FILED
MUNICIPAL COURT
JUL 06 2020
CITY OF CARTERSVILLE
GEORGIA

IN THE MUNICIPAL COURT FOR THE CITY OF CARTERSVILLE
STATE OF GEORGIA

THIS ORDER SUPERSEDES ALL PREVIOUS ORDERS

FIRST AMENDED ORDER FOR OPERATION OF MUNICIPAL COURT

As the Court begins to reopen after the closures required by COVID-19, the Court has considered the best practices to operate the Court to promote the public health, safety, and welfare.

The Court hereby adopts and includes as part of this Order by reference, the Best Practices and Guidelines for Operating Municipal Courts During the COVID-19 Recovery. These guidelines address 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. These guidelines were adopted and published by the Council of Municipal Court Judges of Georgia, and are attached hereto as Exhibit "A." This Order and the adopted guidelines shall be prominently posted at courthouse entrances and on court and government websites of the City of Cartersville, Georgia to provide advance notice to litigants, lawyers, and the public. These guidelines are hereby adopted by this Court, except as provided herein. In addition, attached as Exhibit "B" is the Municipal Court's current checklist of procedures being utilized at this time. Said Exhibit is incorporated herein and shall be posted in the same manner as Exhibit "A."

1.

GUIDELINES FOR SCREENING FOR ENTRY TO COURTROOM

This Court shall follow the suggestions from the public health experts at the Georgia Department of Public Health as listed out below. This Court may use these guidelines at their

discretion by (1) eliminating all non-critical functions; (2) imposing social distancing among employees and visitors; and (3) urging anyone not feeling well to self-isolate at home. Further, the following screening procedures and questions may be asked of any person entering the Municipal Court of Cartersville:

- Conduct the screening outside or in a designated area;
- Ask whether the visitor is experiencing fever, any shortness of breath, persistent cough or sore throat, or any other symptoms of respiratory infection, or has experienced such symptoms and is currently subject to Georgia Department of Public Health's Isolation Protocol (or post a notice listing those symptoms in a prominent location);
- Ask whether the visitor has traveled to an area or location with widespread, ongoing transmission of Coronavirus (COVID-19) within the last 14 days, per CDC guidelines, or has been exposed to COVID-19 within the last 14 days;
- Take each person's temperature using a no-touch thermometer;
    - The persons taking visitors' temperatures should wear gloves, a surgical mask and/or a plastic face shield;
- Prohibit entrance by anyone with a temperature of 100.4 or higher;
    - Note that, as the weather grows increasingly warm, screening will produce increased false results unless individuals are allowed to cool down first;
- Prohibit any person meeting either the respiratory infection symptoms, travel or exposure criteria, or the temperature criteria from entering the building;
- Provide hand sanitizer and/or face masks for those entering the building.

Persons prohibited from entering the building should be given a telephone number or other means to contact court officials regarding alternative means of pursuing critical judicial matters.

2.

COURTROOM PROCEDURES

(a) All individuals entering the courtroom shall be required to wear a face mask.

(b) The maximum number of defendants, witnesses, and counsel allowed in the courtroom shall be limited to ten (10) individuals. Witnesses and officers shall be required to wait in their vehicles in the Court parking lot until called and they shall check in and provide a number to be called.

(c) Only the defendants, legal guardian if appropriate, attorney of record, and other preapproved individuals as authorized by the Judge shall be allowed into the courtroom. Authorized individuals shall be the media, caregivers, or other individuals whom after requested are approved by the Court.

(d) In the event that a defendant or counsel has COVID-19 symptoms, said individual upon notice to the Court Clerk, shall be rescheduled for a time not less than fourteen (14) days from the date of notification. If a second notification is made, a test result shall be provided.

(e) Social distancing of at least six (6) feet shall be maintained at all times.

(f) Defendants who meet the following criteria for higher risk of the illness as defined by the Centers for Disease Control and Prevention, are encouraged to contact the Court to make alternate arrangements for attendance at hearings. Currently, these individuals are the following:

(i) Those persons who are sixty-five (65) years of age or older;
(ii) Those individuals who reside in nursing homes or long-term care facilities, including inpatient hospice, assisted living communities, personal care homes, intermediate care homes, community living arrangements and community integrated homes;
(iii) Those persons who have chronic lung disease;
(iv) Those persons who have moderate to severe asthma;
(v) Those persons who have severe heart disease;

(vi) Those persons who are immunosuppressed;
(vii) Those persons with class III or severe obesity; and
(viii) Those persons diagnosed with the following underlying medical conditions:

1) diabetes;
2) liver disease;
3) chronic kidney disease; or
4) undergoing dialysis.

(g) Any additional requirements imposed by the Governor's Office, the Georgia Supreme Court, or by the Council of Municipal Court Judges hereby applicable to the Court.

(h) This Order shall be effective until modified or suspended by the Court.

