

# DOUGHERTY JUDICIAL CIRCUIT GUIDELINES FOR IN-COURT NONJURY PROCEEDINGS

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In accordance with Supreme Court of Georgia Chief Justice Harold Melton's July 20, 2020 FOURTH ORDER EXTENDING DECLARATION OF STATEWIDE MEDICAL EMERGENCY the undersigned amend, modify and clarify the above Guidelines adopted June 16, 2020, as follows:

(A) 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 the above mentioned Order, including in particular calendar calls.

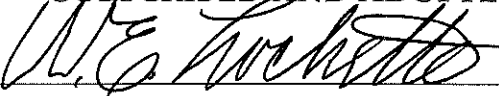
(B) Courts are also prohibited from compelling in-person participation in any court-imposed alternative dispute resolution session that is to be conducted in a manner inconsistent with applicable public health guidelines.


(C) With regard to everyone who works in a court facility, the Judge or other Department Head shall require the 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.


(D) 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.


The undersigned recognize that, with the exception of notification under (D), the above matters have been addressed in the Guidelines adopted June 16, 2020, and issue these amendments, modifications and clarifications out of an abundance of caution in a further effort to protect the health of litigants, lawyers, judges, court personnel and the public.


SUBSCRIBED AND ADOPTED July 20<sup>th</sup>, 2020.


  
WILLIE E. LOCKETTE, Chief Judge  
Superior Court of Dougherty County

  
JOHN STEPHENSON, Judge  
State Court of Dougherty County

  
WILLIE C. WEAVER, SR., Chief Judge  
Municipal Court of City of Albany

  
HERBIE L. SOLOMON, Chief Judge  
Juvenile Court of Dougherty County

  
LEISA JOHNSON, Judge  
Probate Court of Dougherty County

  
BAXTER C. HOWELL, Chief Judge  
Magistrate Court of Dougherty County

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**DOUGHERTY JUDICIAL CIRCUIT  
ALBANY, GEORGIA  
GUIDELINES FOR IN-COURT NON-JURY  
PROCEEDINGS**

FILED  
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CLERK OF COURTS  
DOUGHERTY COUNTY  
GEORGIA

**I. INTRODUCTION.** Chief Justice Melton's Second and Third Orders Extending Declaration Of Statewide Judicial Emergency grants courts "discretion to conduct essential and non-essential in-person judicial proceedings [other than jury trials and grand jury sessions], but only in compliance with public health guidance and with the requirements of the United States and Georgia constitutions and applicable statutes and rules, including the public's right to access... and a criminal defendant's rights to confrontation and open courtrooms."

"Before conducting extensive in person proceedings, particularly in non-essential matters, each court should develop comprehensive, written guidelines as to how in-court proceedings generally and particular types of proceedings will be conducted to protect the health of litigants, lawyers, judges, court personnel, and the public."<sup>1</sup>

"Courts of different classes that share the same facilities...should seek to coordinate their guidelines." "Guidelines should be prominently posted at courthouse entrances and on government websites to provide advanced notice to litigants, lawyers and the public." Second Order, Par. 4, pp. 3-4.

Attached to the Third Order, Chief Justice Melton included the Georgia Court Reopening Guide issued by the Judicial Covid-19 Task Force, and states that courts may use them as a template for such operating guidelines.

The Third Order also requires courts to submit their operating guidelines to the Administrative Office of the Courts to be posted on the AOC website as a centralized website available to litigants, lawyers, and the public.

