie C. Weaver
Chief Judge Kelli M. Wolk
Judge Alvin T. Wong

Staff Present
Ms. Cynthia Clanton, Director
Ms. Michelle Barclay
Mr. Jorge Basto
Mr. Matthew Bishop
Ms. Shimike Dodson
Ms. Jessica Farah
Mr. Christopher Hansard
Ms. Stephanie Hines
Ms. Cheryl Karounos
Ms. Noelle Lagueux-Alvarez
Ms. Tynesha Manuel
Ms. Lashawn Murphy
Ms. Tiffanie Robinson
Mr. Jeffrey Thorpe

(Guests Appended)

Members Absent
Chief Judge Jeffrey S. Bagley
Judge J. Wade Padgett
Judge C. Gregory Price

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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 D. Melton. Ms. Clanton called roll for Council members; staff and guests were instructed to submit their attendance for the purposes of the minutes.

Adoption of Minutes – July 13, 2020

Chief Justice Melton directed the Council's attention to the minutes of the Emergency Session held on July 13, 2020. A motion to approve the minutes was offered by Presiding Justice Nahmias, with a second from Chief Judge Willie Weaver. 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 provided an update on the state of the Judiciary concerning COVID-19. Chief Justice reported there have been reports of lengthy calendar calls; however, upon further review, it has been discovered physical participation was not anticipated for all attendees included on the calendar. He recommended the inclusion of language to notate non-physical presence on the calendar for the benefit of the public. Questions about the judicial order should be forwarded to Council leadership.

Chief Justice Melton reported the current Judicial Emergency Order expires on August 11, 2020, and the next Judicial Order is anticipated to address grand jury proceedings. Chief Justice Melton reminded attendees to ensure reopening guidelines are updated and comprehensive to include a plan to address all matters from court entry to proceedings. The next draft Judicial Order should be circulated this Friday. The Judicial COVID-19 Task Force will be continuing its work and an attempt to identify best practices to move forward with jury proceedings. Chief Justice Melton thanked Judge Shawn LaGrua, Chair of the Judicial COVID-19 Task Force, for her leadership. He recognized the work of all Judicial COVID-19 Task Force members, Mr. Christopher Hansard, Division Director, Judicial Council/AOC, and Cheryl Karounos, Governmental Affairs Liaison, Judicial Council/AOC.

Test of August 14 General Session Voting Procedures

Chief Justice Melton reported the August 14, 2020, Judicial Council general session meeting will include a vote on recommended judgeships and ranking of recommended judgeships from the Judicial Workload Assessment Committee. He recognized Mr. Hansard to explain the voting procedures for judgeship recommendations and rankings. Voting council members were provided with a link to practice voting and ranking options.

Reports from Courts, Councils, State Bar, and AOC

Supreme Court. No report was provided.

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Court of Appeals. No report was provided.

Business Court. Judge Davis reported the e-filing system will be live Saturday; Monday will mark the first day of Court operations. The confirmation hearing for the clerk of court will be held Tuesday, July 28, 2020. He thanked the Chief Justice and supporting entities for assistance.

Council of Superior Court Judges. No report was provided.

Council of State Court Judges. No report was provided.

Council of Juvenile Court Judges. No report was provided.

Council of Probate Court Judges. No report was provided.

Council of Magistrate Court Judges. No report was provided.

Council of Municipal Court Judges. No report was provided.

State Bar of Georgia. Ms. Jones reported the State Bar of Georgia continues to function remotely and is planning future Board of Governors meetings. The State Bar of Georgia is accepting applications for its executive director position.

Administrative Office of the Courts. Director Clanton reported the AOC remains fully functional, reminding the Council of the agency's availability to provide assistance.

Reports from additional Judicial Branch Agencies

Council of Accountability Court Judges. Mr. Joshua Becker reported the Council is planning and executing several training opportunities in the coming weeks, including a new judge orientation, new clerk orientation, the annual training conference in September.

Georgia Commission on Dispute Resolution. No report was provided.

Council of Superior Court Clerks. Mr. Mike Holiman reported the Council is holding its first virtual training conference on July 27 – July 29, 2020.

Chief Justice's Commission on Professionalism. Ms. Karlise Grier reported the Commission remains fully functional. The Commission is working on the next seminar for August 4, 2020, on professionalism and the Georgia Court's reopening guide; registration is open.

Georgia Council of Court Administrators. No report was provided.

Institute of Continuing Judicial Education. No report was provided.

Judicial Qualifications Commission. No report was provided.

Old Business

No old business was offered.

New Business

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No new business was offered.

Concluding Remarks

Chief Justice Melton announced that the next emergency session will be Monday, August 3, 2020. The next general session will be Friday, August 14, 2020.

Adjournment

Hearing no further business, Chief Justice Melton adjourned the meeting at 2:30 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
July 27, 2020 ● 2 p.m.

Guest Present
Chief Judge Berryl Anderson, Council of Magistrate Court Judges
Mr. Joseph Baden, Third Judicial Administrative District
Ms. Rafe Banks III., Banks Stubbs & McFarland, LLP
Mr. Forrest C. Barbour, Brown Barbour & Thrailkill, P.C.
Ms. Therese Barnes, Supreme Court of Georgia
Mr. Josh Becker, Council of Accountability Court Judges
Ms. Amy Bell, Office of the Circuit Public Defender, Macon Judicial Circuit
Mr. Tracy J. BeMent, Tenth District Court Administrator
Judge Violet R. Bennett, State Court Wayne County
Mr. David E. Boyle, Crawford & Boyle, LLC
Mr. Bob Bray, Council of State Court Judges
Ms. Samantha Cannon, Chattahoochee Judicial Circuit
Ms. Rebecca Capes, Rebecca E. Capes, Attorney at Law
Chief Judge Geronda V. Carter, Clayton Judicial Circuit
Ms. Shelese Amos Carter, The Amos Firm, LLC
Mr. Robert Cowan, Cowan Law Firm, LLC
Judge Norman H. Cuadra, Stone Mountain Judicial Circuit
Ms. Melissa Davies, Prosecuting Attorneys' Council of Georgia
Ms. Alison F. Falls, Douglas County Public Defender's Office
Ms. Elizabeth Fite, Rogers & Fite, LLC
Ms. Kimberly K. Frye, Frye Law Group, LLC
Ms. Kathlene F. Gosselin, Northeastern Judicial Circuit
Ms. Karlise Grier, Chief Justice's Commission on Professional
Chief Judge Sarah Harris, Macon Judicial Circuit
Ms. Christine Hayes, State Bar of Georgia
Ms. Stephanie Hines, Georgia Council of Court Administrators
Mr. Kevin Holder, Council of Probate Court Judges
Mr. Michael Holiman, Council of Superior Court Clerks
Mr. Eric John, Council of Juvenile Court Judges
Ms. Tracy Johnson, Georgia Commission on Dispute Resolution
Ms. Taylor Jones, Council of Accountability Court Judges
Judge Stephen Kelley, Brunswick Judicial Circuit
Ms. Anne Kirkhope, Council of Juvenile Court Judges
Judge Shawn LaGrua, Atlanta Judicial Circuit
Ms. L. Elizabeth Lane, Attorney at Law
Ms. Juliet K. Lovelace, J Kristi Lovelace and Associates, LLC
Ms. Natasha MacDonald, Council of Superior Court Judges
Ms. R. Robin McDonald, Daily Report
Ms. Ashleigh B. Merchant, The Merchant Law Firm, P.C.
Mr. David Mixon, Second District Court Administrator

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Mr. Bob Nadekow, Eighth District Court Administrator
Ms. Debra Nesbit, Association County Commissioners of Georgia
Ms. Jody Overcash, Seventh Judicial Administrative District
Ms. Anna W. Pearce, Law Office of Anna W. Pearce
Chief Judge Rebecca J. Pitts, Towaliga Judicial Circuit
Ms. Sharon Reiss, Council of Magistrate Court Judges
Mr. Andrew J. Richman, Richman Law Firm, LLC
Judge Tara Riddle, Cobb County Judicial Circuit
Ms. Melinda Ryals, Georgia Capital Defenders Office
Ms. Claudia Saari, State Court of Dekalb County
Ms. Karlie Sahs, Georgia Commission on Dispute Resolution
Ms. Bridget L. Scanlin, The Scanlin Law Firm, P.C.
Judge Arthur Lee Smith, Chattahoochee Judicial Circuit
Mr. Robert W. Smith, Jr., Prosecuting Attorneys' Council of Georgia
Mr. Steven L. Sparger, Attorney at Law
Mr. Jason Stephenson, Northeastern Judicial Circuit
Ms. Jessica R. Towne, Clark & Towne, P.C.
Judge Kelly D. Turner, Southern Judicial Circuit
Ms. Jill Travis, Georgia Association of Criminal Defense Lawyers
Ms. Kirsten Wallace, Council of Juvenile Court Judges
Ms. Cindy Wang, Department of Juvenile Justice
Mr. Andrew F. Wehunt, Wehunt Law Firm, LLC

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SUPREME COURT OF GEORGIA DRAFT 7/30/20

August 11, 2020

FIFTH ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY

On March 14, 2020, in response to the COVID-19 pandemic, the Honorable Harold D. Melton, as the Chief Justice of the Supreme Court of Georgia, issued an Order Declaring Statewide Judicial Emergency pursuant to OCGA § 38-3-61. That Order has been extended four times, with modifications, by orders issued on April 6, May 11, June 12, and July 10, 2020. After consulting with the Judicial Council of Georgia and other judicial partners, recognizing again that most in-court proceedings compel the attendance of various individuals rather than allowing them to decide how best to protect their own health, and further recognizing that the novel coronavirus continues to spread in Georgia, it is hereby determined that the Order should be extended again.

Courts in Georgia have continued to perform essential functions despite the pandemic. In an effort to return to more robust court operations, many of the deadlines imposed by law on litigants in civil and criminal cases that had been suspended, tolled, or extended since the initial March 14 Order were reimposed as of July 14, allowing more pending and newly filed cases to move forward in the judicial process. However, given the current levels of COVID-19 around the state, this order continues the prohibition on all jury proceedings. This broad prohibition cannot last too much longer, even if the pandemic continues, because the judicial system, and the criminal justice system in particular, must have some capacity to resolve cases by indictment and trial. Accordingly, the Judicial COVID-19 Task Force is focusing on how grand jury and jury trial proceedings could safely be conducted even where levels of COVID-19 are high, including the possibility of conducting grand jury proceedings and jury selection remotely.

As has been the direction since the original Order, all Georgia courts must continue to conduct proceedings, remotely or in-person, in

compliance with public health guidance, applicable statutes and court rules, and the requirements of the United States and Georgia Constitutions, including the public's right of access to judicial proceedings and a criminal defendant's rights to confrontation and an open courtroom. All courts should continue to use and increase the use of technology to conduct remote judicial proceedings as a safer alternative to in-person proceedings, unless required by law to be in person or unless it is not practicable for technical or other reasons for persons participating in the proceeding to participate remotely. This order again delineates the health precautions required for all in-person judicial proceedings and requires courts to adopt and maintain operating guidelines consistent with the Georgia Court Reopening Guide and any more specific local public health guidance.

Accordingly, the Order Declaring Statewide Judicial Emergency, which would have expired on Tuesday, August 11, 2020, at 11:59 p.m., is further **extended until Thursday, September 10, 2020, at 11:59 p.m.** All Georgia courts shall continue to operate under the restrictions set forth in that Order as extended; **the provisions of this order below are identical to the July 10 extension order except for minor revisions to the language of Sections I (C) and II (A) and the deletion of Section IV (C) (4).** Where this order refers to "public health guidance," courts should consider the most specific current guidance provided by the federal Centers for Disease Control and Prevention (CDC), the Georgia Department of Public Health (DPH), and their local health departments.

I. Continued Prohibition on Jury Trial Proceedings and Most Grand Jury Proceedings

(A) Current public health guidance recommends social distancing and other measures that make it impracticable for courts to protect the health of the large groups of people who are normally assembled for jury trial proceedings, including jury selection. Accordingly, the suspension of jury trials shall remain in effect and until further order, all courts are prohibited from summoning new trial jurors and from conducting criminal or civil jury trials.

(B) Grand juries that are already impaneled or are recalled from a previous term of court may meet to attend to time-sensitive essential matters, but these grand juries shall not be assembled except when necessary and only under circumstances in which social distancing and other public health guidance can be followed. A guidance document about the continued authority of grand juries impaneled prior to the issuance of the Order is included in the Appendix to this order. Courts and counsel are reminded that many criminal cases may proceed on accusation and do not require a grand jury indictment.

(C) The Judicial COVID-19 Task Force continues to develop policies, procedures, and templates to allow the safe resumption of jury trials and grand jury proceedings. These materials will be publicized when ready.

II. Reimposition of Deadlines on Litigants

(A) The July 10 extension order reimposed all deadlines and other time schedules and filing requirements (referred to collectively herein as "deadlines") that are imposed **on litigants** by statutes, rules, regulations, or court orders in civil and criminal cases and administrative actions and that have been suspended, tolled, extended, or otherwise relieved by the March 14, 2020 Order Declaring Statewide Judicial Emergency, as extended, on the following schedule and with the following exceptions and conditions:

(1) Consistent with Section I above, **deadlines for jury trial proceedings (including statutory speedy trial demands), deadlines for grand jury proceedings, and deadlines calculated by reference to the date of a civil or criminal jury trial or grand jury proceeding shall remain suspended and tolled.** This provision does not apply to deadlines calculated by reference to the date of non-jury (bench) trials. Until grand jury proceedings are generally authorized, statutes of limitation in criminal cases shall also remain tolled.

(2) **All other deadlines imposed on litigants shall be reimposed effective July 14, 2020**, as further explained below.

