

MUNICIPAL COURT OF EAST POINT

ORDER DECLARING JUDICIAL EMERGENCY AND ADOPTION OF COUNCIL OF MUNICIPAL COURT JUDGES OF GEORGIA'S BEST PRACTICES AND GUIDELINES FOR OPERATION OF MUNICIPAL COURTS DURING THE COVID-19 RECOVERY

AND

REOPENING OF COURT

WHEREAS, the Governor has determined that a Public Health State of Emergency exists in the State of Georgia due to the spread of the Coronavirus/COVID-19, and whereas that state of emergency constitutes a "Judicial Emergency" pursuant to O.C.G.A. § 38-3-60 et seq., see O.C.G.A. § 38-3-60 (2).

WHEREAS, pursuant to O.C.G.A. § 38-3-61, the Honorable Harold D. Melton, Chief Justice of the Supreme Court of Georgia, ORDERED AND DECLARED a Statewide Judicial Emergency in the State of Georgia on March 14, 2020. The nature of this emergency is the continued transmission of Coronavirus/COVID-19 throughout the State and the potential infection of those who work in or are required to appear in our courts having not decreased, the Order Declaring Statewide Judicial Emergency, which would have expired on Sunday, July 12, 2020, at 11:59 p.m., has been extended until Tuesday, August 11, 2020 at 11:59 p.m.. All Georgia Courts shall continue to operate under the restrictions set forth and courts should consider the most specific current public health guidance provided by the Federal Centers for Disease Control and Prevention (CDC), the Georgia Department of Public Health (DPH), and local health departments;

WHEREAS, it is necessary and proper to adopt guidelines to ensure public safety and protect the health of the general public, litigants, court personnel, lawyers, and all others with whom the court comes in contact, in keeping with general public health guidelines and the Order of Chief Justice Melton;

NOW THEREFORE, pursuant to O.C.G.A. § 38-3-61, The Honorable Chief Judge Rashida Oliver of the Municipal Court of East Point, Fulton County Georgia, DOES HEREBY declare a Judicial Emergency in the City of East Point until Tuesday, August 11, 2020 at 11:59 PM. This Court shall continue to operate under the restrictions set forth in the initial Georgia Supreme Court Chief Justice's Order Declaring Judicial Emergency of March 14, 2020 as extended and modified on thereafter by Chief Justice Melton.

This Court shall continue the 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. The court may compel the participation of litigants, lawyers, witnesses, and other essential personnel in remote judicial proceedings, including civil non-jury trials and

other non-jury adjudicative proceedings, where allowed by court rules (including emergency amendments thereto). Such proceedings, shall 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.

In civil and criminal proceedings, parties may expressly consent on the record to remote proceedings not otherwise authorized and affirmatively waive otherwise applicable legal requirements. The Court shall ensure the public's right of access to judicial proceedings and, unless affirmatively waived in the record, a criminal defendant's rights to confrontation and open courtrooms.

Pursuant to the Georgia Supreme Court's Second Order Extending Declaration of Statewide Judicial Emergency on May 11, 2020, this court may conduct essential and non-essential in-person judicial proceedings, but only in compliance with public health guidance and with the requirements of the United States and Georgia constitutions and applicable statutes and court rules, including the public's right to access to judicial proceedings and a criminal defendant's rights to confrontation and open courtrooms.

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 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 East Point, Georgia to provide advance notice to litigants, lawyers, and the public.

This Judicial Emergency shall terminate on August 11, 2020, at 11:59 PM, unless otherwise amended or extended.

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

Pursuantly, **IT IS ORDERED** that the Court Administrator the City of East Point shall post this Order on her public notification site and at the entrance of the East Point Law Enforcement Center.

IT IS FURTHER ORDERED that the undersigned shall immediately 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/>.

IT IS FURTHER ORDERED that the undersigned shall immediately notify and serve a copy of the order on the judges, prosecutors, and clerk within the jurisdiction of East Point Municipal Court, such service to be accomplished through reasonable means to assure expeditious receipt; and,

IT IS FURTHER ORDERED that the undersigned shall give notice of the issuance of this Order to the affected parties, counsel for the affected parties, and the public by publishing upon the City of East Point Municipal Court website, and shall be posted prominently upon all entrances to the City of East Point Municipal Court and offices of the City of East Point Municipal Court Clerk.

In compliance therewith, the court hereby issues the following **REOPENING GUIDELINES** to comply with the statewide mandate:

- The Court and the surrounding areas shall be disinfected prior to and upon conclusion of court by city personnel. At a minimum, this will include a wipe down of all touchable areas, tables, chairs, etc., with a CDC or FDA approved disinfecting virucide.
- The Court will apply the social distancing guidelines promulgated by the CDC. As such, all persons with court business prior to, and upon entering the East Point Municipal building shall be required to maintain six (6) feet from each other; front to back, back to front and side to side. Please look for signs in the lobby of the Law Enforcement Center.
- Until further notice, the Clerk of Court will send notices for virtual court proceedings to those parties who maintain the ability to join court virtually. Until further notice, those who are not capable of appearing virtually will be summoned to a physical court appearance with a maximum of 10 individuals per session, inclusive of staff, after August 31, 2020. Until said time as in person sessions resume, Virtual Sessions will be scheduled on Monday and Wednesday of each week. Floor markings and signs shall be installed to assist people to maintain social distancing. Defendants should contact the Clerk's office for Zoom Platform instructions prior to their court date.
- The Court Administrator is tasked with ensuring that all virtual court appearances will be made available to the public in accordance with defendant's rights to open courts.
- All persons who are sick or have been sick within the past 10 days of their court date should not appear but are required to call the East Point Municipal Court at the number listed on the website.
- All parties with court business are required to wear Personal Protective Equipment (Masks) upon entering the Law Enforcement Center building and are required to wear masks prior to entering and while in the courtroom.
- Prior to entering the Law Enforcement Center building, all parties will be subjected to temperature checks to make sure that they are not running a fever **that measures over 100**

Degrees. In the event someone does not agree to these terms, entry into the building will be denied. They will, however, be able to obtain a link to participate and or observe court virtually.

- All persons with court business entering the Law Enforcement Building and the East Point Municipal Court shall sanitize their hands with alcohol sanitizers prior to entering the building. A sanitizing station will be placed outside the building and another prior to entering the courtroom.
- The Court will make every effort to allow resolutions of citations without physical appearance, in line with state statutes or East Point Ordinances.
- The Court will have personnel verify if Defendants with citations want to resolve their citations by making a payment at the cashier's window without appearance before the judge.
- All parties with court business are encouraged to download remote video software on their cell phones, computers or tablets to allow for remote appearances. The Clerk of Court will send notices to all parties to download ZOOM for their devices. The ZOOM ID and password for court will be posted on the City Website at www.eastpointcity.org.
- Failure to access the court via video will not be an excuse for not appearing in court upon a court notice. Parties who cannot access the online video should call the court at the number on the website for assistance to resolve the matter. If they cannot make contact, they are required to appear under the social distancing guidelines issued in this Order.
- Please be aware that court via video is still COURT. You must be properly attired as you will be required to be on camera during the proceedings.

This Order is to remain in effect until further notice.

IT IS SO ORDERED, this 27th day of July 2020.



Rashida Oliver
Chief Judge
East Point Municipal Court