**II. PURPOSE.** The Municipal Court of Albany, and the Probate, Juvenile, Magistrate, State and Superior Courts of Dougherty County, Georgia share facilities located in the Dougherty Judicial Building at 225 Pine Avenue and the Dougherty County Jail Facility located at 1305 Evelyn Avenue, Albany, GA. The above courts jointly adopt the Guidelines which follow for in-person criminal and civil judicial

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<sup>1</sup> The Second Order states that the guidelines should address: (a) who should be admitted to the courthouse/courtroom; (b) health screening of court personnel and visitors; (c) social distancing (including by capping the occupancy of courthouses, interior areas, and courtrooms based on their size); (d) availability and use of personal protective equipment (PPE) by court personnel and visitors; (e) sanitation practices; (f) accommodations for high-risk individuals; and (g) staggered, smaller proceedings.

proceedings.<sup>2</sup>

These Guidelines are not intended nor to be construed to grant any person an absolute right to an in-person judicial proceeding, or to restrict or limit in any way any courts' discretion to conduct judicial proceedings by telephone or video conference when not prohibited by the requirements of the United States or Georgia constitutions or applicable statutes or court rules.

### **III. GUIDELINES FOR IN-COURT JUDICIAL PROCEEDINGS.**

#### **A. PERSONNEL/STAFF**

Each court or department [Clerk of Court, District Attorney, Public Defender, Sheriff, Coroner, 911 Center, etc. ], located in the courthouse shall be responsible for taking appropriate action to reduce the risk of their own employees contracting or spreading the virus in the workplace, and performing required public health screening.

a. Court and department employees and persons employed by the City of Albany, Dougherty County and the State of Georgia in a law-related capacity (police, probation and parole officers, investigators, etc.) will have different courthouse entrances from the general public. Such persons may enter and exit at the front door nearest the Clerk of Court's office or through the Sheriff's entrance on the ground floor at the rear of the courthouse. The Security Officers shall check the temperature of such persons each time they enter the courthouse.

b. Courts and departments shall be responsible for taking the temperatures of their respective employees when they report to work, and require employees who have a temperature of 100.4 or higher to leave work immediately, remain at home for a period of time, and/or seek medical attention, as appropriate to the circumstances;

c. Courts and departments shall also be responsible for conducting public health screening of their employees by asking employees when they report to work the same or similar questions regarding COVID-19 infection or exposure that the Security Officers ask visitors at the main entrance, and shall require employees who exhibit signs of illness, or have recently been exposed to the virus to leave work, remain at home for a period of time, and/or seek medical attention, as appropriate to the circumstances;

d. Courts and departments shall implement staggered work shifts, including lunch

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<sup>2</sup> While the principles set forth in the Guidelines apply to all courts, because the jurisdiction, procedures, rules, sessions, notices, etc. of the different classes of court vary, each class of court may employ different methods of effectuating these guiding principles.

Each court has discretion to design individualized strategies to accommodate differences based upon the type of proceedings conducted, the size of the courtrooms, staff, etc. However, the strategies implemented by different classes of courts must be consistent with these Guidelines, Chief Justice Melton's Second Order, the Dougherty Circuit Judicial Emergency Orders, and any amendments to or orders clarifying and/or extending them.

and breaks for all employees so long as they do not result in a disruption of services to the public, or the efficient conduct of the business of the court/department;

e. Courts and departments shall implement teleworking for workers whenever feasible, so long as it does not result in a disruption of services to the public or the efficient conduct of the business of the court/department;

f. Courts and departments shall arrange, whenever possible, employee work stations so that employees are separated at least six (6) feet from each other, or by a barrier, or by some other means;

g. Court and department employees shall not use each other's telephones, desks, offices, other work tools and equipment unless prior to such use, such items are cleaned and sanitized;

h. Surfaces and other items in common areas used by multiple employees of courts or departments must be frequently cleaned and sanitized as dictated by the circumstances and policies of the court or department;

i. All court and department employees must wear personal protective equipment (PPE) masks at all times, particularly when interfacing with the public and employees, except when working alone and practicing social distancing;

j. The governing authorities of the respective courts and departments, that is the City of Albany, Dougherty County or State of Georgia, shall provide PPEs for all employees, and gloves, although employees may elect to provide and wear their own;

k. The governing authorities of the respective courts and departments shall also provide adequate cleaning and sanitizing supplies (sanitizing wipes, sanitizing dispensers, etc.) for court offices, courtrooms, hallways and other facilities, and shall be responsible for cleaning and sanitizing them as required by these guidelines.