(3) **In cases that were pending before the March 14 Order,** litigants will have the same amount of time to file or act after July 14 that they had as of March 14. For example, if an answer in a civil case was due on March 20, that answer will now be due on July 20, and if a criminal defendant's pretrial motions were due on March 23, they will now be due on July 23.

(4) **In cases filed between March 14 and July 13, 2020,** the time for deadlines will begin running on July 14. For example, if a civil complaint was filed in June and the answer would have been due 30 days later, that 30-day period will begin on July 14 and the answer will be due on August 13.

(5) **In cases filed on or after July 14, 2020**, litigants shall comply with the normal deadlines applicable to the case.

(6) If the reimposed deadline falls on a **weekend or legal holiday**, the deadline will as normal be the next business day. See OCGA § 1-3-1 (d) (3).

(7) Any **extension of time** for a litigant's filing or action that was granted by a court, or was agreed or consented to by the litigants as authorized by law, before July 14, 2020 shall also extend the time for that filing or action after July 14. For example, if a litigant's filing was initially due on March 10 but she was granted a 10-day extension of that deadline (to March 20), the filing will be due on July 24 (10 days after July 14).

(8) Litigants may be entitled to additional time based on the provisions of a local judicial emergency order applicable to their case if such an order tolled applicable deadlines before the March 14, 2020 Order Declaring Statewide Judicial Emergency or tolls applicable deadlines after July 14, 2020.

(9) The tolling and suspension of deadlines imposed **on litigants** in civil and criminal cases that are **calculated by reference to terms of court** shall be lifted as of July 14, 2020, and any regular term of court beginning on or after July 14 shall count toward such

deadlines. See also the May 4, 2020 Guidance on Deadlines and Time Limits Defined by Reference to Terms of Court included in the Appendix.

(10) The 122 days between March 14 and July 14, 2020, or any portion of that period in which a statute of limitation would have run, shall be excluded from the calculation of that statute of limitation.

(11) Litigants may apply in the normal way for extensions of reimposed deadlines for good cause shown, and **courts should be generous in granting extensions particularly when based upon health concerns, economic hardship, or lack of child care.**

(B) Recognizing the substantial backlog of pending cases, **deadlines imposed on courts shall remain suspended and tolled**. All courts should nevertheless work diligently to clear the backlog and to comply with usual deadlines and timetables to the extent safe and practicable.

(C) If before July 14 a court reimposed deadlines by order in a specific case based on the authority to do so granted by prior extension orders, **the case-specific order reimposing deadlines shall control over the deadlines for the same filings or actions reimposed by this statewide order.**

(D) If in a divorce or adoption case a time period required by law actually passed or passes before the court entered or enters a consent order, consent judgment, or consent decree regarding the divorce or adoption, such order, judgment, or decree shall not be invalid based on any suspension or tolling of the applicable period by the March 14 Order as extended.

III. Proceedings Conducted Remotely Using Technology

(A) All courts should continue to use and increase the use of technology to conduct remote judicial proceedings as a safer alternative to in-person proceedings, unless required by law to be in person or unless

it is not practicable for technical or other reasons for persons participating in the proceeding to participate remotely.

(B) Courts should understand and utilize the authority provided and clarified by the emergency amendments made to court rules on videoconferences and teleconferences.

(C) Courts may compel the participation of litigants, lawyers, witnesses, and other essential personnel in remote judicial proceedings, where allowed by court rules (including emergency amendments thereto). Such proceedings, however, must be consistent with public health guidance, must not impose undue burdens on participants, and must not be prohibited by the requirements of the United States or Georgia constitutions or applicable statutes or court rules.

(D) In civil, criminal, juvenile, and administrative proceedings, litigants may expressly consent in the record to remote proceedings not otherwise authorized and affirmatively waive otherwise applicable legal requirements.

(E) Courts must ensure the public's right of access to judicial proceedings and in all criminal cases, unless affirmatively waived in the record, a criminal defendant's rights to confrontation and an open courtroom.

IV. In-Person Proceedings Under Guidelines for Safe Operations

(A) **Courts have discretion to conduct 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 an open courtroom.

(B) **No court may compel the attendance of any person for a court proceeding if the court proceeding or the court facility in**

which it is to be held is not in compliance with this order, including in particular large calendar calls. **Courts are also prohibited from compelling in-person participation in any court-imposed alternative dispute resolution session that is to be conducted in a manner inconsistent with applicable public health guidelines.**

(C) **Each court shall develop and implement operating 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.

(1) The Judicial Council Strategic Planning Committee and the Judicial COVID-19 Task Force have issued a bench card entitled "Georgia Court Reopening Guide," which is included in the Appendix and should be used as the template for such operating guidelines, which at a minimum should include all subject matters contained therein. Courts should also consider guidance from local health departments and guidance provided by CDC and DPH; if local public health guidance is more restrictive than the bench card, the local public health guidance should be followed instead.

(2) With regard to everyone who works in a court facility, the operating guidelines shall require **isolation** of any person with known or suspected COVID-19 and **quarantine** of any person with COVID-19 exposure likely to result in infection, in accordance with the DPH Seventh Amended Administrative Order for Public Health Control Measures, a link to which may be found in the Appendix, or any subsequent version thereof.

(3) When there is reason to believe that anyone who works or has visited a court facility has been exposed to COVID-19, DPH or the local health department shall be notified and **notification** of persons who may have been exposed shall occur as directed by DPH or the local health department.

(D) Courts of different classes that share courthouse facilities or operate in the same county should coordinate their operating guidelines,

and should seek to coordinate operating guidelines with non-judicial entities sharing courthouse facilities.

(E) Each court must submit its operating guidelines to the Administrative Office of the Courts at https://georgiacourts.gov/covid-19-court-operating-guidelines-form/ to be posted at https://georgiacourts.gov/covid-19-court-operating-guidelines/ as a centralized website available to litigants, lawyers, and the public. Operating guidelines also should be prominently posted at courthouse entrances and on court and local government websites to provide advance notice to litigants, lawyers, and the public.

(F) Operating guidelines shall be modified as public health guidance is modified, and shall remain in effect until public health guidance indicates that they are no longer required.

V. Discretion of Chief Judges to Declare More Restrictive Local Judicial Emergencies

(A) Nothing in the Order Declaring Statewide Judicial Emergency as extended and modified limits the authority of the Chief Judge of a superior court judicial circuit under OCGA §§ 38-3-61 and 38-3-62 to add to the restrictions imposed by the statewide judicial emergency, if such additional restrictions are constitutional, necessitated by local conditions, and to the extent possible ensure that courthouses or properly designated alternative facilities remain accessible to carry out essential judicial functions. A Chief Judge may impose such additional restrictions only by a properly entered order.

(B) No court may disregard the restrictions imposed by the Order as extended and modified.

VI. Guidance on Application of the Order

Included in the Appendix are several guidance documents that clarify the application of the Order in particular contexts. Additional

guidance documents may be posted on the AOC's website at https://georgiacourts.gov/judicial-council/aoc/. Guidance related to the tolling of deadlines should be read in light of the reimposition of deadlines by this order and by orders in specific cases.

VII. Professionalism

With regard to all matters in this challenging time, all lawyers are reminded of their obligations of professionalism. Judges are also reminded of their obligation to dispose of all judicial matters promptly and efficiently, including by insisting that court officials, litigants, and their lawyers cooperate with the court to achieve that end, although this obligation must not take precedence over the obligation to dispose of matters fairly and with patience, which requires sensitivity to health and other concerns raised by court officials, litigants and their lawyers, witnesses, and others.

VIII. Notice Provisions

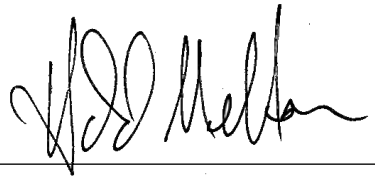
(A) Notice will be provided as to the expected termination of the Order as extended and modified at least one week in advance to allow courts to plan for the transition to fuller operations.

(B) The clerks and court administrators of trial courts that conduct jury trials and convene grand juries will be provided sufficient notice of the resumption of jury proceedings to allow the complicated process of summoning potential jurors to be completed.

(C) The impact of COVID-19 varies across the state, and the level of response and adjustment will likewise vary among courts. Courts should make available to the public the steps they are taking to safely increase operations while responding to the COVID-19 pandemic. Recognizing that not all courts have a social media presence or website, the Administrative Office of the Courts will continue to post court-specific information as it becomes available on the AOC website at https://georgiacourts.gov/covid-19-preparedness/.

(D) Pursuant to OCGA § 38-3-63, notice and service of a copy of this order shall immediately be sent to the judges and clerks of all courts in this State and to the clerk of the Court of Appeals of Georgia, such service to be accomplished through means to assure expeditious receipt, which include electronic means. Notice shall also be sent to the media, the State Bar of Georgia, and the officials and entities listed below and shall constitute sufficient notice of the issuance of this order to the affected litigants, counsel for the affected litigants, and the public.

IT IS SO ORDERED this 11th day of August, 2020, and effective at 11:59 p.m.



Chief Justice Harold D. Melton
Supreme Court of Georgia

APPENDIX

Guidance on Tolling of Filing Deadlines (March 27, 2020)

Guidance on Tolling of Statutes of Limitation (April 6, 2020)

Guidance on Deadlines and Time Limits Defined by Reference to Terms of Court (May 4, 2020)

Guidance on Grand Juries (May 4, 2020)

Further Guidance on Grand Juries (May 11, 2020)

Georgia Court Reopening Guide (June 11, 2020)

DPH Seventh Amended Administrative Order for Public Health Control Measures (June 16, 2020)

Governor Brian P. Kemp
Lt. Governor Geoff Duncan
Speaker David Ralston
State Bar of Georgia
Administrative Office of the Courts
Judicial Council of Georgia
Council of Superior Court Clerks of Georgia
Department of Juvenile Justice
Criminal Justice Coordinating Council
Council of Accountability Court Judges
Georgia Commission on Dispute Resolution
Institute of Continuing Judicial Education of Georgia
Georgia Council of Court Administrators
Chief Justice's Commission on Professionalism
Judicial Qualifications Commission
Association County Commissioners of Georgia
Georgia Municipal Association
Georgia Sheriffs' Association
Georgia Association of Chiefs of Police
Georgia Public Defender Council
Prosecuting Attorneys' Council of Georgia
Department of Corrections
Department of Community Supervision
Georgia Court Reporters Association
Board of Court Reporting
State Board of Pardons and Paroles
Constitutional Officers Association of Georgia
Council of Magistrate Court Clerks
Council of Municipal Court Clerks

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

ii. Any item affecting the case assignment not specifically expressed in the Uniform Rules for Superior Courts should be submitted to the AOC.

c. The Circuit Court Administrator and/or District Court Administrator is required to submit the detailed Comprehensive Annual Financial Report to the AOC to be included within the analysis.

5. The preceding conditions (1-4) will be considered for all potential circuit boundary alterations before qualification status is determined.

6. If a circuit meets a significant number of the preceding conditions, then the circuit is qualified for a boundary alteration. If a circuit does not meet a significant number of the preceding conditions, then the circuit is not qualified for a boundary alteration.

7. The AOC will notify the requestor and the circuit's chief judge of the circuit's qualification status no later than July 1.

8. A circuit that qualifies for a boundary alteration will have its study prepared and presented at the next Standing Committee on Judicial Workload Assessment Committee meeting. The Standing Committee may forward the recommendation to the Judicial Council for consideration at its next meeting as described in Section 3. If a majority of the judges in a circuit vote to disagree with a request for a circuit boundary alteration, the Standing Committee may consider that disagreement in their decisions to recommend circuit boundary alterations to the Council.

9. A circuit not qualified for a boundary alteration has the right to appeal its status to the Standing Committee on Judicial Workload Assessment. If the appeal is approved, then the appealing circuit will have a boundary study prepared and presented at the next Judicial Council meeting as described in Section 3. Appeals may not be based upon a circuit's caseload.

Section 3 - Judicial Council Procedure

The Judicial Council will make recommendations to the Governor and the General Assembly for judicial personnel allocations and circuit boundary alterations annually prior to the beginning of the regular session of the General Assembly.

1. The AOC will prepare and present all Committee recommendations on additional judgeships, circuit boundary adjustments, and reduction of judgeships to the Council. Requestors will be notified of the Council process no later than August 1. The report will include the results of

the judgeship and/or boundary studies, any letters of support from requesting circuits, any available *CourTools* data, and other information the AOC may deem beneficial to Judicial Council deliberations.

2. After reviewing the recommendations, the Judicial Council, in open session, may discuss the merits of each recommendation. Any Judicial Council member in a circuit or county affected by a recommendation will be eligible to vote on motions affecting that circuit but will not be present or participate in deliberations regarding the circuit. Non-Judicial Council members offering support or opposition may be recognized to speak by the Chief Justice.

3. After deliberations, the Judicial Council will, in open session, approve or disapprove the recommendations. The Council shall vote on requests for multiple judgeships independently. Votes on such motions will be by secret, written ballot. Non-qualified circuits with successful appeals must have a two-thirds (2/3) majority to receive approval. Each ballot must be complete to be counted. The Vice Chief Judge of the Court of Appeals will oversee ballot counting.

4. After determining the circuits recommended for an additional judgeship, the Judicial Council will rank the circuits based on need. The Council shall vote on requests for multiple judgeships independently. Votes on such motions will be by secret, written ballot. Each ballot must be complete to be counted. The Vice Chief Judge of the Court of Appeals will oversee ballot counting.

    a. The ballots will be counted using the Borda count method. The Borda count determines the outcome of balloting by giving each circuit a number of points corresponding to the number of candidates ranked lower. Where there are n circuits, a circuit will receive n points for a first preference ballot, $n - 1$ points for a second preference ballot, $n - 2$ for a third preference ballot, and so on until n equals 1. Once all ballots have been counted, the circuits are then ranked in order of most to fewest points.