SO ORDERED this 6 day of July, 2020.

HARRY B. WHITE, CHIEF JUDGE,
CITY OF CARTERSVILLE, GEORGIA

Order Prepared by:

E. Keith Lovell, Prosecutor
keithlovell11@gmail.com
770-386-1116

EXHIBIT "A" TO ORDER FOR OPERATON OF MUNICIPAL COURT

Council of Municipal Court Judges

Judge Dale "Bubba" Samuels, President
City of Fra nklin Springs & Monroe
278 W. Main Street Buford, Georgia
30518
Telephone: 678-482-0208
bubba@bubbasamuels.com

Chief Judge Willie Weaver Sr.
President-Elect
City of Albany
wweaverlaw@aol.com

Chief Judge Lori Duff, Vice President
City of Loganville
duff@jonesandduff.com

Judge JaDawnya Baker, Secretary
City of Atlanta
JCBaker@AtlantaGa.Gov

Judge Ted Echols Treasurer
City of McDonough
Echolsatty@msn.com

Chief Judge Matthew McCord
Immediate Past President
City of Stockbridge
matt@matthewmccordlaw.com

District One
Judge Chris Middleton
Judge Billy Tomlinson

District Two
Judge Vernita Bender
Judge Gregory T. Williams

District Three
Judge Fred Graham
Judge Bill NeSmith

District Four
Judge Michael Nation
Judge Davis Will

District Five
Judge Tiffany Carter Sellers
Judge Parag Shah

District Six
Judge J. Kristi Lovelace
Judge Clayton Davis

District Seven
Judge Robert Cowan
Judge Nathan Wade

District Eight
Judge Joseph Sumner
Judge Dexter Wimbish

District Nine
Judge Pamela Boles
Judge Claude Mason

District Ten
Judge Graham McKinnon
Judge Ryan S. Hope

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

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

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

PERSONNEL/STAFF

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

NOTIFICATION

The standard notification for hearings for defendants and other witnesses and necessary parties will need to be modified.
At a minimum, in addition to the standard information regarding date, time, and location of the hearing, include information about how to contact the Court to request an automatic 30-60 day continuance in the event that the noticed party:

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

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

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

COURTROOM MANAGEMENT

Low-Density Population

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

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

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

Staggered Scheduling

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

Screening

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

- Have a series of questions you ask each individual upon entry to the building, such as:
  - whether or not they have traveled to or from any areas in which COVID-19 is particularly active;
  - if they or anyone in their household have experienced symptoms of COVID-19; or
  - if they have been tested for the virus.
- If possible, their temperature can be taken and anyone with a fever higher than 100.4 degrees should be refused admission and their case continued.

Staging

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

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

TYPES OF HEARINGS

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

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

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

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

COURTROOM MANAGEMENT

Protective Equipment

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

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

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

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

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

Flow

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

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

The Council of Municipal Court Judges

Open Courtroom Concerns

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

SIGNAGE

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

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

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

SANITATION

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

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

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

GRANTS

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

CONCLUSION

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

Sincerely,

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

EXHIBIT "B"
CHECKLIST FOR MUNICIPAL COURT PROCEDURES

YES	NO	1) Provide multiple hand sanitizers and handwashing stations throughout the facility?
YES	NO	2) Provide signage directing to said handwashing stations and bathrooms?
YES	NO	3) A schedule for cleaning and sanitizing bathrooms?
YES	NO	4) Post signage of bathroom capacity?
YES	NO	5) Make sure bathrooms should be well stocked with soap and paper towels?
YES	NO	6) Installation of physical barriers?
YES	NO	7) Limit room capacity to 1 person per 113 square feet?
YES	NO	8) Employees have face coverings available for public if they do not have same?
YES	NO	9) Ventilation system checked with Public Health on improving air filtration to MERV-13 or equivalent filter, sealing the edges to limit bypass?
YES	NO	10) Establish procedures for persons who become symptomatic?
		11) Add the following information to the existing hearing notice: "How to contact the Court to request a continuance in the event that the noticed party is: a) currently infected with COVID-19 or quarantined due to COVID-19 exposure; b) is a member of the population that is immunosuppressed or medically fragile or living in a household with such persons; c) is over 65 years of age; d) does not have child care due to COVID-19."
YES	NO	12) Post signage and floor decals to direct the flow of foot traffic?
		13) Pre-screening is outlined in our current Order, plus: a) if denied entry recommend, they go to medical provider b) collect the following information from any person denied entry – name, contact number, reason for denial, court date and reason.
YES	NO	14) Floor markings to keep people 6 feet apart?
YES	NO	15) Waiting in cars procedure?
YES	NO	16) Roping off or taping off seating areas?
YES	NO	17) Require entry in one door and exit out another, if practical?
YES	NO	18) Provide a live feed on YouTube, Facebook or Zoom link of court proceedings?
YES	NO	19) Disinfect court room after each proceeding?