#### **B. NOTIFICATION OF TO LITIGANTS, WITNESSES, ATTORNEYS** *[revised]*

In addition to the hearing date, time, and location each summons or notice to appear shall:

a. Advise persons that they can request the court to continue (postpone and reschedule) their hearings for a later date if:

i. the person or anyone in his/her household within the last 30 days has tested positive for, been treated for, or had symptoms of COVID-19, such as coughs, shortness of breath, respiratory illness, fever, chills, muscle pain, etc. or been quarantined or isolated because of possible exposure; or

ii. the person is a member of a high-risk group with a for COVID-19, that is 65 or older who has heart, lung, kidney or liver disease, severe asthma, diabetes, or a medical condition that weakens the immune system.

b. include a telephone number the person can call to request a continuance, with instructions to leave a message with the person's name, telephone number, address and case/citation number if known, if no one can take the call;

[OPTION 1]

- c. After returning the call and/or speaking with the person, the judge will:
- I. deny the request, and inform the person to appear on the date originally set for the hearing;
  - ii. grant the request, and mail the person a notice of the rescheduled hearing date, time, place, etc.

[OPTION 2]

- c. The Court will mail the person a written COVID-19 questionnaire to sign, get notarized and return by mail to the court at the address listed a certain number of days before the scheduled hearing;
- I. The judge will review the notarized form, and either grant the request and mail the person a notice of the rescheduled hearing, or deny the request and inform the person to appear on the date originally set for the hearing.

[OPTION 3]

- c. The Court will mail the person a written form for the person's doctor or other medical provider to sign verifying that the person has or been exposed to COVID-19 within the past 30 days, with instructions to return the form by mail at the address listed a certain number of days before the originally scheduled hearing;
- I. The judge will review the medical form, and either grant the request and mail the person a notice of the rescheduled hearing, or deny the request and inform the person to appear on the date originally set for the hearing.
- d. inform persons that do not request a continuance or whose requests are denied, that when they come to the courthouse:
- I. Security Officers will ask them questions about any recent (within past 30 days) exposure they may have had to COVID-19;
    - ii. they must wear a mask, and have their temperature taken by Officers;
    - iii. the Security Officers will not allow them to enter the Courthouse if they have recently had or been exposed to Covid-19 or have a temperature of 100.4 or higher;
    - iv. if the Security Officers refuse to allow them to enter the courthouse they shall immediately telephone the court that summoned them to request a continuance or get further instructions;
    - v. they should bring their court notice with them to make it easier for the Security Officers to assist them;
    - vi. if such a process exists, remind persons that they can use it to resolve a case without having to come to court, such as by paying a fine by mail, on-line, etc. and of any deadline for using such a process.

### **C. COURTROOM MANAGEMENT**

Before scheduling in-person proceedings, each court shall:

- a. calculate, based upon the size/ dimensions and configuration of the courtroom, the number of persons, including staff, witnesses, court reporter, the judge, attorneys, and the public, the courtroom can accommodate with six (6) feet of separation between each person;
- b. for each court session, schedule only the number of persons the courtroom can accommodate with 6-foot distancing;
- c. use ropes, tape, signs or other markings to designate seating and tables with 6-foot spacing;
- d. stagger court sessions so the appropriate number of persons the courtroom can seat is not exceeded;
- e. have the courtroom, bench, work stations and equipment, etc. cleaned and sanitized between each session;
- f. if actual attendance exceeds capacity, either reschedule cases as needed, or direct excess to a waiting area which is monitored to insure social distancing.
- g. if a person becomes symptomatic of COVID-19 while in the facility, isolate such person until the person is able to leave, and remove others from any rooms the symptomatic person has occupied. Then follow sanitation requirements set in these Guidelines.