5. Upon Judicial Council recommendation of an additional judgeship or circuit boundary alteration, the recommendation will remain for a period of three years unless (1) the total caseload of that circuit decreases 10 percent or more or (2) the circuit withdraws the request. In either case, the circuit must requalify before being considered again by the Judicial Council.

6. The AOC will prepare and distribute letters notifying requestors and chief judges of the Judicial Council's actions and distribute a press release summarizing the Judicial Council's recommendations.

JUDICIAL COVID-19 TASK FORCE REPORT

Guidelines, Best Practices, and Resources

Published by the Judicial Council of Georgia and the Administrative Office of the Courts in compliance with OCGA § 15-5-24 and by Order of the Supreme Court of Georgia dated June 12, 1978.

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Task Force Mission

The Judicial COVID-19 Task Force was established on May 14, 2020, by Chief Justice Harold D. Melton as an ad hoc committee of the Judicial Council with the mission of assisting courts in conducting remote proceedings and restoring more in-court proceedings, including jury trials and grand jury proceedings, during the COVID-19 pandemic. The Task Force includes judges from all classes of court and advisory members from the State Bar of Georgia, Prosecuting Attorneys' Council, Public Defender Council, criminal defense attorneys, civil plaintiff and defense attorneys, court clerks, sheriffs, healthcare professionals, and the general public.

Task Force Members

Judge Shawn Ellen LaGrua, Atlanta Judicial Circuit, Chair
Chief Justice Harold D. Melton, Supreme Court of Georgia
Judge Kenneth B. Hodges III, Court of Appeals of Georgia
Judge Walter Davis, State-wide Business Court
Chief Judge Kathlene Gosselin, Northeastern Judicial Circuit
Chief Judge Russ McClelland, State Court of Forsyth County
Judge Lindsay Burton, Juvenile Court of Hall County
Judge Melanie Bell, Probate Court of Newton County
Judge Brendan F. Murphy, Magistrate Court of Cobb County
Judge Norman Cuadra, Municipal Court of Suwanee
Elizabeth Fite, State Bar of Georgia
Cindy Mason, Clerk of Superior and Juvenile Courts of Columbia County
Cynthia Clanton, Director of the Administrative Office of the Courts
Bryan Webb, Office of the Georgia Attorney General
Doug Ashworth, Director of the Institute of Continuing Judicial Education
Chuck Boring, Director of the Judicial Qualifications Commission
Cathy Vandenberg, Atlanta Legal Aid
Robin Rooks, Georgia Council of Court Administrators
Robert Smith, Prosecuting Attorneys' Council
Jimmonique R.S. Rodgers, Georgia Public Defender Council
Adam Malone, Georgia Trial Lawyers Association
David Nelson, Georgia Defense Lawyers Association
Don Samuel, Georgia Association of Criminal Defense Lawyers
Debra Nesbit, Association County Commissioners of Georgia
William Custer, Georgia Chamber of Commerce Law and Judiciary Committee
Marial Ellis, Georgia Department of Community Health
Phil Sellers, Department of Community Supervision
Terry Norris, Executive Director of the Georgia Sheriffs' Association
Sheila Ross, Prosecuting Attorneys' Council
Michael Lucas, Atlanta Volunteer Lawyers Foundation
Dr. Mark Swancutt, Fulton County Board of Health

Former Task Force Members

Chief Judge Reuben Green, Cobb Judicial Circuit
Kristin Miller, Georgia Department of Public Health

Task Force Staff

Christopher Hansard, Administrative Office of the Courts
Cheryl Karounos, Administrative Office of the Courts

The Task Force members are grateful for the help and input of many judges, attorneys, clerks, court administrators, court professionals, and staff who attended subcommittee meetings and contributed to this report. These influential advisors worked mainly behind the scenes to provide subject matter expertise to Task Force members. Their contributions to this report are invaluable.

The Importance of the Task Force

A Letter from Task Force Chair, Judge Shawn Ellen LaGrua

Dear Colleagues and Friends,

I am so honored to have been asked by Chief Justice Harold D. Melton to chair his COVID -19 Task Force. Considering the involvement of attorneys from all sides, health officials, and the JQC, it has been amazing to witness the collegiality, cooperation, and compromise of these individuals, without a single snide remark or rebuke. If attorneys always practiced law this way, we would be better for it. The attached report seeks to guide judges and practitioners as we work in our various professions and fulfill our duties in an unprecedented and challenging time. There are no absolutes, and courts will have to deal with issues as they deem appropriate. However, we hope that these best practices, which were developed by some of the best legal minds from all corners of our profession, will result in efficient and effective litigation. Administering justice during a pandemic will take time, effort, and creative thinking. The Judicial Branch should never be the cause of the unnecessary spread of this horrible virus as we move forward and maintain justice.

The Task Force dedicates this report to the friends and colleagues we have lost during this crisis, notably Judge Horace Johnson of the Alcovy Judicial Circuit and Judge Nancy Stephenson of the Dougherty County Probate Court.

Section 1: Guidelines

The following are guidelines all courts should follow to ensure the safety of participants and staff and the legal rights of litigants. Guidelines in this section include:

Judicial Emergency Orders

General Safety

Sample Safety Guidelines

General Considerations for All Proceedings

Access to Justice

Procedures and Interpreter Protocols

Judicial Emergency Orders

All judges and court personnel should comply with the Emergency Orders issued by the Supreme Court of Georgia and the Chief Superior Court Judge of their respective judicial district, including conducting in-person proceedings according to the guidelines outlined in said orders and any other governmental directives regarding social distancing, maximum group size, and other restrictions and precautions.

Governor Kemp's July 15, 2020, Executive Order "Providing additional guidance for Empowering a Healthy Georgia in response to COVID-19" does not impact the ability of the courts to establish safety protocols and control court operations.

The Governor's April 3, 2020, Executive Order "Expanding the definition of Essential Services and clarifying enforcement provisions in Executive Order 04.02.20.01" recognizes the independence of the Judicial Branch of government (see below).

> **ORDERED:** That pursuant to Code Section 38-3-28, other than orders issued pursuant to the authority of Code Section 38-3-60 *et seq.*, any state, county, or municipal law, order, ordinance, rule, or regulation that requires persons to wear face coverings, masks, face shields, or any other Personal Protective Equipment while in places of public accommodation or on public property are suspended to the extent that they are more restrictive than this Executive Order.

To the extent portions of courthouse facilities are shared with non-court entities, courts should seek to coordinate on operating guidelines, but courts should ensure that all persons working for the court or attending court proceedings are protected consistent with the statewide judicial emergency order.

General Safety

To ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing the courts, follow the guidelines below.

- All judges and court personnel should use all reasonable efforts to conduct proceedings remotely when practical to do so.

- Courts should consult with the local health authority for updates and suggestions for their local courts.

- Courts should review the *Georgia Court Reopening Guide (*Section 3: Resources) for suggestions on:
    - General Infection Control Measures
    - Providing Notice to the Public of Increased Health and Safety Measures
    - Providing Healthy and Safe Access to the Courtroom
    - Maintaining a Healthy and Safe Courtroom
    - Ensure Healthy and Safe Court Employees, and
    - Ensure Healthy and Safe Inmates and Detainees

- Provide written notice to attorneys, parties, and self-represented parties of the physical procedures and restrictions planned for use during the proceeding.

- Have specially set hearings or non-jury trials, have informal status conferences to review physical arrangements, scheduling, and coordinating witness appearance, where parties/counsel can sit, where witnesses will testify (if not in the usual location), and where the public can sit or observe the proceedings.

- Determine any special needs of parties or self-represented parties before in-person proceedings.

- Coordinate with other courts also conducting business in the courthouse and courtrooms to stagger scheduling of court proceedings to limit the number of persons coming in and out of the courthouse. Stagger hearing times throughout the day to reduce the number of people arriving for a morning or afternoon calendar.

- Consider using alternate locations such as other locations/courtrooms within the courthouse or other county-owned properties (county administration buildings, commissioner meeting rooms, agricultural centers.) Any change of location should be emphasized on the court notice.

- Before moving court off-site, judges should consult with the Sheriff's Office and ensure the public has access to the venue and adequate security can be provided.

Due to the unique differences between judicial circuits throughout the state, uniform statewide safety guidelines may not be appropriate. However, as a best practice, each judicial circuit should adopt consistent safety protocols for the entire jurisdiction. Each chief superior court judge should utilize the *Georgia Court Reopening Guide* created by the Judicial Council's Strategic Plan Committee to develop uniform, general safety practices for all classes of courts within the judicial circuit.

The public, courthouse staff, and attorneys should receive notice of general safety guidelines. Notice methods will vary across the judicial circuits. Whatever the notice method, courts should work to ensure prompt notice.

General Considerations for All Proceedings

Vulnerable Persons

"Vulnerable Persons" are defined as individuals who are over age 60 and individuals with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune systems are compromised by chemotherapy or other treatments for medical conditions. Additionally, those who may live with or provide custodial or residential care for a vulnerable person should receive accommodations, including alternatives to in-person court appearances and avoiding the need to travel to the courthouse.

Courts or clerks should include information with notices or other communications notifying individuals who are vulnerable persons of the ability to contact the court to identify themselves as a vulnerable individual and to receive accommodations. The court should also post a notice with this information in conspicuous locations around the court building.

Courts should work diligently to eliminate the need for vulnerable persons to attend court in-person. If the courts are unable to make such accommodations, vulnerable persons scheduled for court must be provided masks if they do not have their own, and courts must take additional efforts to reduce their exposure to communicable diseases to the greatest extent possible. If a continuance is necessary to effectuate such accommodations, courts should grant such a continuance for good cause shown.

Self-Represented Vulnerable Persons

For litigants with representation, their attorneys will likely have appropriate digital access to assist their clients. For self-represented litigants, courts may need to especially consider if the litigant can participate in court given their access to and experience with technology. Courts may find the following option useful for handling self-represented vulnerable persons.

- Consider placing a physical drop box outside the courthouse, or set up a cloud-based depository, to allow litigants to file documents with the clerk's office without entering the building.
- Consider the feasibility of a Mobile Legal Help Center, which would provide most of the services available in a traditional Help Center, but in a vehicle. A mobile center accommodates litigants who are homebound, disabled, otherwise unhealthy, or who are unable to travel to a courthouse by driving into communities to provide legal services in place of individuals needing to go to a courthouse.

Of course, if an attorney is a vulnerable person and has their technology access issues, these same guidelines would apply.

Virtual Hearings

During emergency declarations and even after emergency declarations end, judicial circuits may choose to continue court via both in-person and remote settings as local circumstances allow. Each circuit will recognize that current technological limitations, including the ability of litigants to maintain reliable internet connections, impact courts' ability to conduct remote motion hearings. Therefore, motion hearings held in-person while implementing proper social distancing guidelines have advantages.

In-person hearings limit the impact of potential technical issues and generally ensure adherence to the requirements of Rule 22: USE OF ELECTRONIC DEVICES IN COURTROOMS AND RECORDING OF CIVIL PROCEEDINGS. For example, in remote hearings involving non-jury domestic matters, reliance on a party's affirmation that he or she is adhering to the requirements of Rule 22 may be an insufficient safeguard against unauthorized recording. Additionally, the ability to utilize demonstrative evidence and confront witnesses with documents is sometimes limited or difficult with remote technology.

However, in-person hearings present challenges as well. Size and configuration of courtrooms, wearing of masks or face shields, and the unwillingness of necessary participants to attend can cause these hearings to be interrupted, disrupted, or delayed. Therefore, a judge must weigh each proceeding's format carefully, considering all these factors, in determining the appropriate manner of hearing.

Due to varying levels of access to technology throughout the state, a single, uniform rule on conducting non-jury hearings is unfeasible. Several judicial circuits courthouse staff, attorneys, or defendants lack access to the internet and internet-connected devices. In those circuits, conducting virtual hearings may not be possible.

Virtual hearings are time-consuming and pose numerous technological challenges. However, virtual hearings present the benefit of reducing the risk of COVID-19 transmission. Virtual hearings reduce in-person court time, providing courts the opportunity to devote more time to handle matters which must be handled in-person.

The judge should provide verbal instructions at the beginning of the hearing to the parties, participants, and members of the public, reminding them not to record the proceeding and informing them of the court's method of recording the hearing.

Provide an announcement on the record that a Judicial Emergency is in effect because of COVID-19 and explain how the proceeding will occur. The judge should then obtain consent from the defendant and counsel to proceed as described.

Due Process in Virtual Hearings

During the virtual proceeding, courts must ensure a method for protecting attorney-client communications. A dedicated phone line or a breakout room that allows the

defendant to be able to communicate with his or her attorney privately may accomplish privileged communication needs.

Notice to the public and either streaming the proceeding online or having the judge physically present in an open courtroom may satisfy open courtroom requirements. Another option would be to have the information as to a particular judge's proceedings published on a local website with a number for the public to call if they wish to observe. The assigned judge should carefully consider the nature and sensitivity of a proceeding before using livestreaming as a means of ensuring an open courtroom. For example, issues related to family law are particularly sensitive and may be better suited for having the judge physically present in an open courtroom.

In criminal cases, the state and the defense must consent to virtual hearings. If a court elects to go forward over an objection, then the court should conduct a hearing on the objections and make findings of fact and conclusions of law to support the court's decision to proceed with a hearing.

Waiver of right to be present in person in the courtroom: The defendant should waive his or her right to an in-person hearing, either in writing before the proceeding or on the record at the proceeding.

To the extent possible, the passing of documents should be limited.

There must be a method of allowing and protecting attorney-client communications.