### **D. SCREENING BY SECURITY OFFICERS AT COURTHOUSE ENTRANCE**

Before allowing visitors, contractors, vendors or persons not employed in the courthouse or the City of Albany, Dougherty County or the State of Georgia in a court-related capacity (police, probation/parole officers, investigators, etc.) to enter the courthouse, Security Officers (Sheriff's Deputies and civilian bailiffs) shall:

- a. take the temperature of each visitor, etc. using a no-contact thermometer to see if such temperature is 100.4 or higher. (Security Officers who take temperatures shall wear a protective mask and gloves.) Persons who doubt the accuracy of the thermometer may be granted a re-test. Any person whose temperature is 100.4 or higher shall not be allowed to enter the courthouse. (See e. below) They shall be told to immediately telephone the court that summoned them, notify the court that they were not allowed to enter the courthouse at this time, the reasons why, and request a continuance so that they will not suffer a default or be held in contempt for failing to appear.
- b. insure that they are wearing a mask, and are informed to keep it on at all times. (If a person does not have a mask, the Security Officers must provide one.);
- c. remind persons that social distance (6-foot separation) must be maintained at all times while in the courthouse;
- d. inquire about each person's possible recent exposure to COVID-19, by asking the following screening questions:
  - I. Have you or anyone living in your household tested positive for, or been treated

for COVID-19 within the past 30 days?

ii. Have you or anyone living in your household had any symptoms of COVID-19 within the past 30 days, such as coughs, shortness of breath, fever, chills, muscle pain, respiratory illness, new loss of appetite, taste or smell, etc.?

iii. Have you or anyone living in your household within the last 30 days been quarantined or placed in isolation due to possible exposure to COVID-19?

iv. Are you over 65 years old, and you have heart, lung, kidney or liver disease, diabetes, severe asthma, or conditions that weaken the immune system, etc.?

e. advise persons who answer "Yes" to either of the four screening questions they can not enter the courthouse at this time;

f. notify persons who are not allowed into the courthouse to immediately telephone the court that summoned them, notify the court that they were not allowed to enter the courthouse at this time, and the reason(s) why, and to request a continuance so that they will not suffer a default judgment or be held in contempt for failing to appear;

g. Security Officers shall obtain from each person denied entry into the courthouse for health reasons the following information:

i. full name;

ii. complete address and telephone number;

iii. the Court in which the person was scheduled to appear;

iv. the specific reason the officer denied the person entry.

#### **D1. RESTROOMS, SANITIZER STATIONS, WATER FOUNTAINS AND ELEVATORS**

The facilities maintenance staff at the Judicial Building and the Dougherty County Jail Facility shall:

(a) provide the public with access to handwashing and multiple hand sanitizer stations throughout the facility;

(b) provide signage to direct the public to bathrooms for handwashing and sanitizer stations;

(c) clean and sanitize bathrooms and other areas more frequently to control the transmission of COVID-19;

(d) post signage limiting restroom capacity to maintain social distancing of 6 feet of separation of persons;

(e) post signage limiting the number of persons who may use the elevators at a time, and give direction to stairs as an alternative;

(f) post signage that prohibits the use of water fountains.

#### **D2. INMATES AND DETAINEES**

Prior to entering any courtroom or hearing room, or other facility in which any court proceeding is held, whether at the Dougherty Judicial Building, or at the Dougherty County Jail Facility, or at any other location selected by the court, each inmate or detainee shall:

(a) be screened by officers in the same manner as visitors and others seeking to enter the above facilities, that is, inmates shall have their temperatures checked, and be asked each of the COVID-19 public health screening questions;

(b) during transport to and from the above facilities, all inmates and detainees shall maintain social distancing (at least 6 feet apart) in any transport vehicle;

(c) officers who participate in transport of inmates and detainees shall stagger arrivals and departures in order to maintain proper spacing and social distancing during transport;

(d) during transport, all inmates and detainees shall wear masks or face coverings, and wear them at all times during any appearances in court proceedings;

(e) officers who participate in the screening and/or transport of inmates and detainees shall at all times wear masks or face coverings and gloves during temperature checking, screening, transporting and during appearances in court proceedings;

(f) all vehicles used to transport inmates and detainees shall be sanitized after each use.