Virtual hearings should be limited to less complicated matters, such as:

- Calendar calls
- Status hearings
- Ministerial hearings
- Scheduling matters
- Arraignment
- Preliminary/probable cause hearings
- Bond hearings
- Guilty pleas in non-complex cases
- Ex parte hearings regarding the safety and health of the defendant
- Objections to virtual hearings

- Motions for new trial involving legal argument only
- Out-of-time motions for new trial involving legal argument only, and
- Probation revocations.

Access to Justice

Access to Technology Resources

To minimize in-person appearances to the greatest extent possible, technology access is essential, including internet access, WiFi, "Zoom" remote meeting technologies, or other such technologies. Access to technology is inequitable, creating a persistent socioeconomic "digital divide." Many Georgians do not have access to the technologies needed to participate in remote hearings conducted using online videoconferencing or to conduct their court business otherwise online. Access considerations require creative and inclusive practices.

If a litigant has device but no internet

If a litigant has a computer, laptop, or some other kind of internet-connected device but still needs access to a reliable internet connection, several options exist. Many public libraries, county law libraries, or private businesses offer free WiFi. WiFi should be password protected or via another secure mechanism. For instance, libraries typically require patrons to use their library credentials.

If a litigant has internet but no device

Solutions for this scenario include Courthouse "Zoom Rooms," Courthouse Kiosks, or Local Community resources. Public libraries, county law libraries, and private businesses may offer a workspace that includes the computer and internet access. Again, WiFi should be password protected or via another secure mechanism.

It may be possible in some areas to establish temporary or mobile internet access facilities.

If a litigant has neither internet nor device

A phone-based connection (landline, mobile) is an option. The phone does not need to be a "smart" phone.

If none of the above options are available, or in the case of a litigant who is not "tech-savvy," an option is to continue the case until it becomes feasible for the litigant to appear in person at the courthouse.

Access to Legal Resources

Legal information is critical to empower litigants (especially those who are self-represented) to take action in their cases, particularly in circumstances where physical courts may be operating on a limited basis, and court staff may not be as available to the public as they would be during traditional court processes. Court staff may be able to answer questions via an online chat, send people links to legal information resources posted on court websites, or assist in navigating new court processes. Staff will need clear guidance on the difference between legal information and legal advice.

Courts should post information about free access to legal information and legal representation for the indigent.

- Self Help Resource Centers-online/courthouse-based/law library-based/mobile or virtual
- Contact information for Legal Aid offices, community organizations, bar association information, and courts.

GeorgiaLegalAid.org is Georgia's Statewide Access to Justice sponsored self-help website that provides general information, step-by-step interactive guides for court and legal forms, answers to FAQs, educational materials, brochures, and videos on legal issues including family law, public benefits, and housing.

- Include lists of local Internet Access options (such as courthouse-based/public library and law library-based, private businesses providing secure WiFi or other technology services.)

Procedures and Interpreter Protocols

Guidance for Specific Interpreter Functions, Roles, Responsibilities, and Considerations for Specific Settings

Understanding the interpreters' roles will ensure that courts and interpreters work together cohesively and allow all parties (English speakers, Limited English Participants, and Deaf/Hard of Hearing) to communicate and have access to justice.

Document/Video Translations

- Consider the increased need for the availability of court documents already translated into various languages.
- Ensure planning when sight translations are required.
- If possible, provide documents/videos to the interpreter in advance.
- Consider pre-recording repetitive colloquies or instructions in advance for many spoken languages, especially those played for the audience on video. Make the recordings available on audio/video recording for the LEP parties, and for American Sign Language ("ASL") parties, create a video recording that can be viewed on a tablet, dedicated screen, or shown in an interpreter box or split-screen in conjunction with the main video and ensure it has at least one language subtitled and other written translations available.

In-Person Interpretation

Ensure that new COVID-19 safety policies do not alter the currently required provisions of services when necessary to ensure effective communication by and with Limited English Participants ("LEP") or Deaf/Hard of Hearing ("DHH") participants (litigants, witnesses, and spectators).

- Although the safest place for the interpreters to work is in their office, a safe alternative must be explored, such as creating a designated space in the courtroom for interpreters and the use of remote interpreting equipment, etc.

- Give the interpreter discretion within the safety parameters to take off the mask or wear other alternatives such as face shields. Consider the impact on the interpreter of working for long periods of time with a facemask, including cognitive load and fatigue.

- Participants should be available to pre-conference with the interpreter (s).

- Consider practical guidelines regarding the physical placement of interpreters inside and outside the courtroom. Defer to the interpreter as to the best placement.

- Use face masks and face shields for LEPs and Interpreters. Default to the Interpreter to determine which face mask works best in each setting and allow the interpreter to conference with the LEP/DHH for their preference.

Remote Interpretation

- Create guidelines for technical briefings and pre-sessions with interpreters to make sure that all parties understand the mechanics of participating in remote proceedings. Include techniques to control turn-taking and requests for repetitions or clarifications.

- Create uniform communication guidelines between all parties to address the process for swearing-in, interpreter interventions on the record, and handling video or audio lags, etc.

- Create guidelines for maintaining confidentiality and protecting privilege during remote proceedings and consider conflicts of the interpreters for multi-role work.

- Ensure that the record reflects whenever an interpreter appears remotely via telephone or videoconferencingerencing.

- Identify in advance and have all parties understand possible impediments to the performance by interpreters during remote interpreting sessions.

- Defer to interpreter to determine the best mode of interpretation for remote proceedings and the most appropriate mode of interpreting within a given platform (consecutive interpretation, simultaneous interpretation, or sight translation);

ensuring that suitably qualified interpreters will use existing best practices to measure decisions which may conflict with current situational demands.

- Parties should be willing to share court documents, direct and cross-examination questions, and topics of questioning with interpreters in advance of the proceeding.
- Training for stakeholders and participants: judges, attorneys, clerks, stakeholders
- The angle of cameras and lighting: some participants may be difficult to see in the video due to improper angles or lighting, which may be perceived as inadequate preparation for the proceeding. Proper camera angles and proper lighting helps participants be recognized as more professional and comfortable with video settings.
- Muting/Unmuting: Parties need to unmute/mute their microphones as necessary during video proceedings. Parties may mute when they do not have to speak continually. Background noise can also be an issue when a party has not muted his or her microphone.
- Consider how the visual backgrounds of all participants can be just as distracting to DHH participants as background noise is to hearing participants.
- An echo in the speaker's voice can occur when the volume of the participants' speakers is too high, making it very confusing for the interpreter to understand the message.
- When DHH individuals connect via telephones they are holding in their hands, the phone can be an obstruction to communication. Work with the interpreter to determine the best ways to resolve these issues.
- Guide LEP/DHH individuals regarding how technology may influence the interpreted message, including but not limited to bandwidth, holding the phone or tablet in your hand, the angle of the camera, and lighting
- Often, LEPs need guidance through the initial connection process. Parties ideally could coordinate in advance having a bilingual staff member or the interpreter contact the LEP via phone to guide the LEP in the connection process. Although outside the role of the interpreter, this might be the critical step that will allow the LEP to attend.

- Give the Interpreter time to conference with LEP/DHH individuals on the best processes for access to the hearing and the interpreter, i.e., pinning the interpreter, backgrounds, etc.
- Avoid utilizing services known to be unfriendly or ineffective to users, even when those platforms are free of cost.
- Provide a breakout room for interpreters to address issues for sidebar when appropriate.

Hybrid Modality of Interpretation

To achieve effective and efficient communication between LEP parties/individuals and the court, even more advanced coordination will be required before the beginning of the proceedings.

Courts should consider several issues when using a hybrid approach, depending on which individuals are remote and which are present. Having the LEP individual present in the courtroom while the interpreter is remote, having the interpreter present in the courtroom while the LEP individual is remote, or having the non-LEP party present while the LEP party is remote, all require different considerations for effective communication.

If proceedings are held utilizing a hybrid approach, avoid having the interpreter remote while the LEP/DHH individuals are present in the courtroom with other people.

Section 2: Best Practices

The following are best practices for different types of court cases and scenarios that may be useful depending on local circumstances. Courts are encouraged to implement them as practicable as possible, keeping in mind the guidelines above. Topics in this section include:

Criminal Matters

Civil Matters

Alternative Dispute Resolution

Criminal and Civil Jury Trials

Juvenile Court

Probate, Magistrate, and Municipal Courts

Criminal Matters

Grand Juries

Courts will continue to use and increase the use of technology to conduct remote judicial proceedings as a preferred alternative to in-person proceedings, both to ensure that essential court functions are continued and to conduct non-essential proceedings to limit the backlog of such matters when the judicial emergency is terminated

Courts will also conduct essential and non-essential in-person judicial proceedings, but only in compliance with public health guidance and with the requirement 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.

Because Georgia law does not provide for remote grand jury proceedings, in-person proceedings of currently impaneled grand juries, newly impaneled grand juries once permitted, and special purpose grand juries impaneled pursuant to OCGA §15-12-100 should be held subject to the following guidelines:

- All members of the grand jury should be seated a minimum of six (6) feet away from any other person, including the District Attorney and witness. Most existing grand jury rooms will not allow for such spacing, so the courts should consider other locations in the courthouse and other county buildings where the distancing requirements can be accomplished while maintaining the statutory secrecy required of grand jury proceedings.

- Due to the intimate nature of grand jury presentations and deliberations, each grand juror, witness, and the District Attorney should wear a mask or other face-covering at all times while the grand jury is meeting.

- Witnesses should be scheduled to arrive at staggered times to discourage the practice of waiting together in a witness room where social distancing would be challenging to maintain. Witnesses should be encouraged to leave upon the completion of testimony and avoid congregating in hallways or other public areas.

- District Attorneys or their designated staff should educate law enforcement and witnesses prior to the grand jury meeting about staggered arrival times and the need to be on time for their presentation to the grand jury.

- When showing evidence, if possible, technology should be utilized to avoid passing evidence between the grand jurors. When evidence must be passed between the grand jurors, gloves and hand sanitizer should be made available.

- When possible, the grand jury foreperson should be permitted to sign indictments electronically to minimize the passing of documents.

- Counties should consider utilizing concurrent grand juries pursuant to OCGA §15-12-63. This will allow the grand jury to meet more frequently without further hardship to those who are working and allow a more expedient resolution of any backlogs caused by the judicial emergency. Furthermore, if a member of one of the grand juries should test positive for COVID-19 and that grand jury is required to stop meeting for a period of time, the concurrent grand jury will be able to continue deliberating on cases.

- Grand juries are required to inspect the offices of the Clerk of Superior Court, District Attorney, Probate Court, and Tax Commissioner once every three years. OCGA §15-12-71. If no inspection is required in 2020, grand juries are encouraged to allow their successors to conduct those inspections in the next calendar year. If an inspection is required during this calendar year, the grand jury should, if possible, utilize technology to conduct the inspection. If the inspection must be conducted in person, all guidelines of the CDC and Georgia Department of Public Health should be followed.

- Grand juries are required to inspect the county jail every year. O.C.G.A. §§15-12-71, 15-12-78. If the grand jury did not inspect the county jail prior to the judicial emergency, technology should be utilized to complete the inspection, if possible. If the inspection must be conducted in person, all guidelines of the CDC and Georgia Department of Public Health should be followed.

- Grand juries are permitted, when necessary, to inspect or investigate any county office or building. OCGA §15-12-71. If a grand jury determines that such an inspection or investigation is required, the grand jury should, if possible, utilize

technology to conduct the inspection. If the inspection must be conducted in person, all guidelines of the CDC and Georgia Department of Public Health should be followed.

Arraignment

When appropriate, judges should accept waiver of arraignment and responses to other court dockets in writing.

Civil Matters

Motions Practice

For hearings without witnesses (summary judgment, default, motions to compel, etc.), judges are encouraged to:

- In appropriate cases, utilize changes to Rule 9.1 and 9.2 that allow judges to require remote hearings without the consent of parties/counsel.
- Rule "on the paper" in chambers when possible – very few issues in non-domestic relations cases require a hearing.
- Use virtual hearings over in-person hearings.
- Hold a virtual hearing if a party objects to an in-person hearing.
- Encourage and allow bench trials to be conducted remotely.
- Rule 6.4
    - Enforce strict compliance with Rule 6.4 by requiring counsel/parties to "confer" prior to involving the court in a discovery dispute and remind attorneys of their professionalism obligation.
    - Take an active role in assisting attorneys in resolving discovery disputes.

Depositions

Where the parties are unable to reach stipulations or when entering scheduling orders or case management order in appropriate cases, judges are encouraged to adopt the following practices:

- Pursuant to OCGA 9-11-30(b)(4), a deposition may be taken by telephone or other remote electronic means by order of this Court.
- Absent a showing of good cause, telephone or other remote electronic means depositions should be permitted. Refusing to participate in an electronic means deposition (such as via Zoom or a similar platform) standing alone is not good cause.
- Except as otherwise provided, the rules governing the practice, procedures, and use of depositions apply to remote electronic-means depositions.

Nothing in this these best practices should compel any party's physical attendance or prohibit any party from physically attending and being present with the deponent during the deposition, at that party's expense, provided, however, that a party attending a deposition should give written notice of that party's intention to appear at the deposition to all other parties within a reasonable time prior to the deposition.

If a witness objects to an in-person deposition because of valid concerns over COVID-19, counsel should attempt to reach a reasonable accommodation to include an agreed-upon location where social distancing and compliance with prevailing public health guidelines can be maintained, or if unable to resolve the valid concern of the witness by agreement, counsel should proceed with a remote electronic-means deposition.

- The court reporter may administer the oath remotely.
- Any exhibits or other demonstrative evidence to be presented to the deponent by any party at a remote electronic-means deposition must be visible to all participants. Parties are encouraged to provide exhibits to the officer administering the oath and all other parties within a reasonable period prior to the deposition when possible.
- No recording of a remote electronic-means deposition should be made other than the recording disclosed in the notice of deposition or by explicit agreement of counsel on the record.