(g) holding areas for inmates and detainees shall be labeled to provide proper social distancing;

(h) adequate hand sanitizer shall be made available to inmates and detainees.

#### **E. NOTICE OF GUIDELINES FOR IN-PERSON JUDICIAL PROCEEDINGS**

The Courts shall provide notice of these Guidelines as follows:

a. copies of these guidelines shall be prominently posted at courthouse entrances and on court, City of Albany or Dougherty County government websites to provide advance notice to litigants, lawyers and the public;

b. notice of the adoption of these guidelines may also be provided to the public by means calculated to reach such, including by posting at the courthouse, in the newspaper, announcements on radio or television, email or facsimile to litigants, lawyers, etc.

(c) a copy of these guidelines shall be submitted to the Administrative Office of the Courts at AOC email to be posted at link to specific place on the website as a centralized website available to litigants, lawyers, and the public.

#### **F. PUBLIC RIGHT OF ACCESS TO IN-PERSON JUDICIAL PROCEEDINGS**

The Court shall provide the public access to in-person judicial proceedings as follows:

a. advance notice of proceedings under these guidelines shall be given by entering court calendars on City of Albany or Dougherty County government and court websites and through other appropriate means;

b. except where closure is expressly required by the United States or Georgia constitutions, statute, court rules, case law or other governing provisions of law, the public shall be allowed to attend in-person judicial proceedings, and the court shall take steps to grant public access to such proceedings;

c. members of the public must fully comply with all requirements of these



guidelines.

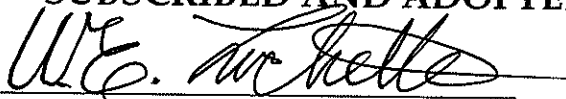
d. any person or organization that desires to record any judicial proceeding must fully comply with Uniform Superior Court Rule 22, "Use of Electronic Devices In Courtrooms and Recording of Judicial Proceedings."

**IV. EFFECTIVE DATE** These Guidelines shall become effective on June 22, 2020.

**V. AMENDMENTS, MODIFICATIONS AND CLARIFICATIONS**

The signatories below realize that these Guidelines may need to be amended from time to time to accommodate changing circumstances. Any amendments, modifications, clarifications in these Guidelines shall be made in writing, subscribed by the undersigned judges, and posted in the same manner that the present Guidelines.


**SUBSCRIBED AND ADOPTED ON THE DATE SHOWN ABOVE:**



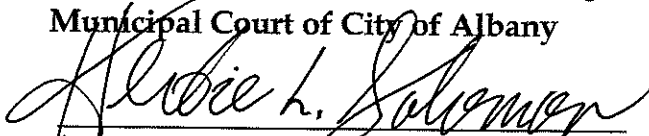
**WILLIE E. LOCKETTE**, Chief Judge  
Superior Court of Dougherty County



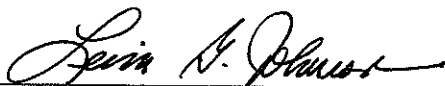
**JOHN STEPHENSON**, Judge  
State Court of Dougherty County



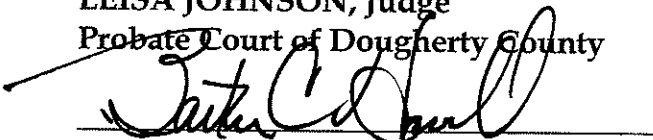
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Probate Court of Dougherty County



**BAXTER C. HOWELL**, Chief Judge  
Magistrate Court of Dougherty County