Civil Trial Dockets

- Discourage mass calendar calls for trial announcements, etc.
- Allow written announcements by email, letter, or pleading.
- Space out trial dates.
- Schedule in-person appearance at specific times to comply with social distancing and other public health guidelines in effect.
- Conduct a virtual or telephonic pre-trial conference in all cases after the initial discovery period and enter scheduling orders, including trial dates, if possible.
- Cooperate with scheduling in-person hearings and in-person appearances so that resources of the courthouse are not overburdened.
- Conduct pre-trial status conferences remotely by video or telephone.

When trials resume, those matters currently scheduled ("Pending Trials") should be taken up first, and to the extent an opening occurs because of a continuance or settlement, the trials which were continued as a result of the COVID-19 pandemic ("Continued Trials") should be taken up as the trial court's calendar allows. Witnesses (both lay and expert) should be advised to be available during those timeframes, and counsel/litigants should be preparing for trial with reasonable expectation that their matters will only be continued in the event a court will not be able to move forward with civil jury trials because of public safety guidelines.

While Continued Trials should be reset as soon as practicable, forcing a hard reset on all trial dates will result in far more disruption than maintaining Pending Trials and using Continued Trials as a back-up. Continued Trials become the first back-up to Pending Trials. A trial court may have already reset a Continued Trial. Courts should not continue Pending Trials in favor of those Continued Trials.

Family Law

Sensitive Issues to Consider When Video Conferencing

Unfortunately, due to the almost universal recent adoption of videoconferencingerencing across the world, it does not appear that any group has published best practices or guidelines on how to protect sensitive information in virtual proceedings. Virtually all information related to videoconferencingerencing internationally or locally at the state and federal level has focused solely on making sure those using the technology know how to use it to participate in their respective hearings properly. Family law is more likely to deal with the following sensitive issue, and therefore, a greater level of care should be taken when considering virtual hearings, including:

- Mental health and substance abuse allegations and diagnoses,
- Confidential and private financial information and proprietary business information,
- Potential for identity fraud given the evidence presented, and
- Potential for bullying/harassment during a remote video hearing.

Alternative Dispute Resolution

The use of dispute resolution processes is an effective means for helping the judiciary utilize its resources more efficiently. While most court case management plans include a dispute resolution process, courts may want to consider expanding its use to offer litigants additional options for resolving their dispute. Using a layered Alternative Dispute Resolution ("ADR") approach would allow courts to provide such options throughout the entirety of a case, thereby increasing litigants' access to justice, reducing delay, and generally increasing availability through which disputes can be resolved. Virtual platforms, such as Zoom and WebEx, may also be used to create a safe environment for all parties, especially in sensitive or high-conflict cases. The Commission on Dispute Resolution supports and encourages the use of video technology to allow parties, attorneys, and representatives to appear remotely for a dispute resolution session.

- Encourage all forms of ADR, especially virtual mediation, and consider requiring mediation in all pending cases.
- Strategies for judges and lawyers on how and when to best use ADR.
- Explore non-traditional methods of ADR for certain cases as appropriate.
- Consent of parties required.
- Facts and legal issues have to be appropriate for summary jury trial.
- Lawyers have to trust and respect one another.
- Reluctance to reveal trial strategy and possible impeachment may affect attorneys' willingness to use this form of ADR.
- Judicially hosted mediation or case evaluation via remote videoconference or in-person conference (e.g., Fulton County program).
- Non-binding arbitration – similar to late case evaluation.

Virtual Platform: Encourage remote participation for all dispute resolution processes

- Available resources from the Georgia Office of Dispute Resolution:
    - Video Mediation: A Guide for Parties and Attorneys
    - Video Mediation: A Guide for Mediators
    - Best Practices: Video Mediation in Court ADR Programs
    - Supreme Court ADR Rules, Appendix A, Uniform Rules for Dispute Resolution Programs

Training: Georgia Office of Dispute Resolution is willing to provide training for judges and attorneys to emphasize a new landscape of ADR during and after the pandemic, including: (1) strategies on how and when to best use ADR; (2) best practices for virtual mediation; and (3) how to incorporate a layered approach to ADR in case management plans.

Criminal and Civil Jury Trials

The guidelines, best practices, recommendations, and resources in this report cannot be used to deny or abridge the constitutional or statutory rights of any party.

Formation of a Local Committee

Because every jurisdiction is unique, each circuit should establish a local committee to develop a plan based on the contents of this report, along with an inspection of the facilities by a public health professional and all stakeholders prior to bringing jurors back into the courthouse. Because each county is different, each local committee can identify the most effective plan to build on the Guidelines in consideration of the local court facilities, infrastructure, and population. Each county with a courthouse must establish a local committee for this purpose. The committee's tasks should be to ensure the health, safety, and constitutional protections for the local justice system.

The local committee should include, but not be limited to, a representative from:

- The judiciary of each class of courts authorized to conduct jury trials.
    - Note: The Georgia State-wide Business Court may, but is not required to, participate in the local committee meetings referenced herein. In lieu of such participation, the designated representative(s) of the Georgia State-wide Business Court should instead be provided with advance notice of local committee meetings, any meeting materials and minutes, and a copy of the proposed and final plans developed by each local committee.
- Each Prosecutor's Office (District Attorney and Solicitor-General(s), if applicable).
- The Circuit Public Defender's Office, Indigent Defense Administrator, or a designated criminal defense panel attorney.
- The Sheriff's Office.
- The Clerk of Court of each class of court that is authorized to conduct jury trials.
- Jury Administrator(s).
- Court Administration of each class of court that is authorized to conduct jury trials.
- The local Department of Health or its equivalent.
- An attorney representative from a local bar association.

Some of the jury guidance suggestions come from the "Handling Jury Trials Post-COVID-19 Pandemic" episode of **The Good Judge-Ment Podcast** hosted by Superior Court Judges Wade Padgett and Tain Kell. *You can listen to the podcast here.*

The local committee's work should ensure the following principles:

- The health and safety of the public and those who have business or work in the courthouse. Doing so will foster trust for those entering the court facilities by minimizing the risk of infection and disruption of court services. The committee should identify reasonable accommodations, including identifying larger rooms in the courthouse or facilities near the courthouse, especially for general voir dire. The committee should also establish a notification procedure for alerting stakeholders when personnel of or visitors to the courthouse have tested positive for COVID-19.

- Protection of constitutional and statutory rights for defendants, witnesses, and victims.

- Appropriate notice to the public and parties of public health precautions taken by the court, including information on sanitization procedures, mask requirements, social distancing protocols, etc. The committee will identify the most effective means of ensuring information is provided to the public.

Summoning, Noticing, and Empaneling a Jury

If the courthouse is inadequate to comply with current guidelines for social distancing, the court should consider establishing another location for jury selection and trial. See O.C.G.A. § 15-6-17 (b), O.C.G.A. §15-6-18, Unif. Sup. Ct. Rule 45.

Courts should anticipate and plan for having fewer jurors report due to pandemic-related hardships (e.g., no childcare, persistent unemployment, etc.). Even among those who do respond to the jury call, courts should expect increased reluctance at attending.

Summons and Notices

Courts should summon more jurors and issue summons considerably earlier than usual to ensure requests for hardship excusals are timely received and reviewed.

All summons and notices should include language in the summons regarding the public health emergency and the specific steps the court is taking to ensure the jurors' safety, including the use of alternate facilities outside the main courthouse to facilitate minimum social distancing. The summons should include a phone number or a link to a website that will provide additional information on this point.

All summons and notices should include easy-to-read contact information and explanation on the process for accommodation of individuals who are deaf/hard of hearing or have any language difficulties.

Because individuals with language difficulties have challenges in interpreting complex or lengthy written material, they are more prone to show up at the courthouse to seek clarification. Posted notices outside the perimeter of the courtroom should be utilized.

The court should excuse any jurors who submit forms and relevant documentation that they have tested positive for COVID-19, fall within a vulnerable population, or are exhibiting COVID-19 symptoms. This excusal should occur without the individual juror appearing in the courthouse.

Jurors should be summoned only for a specific term of court.

Empaneling the Jury

In empaneling the jury, courts should:

- Mandate the use of a face mask or facial covering while at the courthouse.
- Screen jurors upon arrival for symptoms—including a temperature screen.
- Have jurors report directly to a predetermined courtroom or space in smaller panels—as opposed to using the typical general jury assembly room.
- Explore the use of larger rooms in the courthouse or facilities near the courthouse, especially for general voir dire.

- Consider how jurors access courtroom space (hallways, elevators, stairs) and provide guidance in advance to jurors on this process and upon their arrival at the courthouse steps.

- Physically space out the jurors for questioning according to the advice of your public health professional—this will include social distancing according to CDC guidelines.

- Conduct specific individual follow up immediately following general voir dire.

- Establish multiple handwashing and sanitizing stations near the space where voir dire will occur.

- Use separate podiums, if possible, for the attorneys for questioning and clean microphones between each user.

- Include a written questionnaire with the summons, when appropriate, to identify high-risk populations and symptomatic persons so that they can be excused or deferred in advance to eliminate the requirement of their ever appearing at the courthouse. Realize that jurors will likely not be able to comply with any request for questionnaires or medically fragile juror forms to be sworn before returning them.

- Question jurors in smaller panels of no more than 12 at a single time in staggered sets with thorough cleaning between each panel (e.g., 12 at 9 am; 12 at 12 pm; 12 at 3 pm; 12 at 6 pm).

- In addition to cleaning between panels, clean the courtroom and public space as frequently as practical, but no less than every evening after court.

Remote Empaneling

Utilizing Zoom, Webex, Microsoft Teams, or another platform may be appropriate in some cases, but attorneys generally prefer traditional voir dire with social distancing. Remote empaneling may be entirely inappropriate for criminal jury trials.

Hybrid Approach to Empaneling the Jury

- Use smaller jury panels – most likely, the jury box cannot be used during voir dire, but the gallery can be used instead.

- Use written or online questionnaire, if appropriate, prior to the court date; solicit proposed questions from attorneys in advance of trial.
- Use juror numbers instead of names.
- Allow lawyers to ask questions but hold follow-up questions until individual voir dire.
- Conduct individual voir dire with smaller panels (unless a party requests compliance with OCGA § 15-12-131); excuse jurors who are not being questioned.
- Plan for spectators and friends, family and supporters of parties who appear; one solution is to have another courtroom available and livestream voir dire to that courtroom.
- Consider jurors in the COVID-19 "high-risk" category based on a valid note from a treating physician be given strong consideration for excusal from jury service for hardship. All those in the high-risk category should be offered the option of reporting their high-risk status remotely by telephone or email to be considered for hardship excusal prior to the date they are required to report in person.
- For civil cases only: If the courthouse is inadequate to comply with current guidelines for social distancing, parties should be offered options for an appropriate alternative site within the county or circuit and divide the costs equally.

Seating the Jury and Conducting the Trial

- Place the jury in the courtroom gallery instead of jury box; consider moving the witness stand to the jury box so the witness is closer to the jurors.
- Use personal protective equipment including plexiglass screens, masks, or face shields as appropriate.Use personal protective equipment, including plexiglass screens, masks, or face shields as appropriate.
- Post guidelines for the use of restrooms and how jurors are to conduct themselves during breaks (maintain physical distance, frequent handwashing, or use of hand sanitizer, etc.).
- Hold the jury and deliberations in an extra courtroom, grand jury room, or large conference room during the trial and while deliberating to accommodate social

distancing.Hold the jury and deliberations in an extra courtroom, grand jury room, or large conference room to accommodate social distancing.

- Presentation of Evidence
    - When possible, evidence should be digitized and displayed on the evidence presentation system.
    - When possible personal viewing devices for jurors should be made available.
    - When possible reduce or eliminate the handling of paper or other physical evidence between jurors, attorneys, etc.
- Provide guidance for the use of elevators for jurors arriving, entering and leaving the courthouse.
- Provide rules on food and drink (also applies to the courtroom).
- Make sure all security cameras, recording devices, and microphones in the courtroom are disabled during deliberations.
- Mark available seats; remove chairs to ensure social distancing;
- Coordinate with other judges regarding trial scheduling, juror calls calling of jurors, and use of courtrooms needed for jury deliberation.
- Consider how to deal with self-represented litigants.

Have a plan for the general public, friends, family, and supporters of the parties who appear. One solution is to have another courtroom available and livestream jury selection to that courtroom. Providing seating in the room where jury selection occurs should be prioritized for the family of the accused and the victims of the crime.

- Restrict or eliminate other court calendars during jury selection to limit the number of people coming into the courthouse.
- Have a "sickness plan" in advance for issues arising during jury selection, and instruct the potential jurors on the plan at the beginning of jury selection (This should include informing jurors who are exposed to COVID-19 or are experiencing

symptoms of COVID-19 to notify a designated point of contact and not report to the courthouse.)

- Have a plan for the general public, friends, family, and supporters of the parties who appear. One solution is to have another courtroom available and livestream jury selection to that courtroom. Seating in the room where jury selection occurs should be prioritized for the family of the accused and the victims of crime.

Juvenile Court

Scheduling Hearings

The following court schedules are established to reduce occupancy in court buildings. Juvenile Court will follow Uniform Juvenile Court Rule 12.1 and 12.2 when conducting hearings by phone or videoconference. Pursuant to the Order Extending Declaration of Statewide Judicial Emergency, the Court may compel participation by the parties in certain judicial proceedings via remote video hearings. In the event a party is unable to participate in a video hearing, said party or counsel for said party should contact the Clerk of Court or such other court personnel as may later be designated by the court to make alternate arrangements for participation.

Until such time as full in-person courtroom hearings recommence, the court should follow these protocols:

Essential Hearings

Essential hearings are subject to interpretation; however, some matters that fall into the essential function category are, at a minimum:

- Where an immediate liberty or safety concern is present, requiring the attention of the court as soon as the court is available, and

- Juvenile court delinquency detention hearings and emergency removal matters.

Factors that could be considered in determining whether a hearing is essential are:

- Whether or not there has been a finding after a preliminary hearing or waiver thereof for a child who has been removed from the home into foster care or detention;

- Whether or not there has been an adjudication of delinquency for a child who remains detained after a detention hearing or a waiver thereof;

- Whether or not any party has filed a petition or motion requesting an immediate change in a child's custodian/guardianship circumstances.

As to essential hearings, the same should be scheduled under the standard rules existing in the provisions of Title 15 of Chapter 11 of the Official Code of Georgia Annotated except that, at the court's discretion, said hearings may be held via videoconferencing so long as said hearing(s) comport with due process of law.

Non-Essential Hearings

Non-essential hearings should be scheduled using the timelines established by the provisions of Title 15, Chapter 11 of the Official Code of Georgia Annotated and the tolling periods in the Judicial Emergency Orders AND SHOULD BE SCHEDULED AS REMOTE VIDEO HEARINGS when practical to do so.

A "calendar call" may be conducted by the court and further direction given as to times assigned per case or the Clerk of Court or such other designated court personnel should assign specific times to each case and notify all attorneys, CASA, probation, and self-represented litigants. Attorneys should provide all videoconference information to their clients and witnesses.

If any litigant does not have access to the technology necessary to participate in a videoconference, the court should direct the self-represented litigant or their attorney to contact the assigned clerk or other designated court personnel and alternate arrangements should be made to allow the litigant to participate in the hearing. If granting a continuance is necessary to effectuate alternative arrangements, the court should grant such a continuance for good cause shown.

Each court should develop and provide written instructions to attorneys and self-represented litigants on how videoconference hearings will be conducted, along with the virtual location of said hearing.

Delinquency and CHINS Adjudication

All delinquency and Child in Need of Services ("CHINS") adjudication hearings and contempt matters should be held in-person unless said in-person requirement is waived by the parties.

In each case where a delinquency or CHINS adjudication hearing or a contempt matter is required, the court should inquire of the parties whether they are amenable to conducting a videoconference hearing. If the parties do not desire to do so, the court may, at the court's discretion, enter an order in any individual case requiring that the time requirements set forth under the provisions of Title 15 of Chapter 11 of the Official Code of Georgia Annotated be instituted and, thereafter, schedule an in-person hearing following the guidelines and directives set forth herein. Alternatively, the court may continue the matter until after the Judicial Emergency Order terminates.

In-Person Hearings

When conducting in-person hearings, Courts should consult the *Georgia Court Reopening Guide* to ensure the safety of staff and all participants.

Access for public: The court should ensure that the public has access to view all hearings that are open to the public pursuant to O.C.G.A.15-11-700. Should said access be restricted to internet access only, the court should adhere to the notice and procedure requirements set forth in Amended Uniform Juvenile Court Rule 12.2 (e)(4).

Recording of hearings: Regardless of the method of hearing, Uniform Juvenile Court Rule 13 should apply.

Uniform Juvenile Court Rule 12.2 should be followed when conducting videoconference hearings. Courts should ensure confidential attorney-client communications are possible so that clients and attorneys have a private means of communication when in different locations.

For all hearings in which the parties consent to having the matter heard via videoconference, the consent should be made on the record.

Probate, Magistrate, and Municipal Courts

Arraignments

- Utilize written waivers of arraignment whenever practical and allow attorneys to waive via mail or electronic means.
- Coordinate with other judges and courts to avoid scheduling extensive in-person proceedings at the same time.
- When defendants must be physically present, schedule small numbers to appear at a specific time depending on the size of the courtroom and the public health requirements in effect. Stagger the schedule at intervals throughout the day.
- Consider the use of plexiglass barriers in front of the bench, the court reporter, and other in-court staff when six feet of distancing cannot be maintained.
- Mark the seating locations for social distancing or remove seating to require social distancing.
- Allow the first individuals who appear to enter the courtroom until the maximum recommended persons for a room of that size is reached. As others arrive, they will sign in, leave their phone number, and return to their cars and await a text message telling them to report back as space becomes available in the courtroom. (Text messaging apps used by restaurants and health care providers are available at different price points).
- Provide a copy of the waiver of arraignment on the court's website for the defendant to review.
- Provide a procedure for signing of forms; only forms that are essential should be signed by defendants. If forms are to be signed, provide pens for each person to use and keep or clean each pen after use. The judge could also obtain consent to sign on the defendant's behalf, if appropriate.
- Conduct video arraignments if appropriate. The notice to the defendant could include a statement that they can opt to handle their arraignment via videoconference. The defendant needs to provide an address and be willing to

download the necessary videoconference app. The defendant also needs to be given a date and time to join the meeting. You may have several arraignments at one time in one video "meeting." Video meeting times could be staggered throughout the day in the same manner as in-person meetings.

- Accommodate individuals in high-risk categories.

Failures to Appear

- Provide additional notices and opportunities to appear for first time "no shows."
- Collect contact information when parties are prohibited from entering the courthouse due to COVID-19 symptoms or exposure. (See *Tracking Form for Persons Denied Entry Due to COVID-19 Guidelines* in Section 3.)

Filings

- Encourage parties to use online filing when not required to do so.
- Encourage courts to contact vendors to determine if fees could be waived for indigent parties.
- Make space available to maintain social distancing while completing the paperwork. Any pens or clipboards used by a member of the public should be sanitized before another member of the public uses the same objects.

Probate Court Related Issues

Courts should continue to give oaths remotely via videoconference whenever possible by adhering to the following best practices:

- Make a record by recording the proceeding. Begin by stating the case and the purpose of the video and record the giving and signing of the oath.
- Conduct remote oaths by <u>videoconference only, NOT over the telephone.</u>
- Email the oath to the individual receiving the oath prior to administering the oath on video.

- Ask for the names of those present and ask to see the photo identification of the person taking the oath on video.
- Give the oath on video.
- Watch the individual sign the oath form during the videoconference.
- Instruct the individual to send the original, signed oath back to the court.
- Save the video.
- Have the court personnel who administered the oath sign the original oath when it is received.

Courts should make guardianship and conservatorship proceedings a priority. Consideration should be given to the following:

- Courts should begin scheduling guardianship/conservatorship proceedings that must be conducted in-person, but whenever possible, courts should continue to conduct all matters via videoconference that can be handled remotely.
- Courts should utilize telephone status conferences to determine the logistics for in-person hearings, including the number of witnesses, accommodations for vulnerable parties or witnesses, video testimony, or video access to the hearing. Courts should review all guardianships and conservatorships for which annual reporting requirements have not been met during the judicial emergency. Courts should send reminders regarding annual returns, personal status reports, inventories, and asset management plans to Guardians and Conservators with language lifting the tolling of deadlines on these matters.
- Courts should carefully screen all annual reporting documents and issue citations to those which indicate or show evidence of misuse of funds.

Courts should make preparations to address temporary minor guardianships with consideration of the start of school.

- Courts should process uncontested matters during the remaining judicial emergency.

- Courts should make preparations to hold hearings on temporary guardianship cases where hearings will be needed as soon as practical.

Courts should continue to utilize the precautions previously established in issuing marriage licenses, including the following:

- Require applicants to make appointments to minimize the number of people in the office at one time.
- Require applicants to wear facemasks.
- Limit appointments to the applicants only, without any other family or friends present during the application process.
- Screen applicants at exterior doors, when possible, but allow access to the office as necessary and appropriate.
- Issue marriage licenses to in-state and out-of-state applicants as provided by law.

Courts should continue to process weapons carry applications in accordance with Georgia Law and with the memos issued by the Council of Probate Judges on April 24, 2020, and May 7, 2020.

Magistrate Court Related Issues

Courts should consider using the authority provided in the statewide Judicial Emergency Order to establish Answer deadlines on a case-by-case basis. Courts are reminded that while a generally applicable Standing Order is impermissible under the Emergency Order, a standard order filed into each individual case is acceptable.

By establishing specific deadlines for each case, courts can stagger Answer deadlines to avoid a large number of people from entering the courthouse during the same narrow timeframe to file Answers in person.

Establishing specific deadlines for each case can also assist self-represented litigants. For those cases served immediately before or during the period of judicial emergency, providing a specific deadline obviates the need for a self-represented litigant to calculate his or her new Answer deadline after factoring in the tolling time.

Courts should consider clearly informing each litigant of his or her new specific deadline. Merely providing a blanket statement that a defendant has a certain number of days from service to respond may be inaccurate if a case was served immediately before or during the period of judicial emergency. This case-specific information can be communicated through the summons or a supplemental notice.

Beyond communicating specific deadlines and court dates, such notice may also include other critical information, such as online filing availability, public health guidance, courthouse entry procedures and requirements, contact information for low-income legal representation options, where to learn more about the CARES Act, and resources for any court-based rental assistance programs that may exist. This information could also be shared on court websites, social media, and other outlets.

In the interest of public health, courts should generously consider initial continuance requests, untimely Answers, and Motions to Set Aside Default based on direct COVID-19 concerns (a litigant or immediate family member's illness or exhibition of symptoms, exposure to an individual with a confirmed or suspected case of COVID-19, etc.). Before entering a default, courts should take particular care to ensure a defendant was not rejected from the courthouse for a COVID-19 related reason, unable to connect to a virtual hearing due to technical difficulties, or made an attempt to contact and notify the court of his or her related absence caused by the above reasons.

Municipal Court Related Issues

Municipal Court staff are reminded to consult the *Georgia Court Reopening Guide* when working with the public (inside or outside the courtroom) to ensure general infection control measures are being taken and policies to support healthy and safe court employees are being followed whenever possible. In addition, individual court's guidelines should be consulted.

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

Section 3: Resources

Georgia Court Reopening Guide

Jury Guidance from The Good Judge-Ment Podcast

Addressing Issues of Language Access and Interpretation

Sample Order - Contact During State of Emergency

How to Use Zoom in Court

Audio and Internet Concerns During Video Conferencing

Guidance for Litigants Appearing in Virtual Court

Zoom Tutorials and Walkthroughs – Links

Sample Order Requiring Videoconference Hearings

List of Subcommittees and Members

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. The practices presented here are 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.
- Exercise flexibility when applying these guidelines to ensure each litigant receives a fair hearing as required by law.

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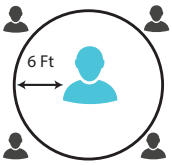
Special thanks to Dr. Mark Swancutt, Fulton County Board of Health

1 General Infection Control Measures

Require all employees and the public to wear a mask or face covering when entering the court facility. If possible, provide a mask to employees and members of the public seeking entry who do not have one.



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. Use your best judgment to adjust this calculation to the specific layout of each room and to accommodate cohabitating groups sitting together.

- **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.
- **Restrooms should be well-stocked** with soap and paper towels at all times.
- **Post signage limiting restroom capacity** to facilitate social distancing.
- **Prohibit the use** of water fountains.
- **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.
- **Any person not wearing a mask** should remain at least ten feet away from other people.
- **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.
- **Isolate persons who become symptomatic** while in the court facility until they are able to leave and remove others from any rooms they have occupied.
- **Consult a public health or medical professional** if you have questions or need help adapting these guidelines to your unique circumstances.

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. If wearing a mask would negatively impact a litigant's right to a fair hearing, consider transparent face shields, physical distancing, or other infection control measures in consultation with a public health or medical professional.
- ✓ Avoid touching eyes, nose, and mouth.
- ✓ Stay at least six feet (about two arms' length) from other people.
- ✓ Stay home when sick.
- ✓ Clean and disinfect frequently touched objects and surfaces, including door handles, security bins, countertops, public access computers, and seating throughout the facility.

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

2 Provide Notice to the Public of Increased Health and Safety Measures continued

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

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 have, within the past ten days, experienced symptoms of COVID-19, including: cough, shortness of breath or difficulty breathing, fever above 100.0 degrees, chills, muscle pain, sore throat, headache, or new loss of taste or smell.
- ? If they have been in contact with someone known to have COVID-19 within the last 14 days.
- ? 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 100.0 degrees or higher. Persons reporting a fever above 100.0 degrees in the past 72 hours should also be denied entry.
- ? Any person denied entry for health reasons should have his or her case continued and be advised to seek medical evaluation and testing.
- ? The following information should be collected from any person denied entry for health reasons: name, contact information, the court he or she was scheduled to attend and why, and the specific reason for denying entry.

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.
- ✓ Call or 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.
- ✓ Limiting elevator capacity to facilitate social distancing (e.g., two person maximum) and offering the stairs as an alternative route.

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. Court employees should wear gloves and hold handheld microphones if used.

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

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.

Provide a separate entrance to the court facility for employees, if possible.

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 room or 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, or working in the 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 holding and 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.
- Limit jury deliberations to two hours at a time with 15-minute breaks to go outside into fresh air and/or separate from each other. Jurors should not deliberate for more than eight hours per day.

Provide individual boxed lunches and bottled water to jurors. Vending machines should be wiped down regularly and have a hand sanitizing station nearby.

Juror transportation: If jurors are shuttled to the court facility, provide for proper spacing in transport vehicles and sanitize vehicles after each use. Jurors should stay six feet apart while waiting for the shuttle.

Require all jurors to wear a mask or face covering while in the court facility and the juror shuttle, if applicable. If wearing a mask would make it difficult to evaluate the demeanor of jurors or otherwise negatively impact a litigant's right to a fair hearing, consider transparent face shields, physical distancing, or other infection control measures in consultation with a public health or medical professional.

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.
- **Work with law enforcement** to provide for proper spacing in transport vehicles and masks for inmates and detainees during transport. Stagger arrivals and departures to facilitate spacing in transportation vehicles and holding areas.
- **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.
- **Require** all inmates and detainees to wear a mask or face covering while in the court facility. If wearing a mask would negatively impact an inmate or detainee's right to a fair hearing, consider transparent face shields, physical distancing, or other infection control measures in consultation with a public health or medical professional.
- **Ensure** deputies who are required to be in close proximity to inmates and detainees have face coverings and gloves.

Addressing Issues of Language Access and Interpretation:

Continuing Guidance and Support

- Create an Advisory Council to guide the reopening of the courts concerning Language Access, oversee implementation of processes and procedures, and be available to assist courts with best practices for proceedings based on the specific needs of the courts, interpreters, and parties

- Provide training for courts, staff, clerks, interpreters, etc. on best practices for interpreting remote proceedings, in-person proceedings with safety policies and considerations, and hybrid proceedings

- Create a number/hotline for clarification of best practices for Language Access Services and when working with interpreters

- Provide an advisory opinion from the Georgia Commission on Interpreters or National Center for State Courts regarding possible drawbacks, costs, and liabilities of not using a qualified interpreter, including a number of interpreters (teams), using an interpreter who is fatigued beyond the recommended time, interpreters who do not understand safety guidelines (masks, social distancing, remote interpreting) may influence or alter the message, or any significant error committed by an interpreter under these circumstances.

- Provide an advisory opinion from the Georgia Commission on Interpreters or National Center for State Courts regarding possible drawbacks, costs, and liabilities of any issues or errors in interpretation caused by delays in video or audio feeds during remote interpretation.

    - Grant the Georgia Commission on Interpreters ("COI") and the Administrative Office of the Courts ("AOC") oversight over American Sign Language ("ASL") interpreters and firms to facilitate vetting of these interpreters given the multiple available credentials in this field.

    - Create VRI Training for Georgia Licensed interpreters, add a VRI endorsement to the interpreters' license, only allowing interpreters

licensed in Georgia to offer VRI and interpret in cases where VRI might be needed.

- Require interpreting agencies to register with the Georgia Commission on Interpreters (similar to Court Reporting Agencies) to monitor the use of licensed interpreters.

Guidance and Support for Available Resources

Safety considerations must be balanced with the specific situation surrounding each proceeding and the needs of the Limited English Participant ("LEP") and the Court.

Update Existing Resources

- Supplement current Spoken and Sign Language Interpreting Bench Cards. Cover each of the modalities of interpreting: remote proceedings, in-court proceedings with COVID-19 Safety measures, and the hybrid approach where some individuals are remote, and some are in person.

- Supplement the Model Administrative Protocol issued by the Georgia Commission on Interpreters (MAP).

- Create an Online repository of relevant documents (see below).

Create New Resources and New General Guidelines

- Create Templates and Checklists that can be used uniformly by any county or jurisdiction and adjusted to their needs. Make these documents available through a centralized website resource webpage managed by the Georgia Commission on Interpreters.

- Recommendations regarding the vetting and qualifying of interpreters in remote settings; qualification and use of non-licensed interpreters; the use of agencies to procure licensed interpreters for the courts; and guidelines requiring them to vet and qualify interpreters according to court protocols in advance.

- Create guidelines for the use of vetted bilingual staff in linking with court administration for customer service purposes.

- Create guidelines in easy to read cards on how to verify interpreter qualifications in the courtroom and online.
    - Courts should not assume that an agency or contracted interpreter has the appropriate court training, regardless of what the agency or interpreter has indicated, (unless the agencies are held accountable for sending unqualified interpreters).
- Create a list of acceptable certifications and certification definitions for courts, clerks, staff, and judges to reference when vetting an interpreter
- Create a standardized template for interpreters to state their credentials and require that they do so on the record (Name /Certifying Body / Number / Category)
    - If the interpreter is unlicensed or licensing information is unknown, the court should interview the interpreting according to the standard required by the Commission on Interpreters (see the Commission's webpage coi.georgiacourts.gov).
- Create planning guidelines to assist in identifying interpreter needs and teams and mitigating interpreter fatigue and cognitive overload, including the type of proceeding, length, location or platform, number of LEPs, etc.
- Create a template form for the request of interpreters, which considers the type of proceeding, the number of interpreters needed, roles of LEPs, consults with attorneys or sight translations required, etc.
- Create accessible checklists outlining instructions and best practices for all parties to follow when participating in remote, in-person, and hybrid interpretation settings
- Create guidelines for the use of technology during hearings and minimum technological requirements for access to remote proceedings (broadband, phone, remote satellite locations, devices, microphones, visual and auditive feedback, framing, lighting, acoustic feedback and shock, speakers, etc.)
- Create and maintain an easily accessible inventory of assistive listening and wireless interpreting equipment and encourage personnel to become familiar with its use and how to make it available whenever needed

Maintain a document repository with common sight-translated documents or other documents useful for LEPs and court administrators (plea sheets, applications, probation notices, probation instructions, sentences, arraignment colloquies, bond orders, revocation of arrest warrants, etc.)

- Information for LEPs on their Language Access Rights; Language Identification cards
- Templates for courthouse signs (entryways, directions, interpreter requests, language identifications, directions to receive assistance, etc.)
- Training materials which are developed for court personnel on best practices for booking, scheduling and working with interpreters (link from NCS, NAJIT or other or GA specific training material)
- Information and easy read cards on how to qualify interpreters in the courtroom and online
- Links to White papers and other resources on interpreter best practices
- Document guidelines on using assistive listening equipment and remote interpreting equipment, plus appropriate platforms and technology requirements for online proceedings using interpreters

Sample Order - Contact During State of Emergency

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: FAM 1	)	
CONTACT DURING STATEWIDE	)	JUDGE REBECCA CRUMRINE RIEDER
JUDICIAL EMERGENCY	)	
	)	
	)	

Please be aware that pursuant to the Supreme Court Order Declaring Judicial Emergency, entered June 12, 2020, we are hearing matters that may be conducted via video-, tele-conference, or person pursuant to the Order. This will remain in effect until July 12, 2020. Please refer to the March 14, 2020 Order Declaring Statewide Judicial Emergency.

Reset notices will be sent. Please contact Judge Rieder's Chambers if you have any questions or needs to ensure compliance with this Order at Tameka.Black@fultoncountyga.gov.

To assist with case management, we will hold status conferences and litigation matters via videoconferencingerencingvideoconferencing (see below for access information) **as requested and re-scheduled** on a case by case basis and in conformity with the Emergency Order.

If you would like to proceed via videoconferencingerencingvideoconferencing, or feel your matter is an emergency and cannot wait the thirty (30) days, please contact Will Williams (for 30 or 60 Day Status Conference matters) at Will.Williams@fultoncountyga.gov or Susan Shaver (for any 120-Day Status Conference, Emergency Hearings or Final Trials) at Susan.Shaver@fultoncountyga.gov.

If you are set for a zoom hearing/trial, please see EXHIBIT A ATTACHED HERETO, and:

(1) This is open Court, and you are to appear and behave as such;

(2) Use the best internet connection and plan ahead for Zoom meetings to ensure reliable connectivity;

(3) Remain in a stationary place (at a desk/table);

(4) Your video is to remain on at all times absent specific excusal from Court;

(5) Your name screen ID name should be displayed as your full name to include first and last name;

(6) Desktops and laptops are preferred for a better video and audio quality, do not attend a hearing/trial on a mobile cellular device, these devices are only permitted as a last option;

(7) Attorneys, please ensure your client is aware of and abides by all provisions;

(8) Provide access to exhibits exchanged to your client *prior* to the hearing/trial.

(9) Recording/Photographs/Reproduction: Any video recording, audio recording, photographing, taking screenshots, or reproducing of the livestream, if any, is strictly prohibited. The recording, publishing, broadcasting or other copying or transmission of courtroom proceedings by video, audio, still photography or any other means is strictly prohibited except as provided in Uniform Superior

and State Court Rule 22, which requires application by the party seeking to record the proceedings and approval of the court prior to the beginning of the proceeding. Violations of Rule 22 is subject to the penalties for contempt of court. Observers should keep their video off and sound on mute.

(10) Upon the court or either party invoking the rule of sequestration, no witness may observe or listen to any portion of the proceeding until he or she has been called to testify. Witnesses listening or observing the proceedings is strictly prohibited in those instances, and violators will be subject to contempt of court.

Failure to comply with the provisions of this Standing Order may result in Contempt of Court and monetary fines.

If you are set for an in-person hearing/trial:

(1) You must comply with the Third Order Extending Declaration of Statewide Judicial Emergency dated June 12, 2020.

(2) As set forth therein, anyone entering the Courthouse must wear a face mask. Please bring your own face mask.

(3) Stay home and immediately notify Chambers staff if you feel sick or are experiencing any symptoms of COVID-19 or have had them within the past ten days. https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html.

SO ORDERED, this, the ___ day of ___, 2020.

How to Use Zoom in Court

To conduct Court via Zoom, you will need a **desktop computer, laptop, or smartphone that is equipped with a camera and microphone and a stable internet connection**. If you do not have access to those devices, see **Call-In Options** at the bottom of this document. The instructions for attending a remote hearing are as follows:

Step 1: Install Zoom For Free

For **smartphones** and **tablets**, install ZOOM from the Play Store or App Store.

For your **desktop computer**, **laptop,** or notebook device with webcam and microphone, please visit www.zoom.us and follow the instructions to download the app.

Step 2: Create an Account

Create a Zoom account by going to Zoom.us, and click, "sign up, it's free" and follow the prompts from there. You will need to use your email address and create a password. You only need to do this one time; this is the account you will use each time you enter a Zoom virtual hearing.

You will need to obtain a premium (paid) membership to hold hearings without disruption. The maximum time limit for free accounts is 45 minutes per meeting.

You should test audio and video at least 24 hours before the conference. This can be done in the "Preferences" or "Settings" window of the program. You will also want to test the program to be sure that you have a strong WiFi connection. If your signal strength is too weak this may impact your ability to participate in the virtual hearing. If you are unable to participate by video, see the section titled "Call-In Options."

Step 3: Join the Zoom Call

Be sure to join the Zoom call 15 minutes before the start time.

To join, you will need to access the Zoom remote court session information, which includes the meeting ID and password. This information should be emailed to the participants prior to the hearing.

- Please take note of the Meeting ID and Password for that specific court session.

- A “Join Now” link to the hearing will be provided. Clicking on the Join Now link will open your Zoom app and may ask you to enter the Zoom session’s meeting ID and password.

- After you enter the meeting ID and password, a screen should load showing your face, after you see this screen, click “**join with video.**”

- Once these above steps have been completed, you will have joined the Zoom session and be placed into the Zoom Waiting Room. (When in the Waiting Room, you cannot hear or see the court proceedings.)

- The name that you choose for yourself will be shown on the screen during the call. You **must** use your full name as it appears in your case and your case number so that you can be identified. If you fail to do so, you may not be admitted into the proceeding from the Waiting Room.

- When the court is ready to hear your case, you will be allowed entry into the Zoom meeting from the Waiting Room.

- A message box will then appear asking you to “**join with computer audio**,” or “**join with internet audio**.” Selecting this will allow you to hear the1meeting and speak through your device.

- Mute all sounds from other applications when videoconferencingerencing (i.e., email notifications, chat messaging, etc.).

    - If the programs do not allow for muting, then close the application completely.

    - Avoid using a mobile device for video. While tablets (iPads) and smartphones can be used, their platform functionality is limited, and the video performance is inferior.

If using a laptop, avoid using battery power only. Plug into a suitable power source while in a meeting. (Videoconferencingerencing tasks are intensive functions for your computer and will drain power faster.)

- Avoid running any unnecessary applications besides Zoom (or other videoconferencingerencing platform), to conserve your computer's processing power and networking.

- Restart your computer every day and before every new hearing. This refreshes your computer's memory and allows the new meeting to run smoothly.

- Avoid using an open microphone and speakers, such as those that are built into laptops or webcams. Using a good quality headset (headphones with a microphone) will often help ensure you can be heard and can hear others with maximum quality.

- Avoid distracting real or virtual backgrounds.

- Avoid poor camera positioning. Try to frame yourself so you take up most of the screen at eye level.

- For trial calendars, parties should be instructed to disable audio and video until the judge calls their case. This limits the potential distraction for others participating in the proceeding.

- If the parties are unwilling or unable to do it themselves, instructions are included below that allows the judge or their staff attorney to turn off those functions for participants manually.

- Avoid using WiFi. Connection via a hardwire Ethernet cable will always be faster and more reliable than WiFi. If you must use WiFi, make sure you are close to the router. Avoid sharing your internet service with others during the session. (i.e., others in the household watching Netflix or other video streaming platforms.)

Tips:

- Do not join the Zoom meeting while in a moving vehicle. Internet connectivity may affect your Zoom connection.

- You may join the Zoom court session if you join before the host is ready to start the session. **Please do not leave the meeting**; once the host begins the session, you will be placed into the Waiting Room

- Join the Zoom Court Session 15 minutes before the scheduled time. If you arrive late, you will end up waiting longer in the Waiting Room.
- When you are admitted from the Waiting Room, you should mute yourself by clicking on the microphone icon. A red line through the microphone indicates that you are muted and cannot be heard by the people in the meeting. When it is your turn to speak, you will need to unmute yourself by clicking the microphone.
- If you have not previously clicked on the "Join by Video" button, you may click on "start video" after joining the meeting so that others can see you. If the "start video" icon on the bottom left corner has a red line through it, that means that no one else can see you.

Utilizing Videoconferencing in Domestic Litigation

These requests should be granted on a case by case basis when balancing the private interest of the parties with the public interest as already required by the rule.

Examples of requests that tend to favor exclusion from public hearings include:

- Testimony involving minor children, including Guardian ad Litem reports.
- Testimony regarding medical information, including mental health and substance abuse diagnoses.
- Testimony regarding allegations of any type of abuse.
- Testimony regarding the personal financial information of the parties.
- Testimony covering confidential or proprietary business information.

When possible, videoconference hearings should be conducted by the presiding judge in a courtroom or other designated room open to the public with social distancing capabilities.

Conducting a hearing pursuant to this section will allow the court to forgo sending links or passwords to the public, as outlined below. Any interested parties will be able to view the proceedings from the gallery as they have previously done.

If the presiding judge is unable to conduct their portion of a videoconference hearing from an open courtroom, then the following guidelines should be followed:

- We discourage the use of livestreaming platforms. Popular livestreaming platforms include, but are not limited to, Facebook Live, Instagram Live, Periscope, and YouTube Live.
- Only use videoconferencing platforms with upgraded security measures. A non-exhaustive list includes Cisco WebEx, Blue Jeans, GoToMeeting, and Zoom. Platforms with 256-bit, end-to-end encryption are strongly preferred.
- Prior to beginning hearings, everyone accessing the hearing should be reminded to check for and update their platform software to ensure it is up to date. This ensures that any security updates which have been made available by the platform are in place when the hearing begins.

- Only the judge's office or designee should send out or post-meeting invitations and passwords.
- Prior to sending out meeting invitations, all settings should be reviewed in the application settings and the web browser platform profile.
- Always turn off the ability for parties to record through the application itself. Have the attorneys/parties state on the record that they are not recording the proceeding using other means.
- Utilize passwords for all hearings. This practice limits interested parties from unintentionally gaining access to proceedings or "Zoombombing" them.
- Only provide meeting links and passwords directly to attorneys or self-represented parties.
- Provide meeting links to the public only when requested on a case by case basis, if possible. This does not bar the public from participating. This rule is designed to make it more difficult for those with ill-intentions to access and disrupt proceedings.

Do not allow screen-sharing of exhibits during trial proceedings when the public potentially has access to the proceedings electronically. Doing so allows for the potential public disclosure and misuse of mental health diagnoses, Guardian ad Litem reports, confidential or proprietary business information, and could lead to instances of identity fraud.

If the presiding judge cannot hold the hearing electronically in a courtroom or other area open to the public, pre-marked exhibits should be exchanged electronically or by courier by close of business the day before the trial, or at another time ordered by the court. This creates the same type of knowledge an interested party would have with exhibits in pre-pandemic proceedings.

Additional guidance:

- Utilize waiting rooms by automatically having meeting attendees go straight to the meeting room when they log in, and the court will manually add them to the proceeding.
- Turn off messaging/chatting functions for all parties and attorneys during the hearing.
- If the public does attend electronically, the court should turn off its video and audio to limit potential disruptions.

Audio and Internet Concerns During Videoconferencing

In general, the necessary internet speed to effectively videoconference is between 2-4 Mbps for small groups, while larger groups can require up to 8-10 Mbps (download speed). Most widely available consumer internet plans start at 15-25 Mbps, with plans increasing to 1 Gbps. So, regardless of party's home internet provider, there should be sufficient speed to effectively videoconference from home. So, regardless of the party's home internet provider, there should be sufficient speed to effectively videoconference from home. This is not a concern for business internet providers, as their internet speeds typically equal or exceed consumer internet speeds.

When possible, a "hard wire" connection should be used in lieu of a wireless connection when utilizing videoconferencing. When possible, a "hardwire" connection should be used in lieu of a wireless connection when utilizing videoconferencing. The speeds that are quoted by internet service providers are hardwire speeds and generally do not maintain the same level of consistency or performance over a wireless connection, especially the further away you are from the router. If you must use your wireless connection, you should be as close to your router as possible (i.e., no walls between your computer and the router).

Any participants that are not technologically savvy should be encouraged to utilize only the video portion of their computer when participating in hearings. Allowing these participants to utilize their telephone for their audio needs limits the potential start/stops associated with poor internet quality. (i.e., the audio/video feed of a participant continuously freezing or buffering no longer impacts the hearing because their audio is done over a separate (cellular) network.) Instructions for how to enable and utilize this feature are included below.

Guidance for Litigants Appearing in Virtual Court

Behave as You Would in a Courtroom

- You should be appropriately dressed if appearing by video for a virtual hearing.
- Be aware of your background (area behind you). Make sure it is appropriate; it will be seen by the Judge and other people attending the hearing. Make sure you are not sitting directly in front of or behind a window, because the light or reflection can affect the video.
- Choose a quiet place to participate in the hearing. Cell phones should be muted, doors to rooms closed and disruptions minimized.
- You should remain on mute until it is your time to speak. Do not speak over anyone, and do not interrupt anyone. Use appropriate language as you would in a courtroom.
- A court reporter or language interpreter may interrupt from time to time to clarify who is speaking.
- If you do not follow the Court's rules, you may be removed from the Court hearing, and the Judge can impose a fine or other punishment.
- Recording/Photographs/Reproduction: Any video recording, audio recording, photographing, taking screenshots, or reproducing of the livestream, if any, is strictly prohibited. The recording, publishing, broadcasting or other copying or transmission of courtroom proceedings by video, audio, still photography or any other means is strictly prohibited except as provided in Uniform Superior and State Court Rule 22, which requires application by the party seeking to record the proceedings and approval of the court prior to the beginning of the proceeding. Violations of Rule 22 is subject to the penalties for contempt of court. Observers should keep their video off and sound on mute.
- Upon the court or either party invoking the rule of sequestration, no witness may observe or listen to any portion of the proceeding until he or she has been called to testify. Witnesses listening to or observing the proceeding is strictly prohibited in those instances and violators will be subject to contempt of court.

Zoom Tutorials and Walkthroughs – Links

Click on the links below for video tutorials on the specifics of each of these functions.

- Schedule a Meeting
    - Video walkthrough
    - Video and screenshots
    - Features for a premium (paid) membership always include:
        - Meeting password
        - Webcam usage
        - Enable join before host
        - Enable waiting Room
        - Allow for telephone and computer audio
        - Breakout room pre-assign
- Sending Meeting Invitations
    - This can be done at the same time as scheduling a meeting or afterwards
- Meeting Audio
    - Enable "join by telephone." The number to call in will be in the Zoom invitation you received for your hearing.
- Meeting Controls
    - Basic controls
    - Mute/Unmute button
        - Bottom left-hand corner, microphone icon,
        - Additional drop-down options allow a user to change how they are connecting to the audio portion of the hearing

- Video on/off button
    - Bottom left-hand corner, second icon from the left, camera icon
    - Should always be on for parties and attorneys during trial proceedings
    - Ability to invite participants while the hearing is ongoing
        - Useful for adding witnesses to the proceeding as necessary
- Manage participants
    - Allows your office the ability to modify permissions for participants during proceedings if necessary
    - Also contains "mute all" button
    - Turn on enter/exit chimes so you as the host know when people join and leave
- Share Screen
    - This feature must be used with caution as third parties can record or otherwise capture the screen being shared which could grant access to personal/confidential information.
    - Examples of documents that should not be shared this way include:
        - Guardian ad Litem reports, business information, personal financial information, and medical information.
- Chat Functions
    - Controlling and Disabling in meeting chat
    - These should not be used as it allows for potential harassment
- Record Session
    - This function should be turned off for participants

- End Meeting
    - Make sure you end the meeting for all participants at the conclusion of the hearing
- Join Meeting
- Video Breakout Rooms
- Enable Breakout Rooms
    - Breakout room button is only available to a host or co-host
        - You can add co-hosts after the hearing begins
        - Button is on bottom right-hand side of program
    - Hosts can alternate between rooms
    - Ability to pre-assign break out rooms during meeting creation
    - Managing Breakout Rooms
- Waiting Rooms
    - The Waiting Room feature allows the host to control when a participant joins the meeting.
    - Individuals who join the meeting must be admitted manually by the host.
    - This prevents unwanted guests/participants from accessing the videoconference
- In Meeting Security Features
    - How to Navigate the Security Icon
        - Hosts and co-hosts only can: enable waiting room, lock the meeting, edit participant permissions.

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA
FAMILY COURT DIVISION

_____	§	**CIVIL ACTION FILE NO.:**
Petitioner	§	_____
And	§	
_____	§	
Defendant	§	

ORDER REQUIRING VIDEO CONFERENCE HEARINGS

Due to the Order Declaring Judicial Emergency entered March 13, 2020, by the Chief Judge of Fulton County Superior Court and the Order Declaring Statewide Judicial Emergency entered March 14, 2020 by the Chief Justice of Supreme Court of Georgia, pursuant to O.C.G.A §38-3-61, all non-emergency hearings shall be conducted via video - conference during the COVID -19 emergency period if possible.

All Status Conferences and hearings shall be conducted by video conference. The Court has set up video conferencing through Zoom. *Zoom Basic Personal Meeting* is available free of charge and can be downloaded onto your computer at https://zoom.us/pricing or *Zoom Cloud Meeting App* is available for free in the Google play store of IPhone. You can join the meeting at https://us02web.zoom.us/j/

The Court will conduct this trial by video conferencing through *Zoom*. This time set for this trial is at **10:00 A.M.** on **July 8, 2020**. It is imperative that you call or join by video in at the time set forth above. If the Court has not joined the meeting please stay connected and wait for the Judge to join in the event a prior conference exceeds the allotted time. **Please review the CONTACT DURING STATEWIDE JUDICIAL EMERGENCY ORDER located at _____. Please note when appearing by video it is required for all participants to turn the camera feature on and keep it on at all times. Use a reliable internet connection and remain in a stationary place. Your screen ID name should be displayed as your first and last name.**

Recording/Photographs/Reproduction: Any video recording, audio recording, photographing, taking screenshots, and/or reproducing of the livestream, if any, is strictly prohibited except as provided in Uniform Superior and State Court Rule 22, which requires application by the party seeking to rercord the proceedings and approval of the court prior to the beginning of the proceeding. Violations of Rule 22 is subject to the penalties for contempt of court. Observers should keep their video off and sound on mute.

The meeting ID for your meeting is _____

This Order supersedes your previously filed Order to Attend Status Conference or other hearing notice.

So Ordered __ day of _____, 2020.

_____

SAMPLE

Tracking Form for Persons Denied Entry Due to COVID-19 Guidelines

This form is to be completed by all individuals denied entry because of COVID-19 guidelines

Name: _____

Address: _____

Phone Number: _____

Email Address: _____

Reason for Court Appearance (Plaintiff, Defendant, Criminal Defendant, Witness, etc.):

_____

_____

Judge: _____

Courtroom: _____

This section is to be completed by Security/Sheriff's/Marshall's personnel

Reason for Denied Entry into Courthouse (Body temperature over 100.4°, Health symptoms consistent with COVID-19, Exposure to Coronavirus/COVID-19, etc.):

_____

_____

Signature: _____

Date: _____

Subcommittee Members

Criminal Matters

Judge Kenneth B. Hodges III – Co-chair
Jimmonique R.S. Rodgers – Co-chair
Judge Brendan Murphy
Judge Norman Cuadra
Judge Kathlene F. Gosselin
Judge Rob Leonard
Robert Smith
Don Samuel
Terry Norris
Sheila Ross

Civil Matters

Judge Russ McClelland - Chair
Judge Walter Davis
Judge Kathlene F. Gosselin
Judge Rebecca Rieder
Judge Jeff Bagley
Judge Ben Studdard
Judge Al Wong
Judge Jeff Hanson
Elizabeth Fite
Catherine Vandenberg
Adam Malone
David Nelson
William Custer
Tina Shadix Roddenbery

Grand Jury

Judge Melanie Bell - Chair
Cindy Mason
Robert Smith
Debra Nesbit

Other Court

Judge Lindsay Burton - Chair
Judge Russ McClelland
Judge Brendan Murphy
Judge Norman Cuadra
Judge Melanie Bell
Debra Nesbit
Cathy Vandenberg
Michael Lucas

Juvenile

Judge Lindsay Burton – Chair
Judge Melanie Bell
Cindy Mason
Jimmonique R.S. Rodgers
Michelle Barclay

Court Reporters & Interpreters

Judge Norman Cuadra - Chair
Judge Russ McClelland
Judge Melanie Bell
Judge Brendan Murphy
Judge Dax Lopez
Robin Rooks
John Botero
Lashawn Murphy
Paul Panusky
Maria Ceballos-Wallis
Rene Weatherford

Judicial Council Ad Hoc Committee on Unified Administrative Services

I hereby establish the Judicial Council Ad Hoc Committee on Unified Administrative Services with the mission of responding to the directive in the FY 2021 State Budget document (HB 793/AP, 2020) to provide the General Assembly with a unified payroll, human resources, and I.T. (including cyber security) plan for the entire appellate and superior court system to be administered by the Administrative Office of the Courts and implemented July 1, 2021. The Committee's work will result in a proposed plan to be delivered to the Judicial Council by November 15, 2020. The final plan shall be submitted to the Legislature on or before December 1, 2020.

Membership on the Committee will be drawn from the affected classes of court or judicial entities. The following members are hereby appointed to the Committee:

- Justice John J. Ellington, Supreme Court of Georgia, Chair
- Judge E. Trent Brown III, Court of Appeals of Georgia
- Judge Brenda Weaver, Superior Court
- Judge Nancy Ragsdale, Juvenile Court
- Mike Holiman, Council of Superior Court Clerks
- Tracy Mason, Judicial Council/Administrative Office of the Courts

The Administrative Office of the Courts shall provide staff support to this Committee and notify the judiciary of the creation of the aforementioned committee. The Committee will exist from the date of this order until December 31, 2020, unless otherwise extended.

So decided this 30th day of July, 2020.

Chief Justice Harold D. Melton
Chair, Judicial Council of Georgia