

**IN THE SUPERIOR COURTS
MOUNTAIN JUDICIAL CIRCUIT
STATE OF GEORGIA**

IN RE:	Declaration of Judicial Emergency	* * * * *	Standing Order of the Courts
Date:	August 20, 2020		

ORDER DECLARING JUDICIAL EMERGENCY

WHEREAS, IT HAS BEEN DETERMINED that a Judicial Emergency exists in Habersham County, Rabun County, and Stephens County, Georgia affecting all courts such that there is a serious health emergency pursuant to O.C.G.A. 38-3-60(2)(D). The Governor of Georgia having declared a Public Health State of Emergency pursuant to O.C.G.A. § 38-3-51 which has been repeatedly extended and remains currently in effect and the Chief Justice of the Georgia Supreme Court having issued a Statewide Declaration of Judicial Emergency pursuant to O.C.G.A. § 38-3-60, et. seq. which likewise has been repeatedly extended and also remains in effect.

WHEREAS, the Superior and State courts are in the process of preparing for the resumption of grand and trial jury proceedings and it is vital that the courthouses and court facilities be as safe as possible so as to safeguard the health of those summoned to serve as jurors.

WHEREAS, in there has been an increase in the per capita rates of infection in each of the counties such that there is significant community spread of the Coronavirus within the communities in the circuit, particularly in Habersham and Stephens counties and, therefore, in order to protect the health of the members of the public, litigants, attorneys and the personnel working in court facilities it has become

necessary to mandate the following.

Therefore, pursuant to O.C.G.A. § 38-3-61, Chief Judge Russell W. Smith and Judge B. Chan Caudell of the Mountain Judicial Circuit, Superior Courts of Habersham, Rabun, and Stephens Counties, DO HEREBY ORDER AND DECLARE the existence of a Judicial Emergency in Habersham, Rabun, and Stephens Counties. The nature of this emergency is the continued transmission of Coronavirus/COVID-19 throughout the State of Georgia and the potential infection of those who are required to appear in our courts as well as the need to protect the health of those employees working in the courthouses.

Thus, the undersigned hereby make this declaration of a judicial emergency affecting all courts and court personnel in Habersham County, Rabun County, and Stephens County This order is applicable to all Superior, State, Juvenile, Magistrate, and Probate courts within the Mountain Judicial Circuit counties of Habersham, Rabun and Stephens. Any and all guidelines issued by the Judges of each of the courts in the Mountain Judicial Circuit, including those contained in the Standing Order applicable to the Superior Courts shall remain in full force and effect, the terms of this order being intended to be supplemental to those guidelines imposed by each court.

It is, therefore, ORDERED:

I. REQUIREMENT THAT ALL PERSONS ENTERING A COURT FACILITY MUST WEAR A FACE COVERING

No person shall be permitted entry into a court facility, courthouse, or courtroom unless they are wearing a face covering which covers their mouth and nose, except for children less than two years of age and those persons who are unable to do so for medical reasons. The face covering shall remain in place for so long as the person remains in the courthouse, courtroom, or court facility.

II. INCREASED USE OF VIRTUAL PROCEEDINGS

Consistent with the provisions of the Chief Justice's most recent Declaration of Statewide Emergency, any attorney or party may request that a hearing be heard virtually, whether or not it was originally scheduled as an in-person hearing, which request shall be granted unless the assigned judge finds that there is just cause to require an in-person hearing. Further provided that if a hearing has been scheduled as an in-person hearing, the party requesting a virtual hearing shall give reasonable advance notice of their request that the hearing be held virtually.

In addition to the posting and notice of virtual proceedings, a judge may comply with the open courtrooms requirement by holding a virtual proceeding in a courtroom open to the public in which the judge is present. Provided, however, that means must be provided for the public to view and hear the virtual proceedings.

III. PROVISIONS APPLICABLE TO COURT PERSONNEL

The following provisions are applicable to all court personnel, including clerks, civilian bailiffs, judges and judicial staff. The Court requests that any other Constitutional Officers or Department Heads with offices or employees in a courthouse or court facility adopt similar provisions applicable to their own staff so that there is consistent application of these guidelines within the courthouses.

A. Face Coverings

Court personnel shall wear a face covering when in contact with members of the public, in the common areas of the courthouse (hallways, restrooms, and stairways) as well as in their offices at any time when they are less than six feet from another co-worker. To the extent feasible, employee work stations shall be placed more than six feet apart.

B. Notice of Covid-19 Positive or Suspected Positive Employees

Each judge, elected official, or other public official with an office in a courthouse shall notify the County Manager or Administrator and Chief Judge of any instance where an employee working in the courthouse has been diagnosed with Covid-19, is awaiting the results of Covid-19 testing, or has reported to the supervising official that they are experiencing symptoms of Covid-19. Consistent with the provisions of HIPAA, the name of the employee shall not be disclosed without that employee's express written consent. The Chief Judge or County Manager/Administrator shall then immediately notify the other officials or department heads with offices in the facility of the existence of a Covid-19 positive individual or suspected Covid-19 individual within a given office.

C. Use of Employee Entrance

In the event that the courthouse has an employee entrance, that entrance shall be used by employees when entering and leaving the building. Additionally, employees in one office shall go directly to and from the office where they are employed and shall not go to any other courthouse office except as is strictly necessary for the conduct of their business.

D. Hand-Washing

All court personnel shall wash their hands prior to entering the building if a hand-washing station is provided and, if not, as soon as they enter.

E. Self-Isolation/Quarantine

Current Department of Public Health Guidelines do not require the isolation or quarantine of court personnel who have been exposed to the virus as they are considered as essential or critical workers. Those guidelines require, instead, that such exposed workers must mask, distance, and monitor their temperature and symptoms. However, because of the danger posed to the public and other employees working in a court facility, in the event that a judge, public official, officer or supervisor becomes aware that an employee has been exposed to the virus within the meaning of the CDC/DPH guidelines, that employee **SHALL NOT** enter the court facility nor shall they have any contact with other court personnel until their supervisor has consulted with the Chief Judge and Public Health officials to assess the extent of their exposure and the potential risk that they may pose to the public and other employees.

F. Applicability of Standing Order to Court Personnel

In order that there be no question as to the applicability of the Court's Standing Order dated June 16, 2020, prohibiting the entry into a Courthouse or Court Facility by persons who have been exposed to Covid-19 or who are experiencing (or have experienced within the prescribed period) the symptoms of Covid-19, all as specified in the Court's Standing Order, **those provisions applicable to the members of the public seeking entry into a Courthouse or Court Facility apply also to all Court Personnel.**

G. Use of Common Areas

The judges, elected officials and other department heads having offices within a courthouse or court facility shall meet for the purpose of developing a protocol for the use of common areas consistent with the recommendations of the Court Reopening Guide.

The undersigned Superior Court judges shall prepare written notices addressing the provisions of this order as well as the previous Standing Order which shall contain the provisions applicable to the public and employees which shall be posted prominently at both the public and employee entrances.

IT IS FURTHER ORDERED that the undersigned shall immediately notify and serve Chief Justice Harold D. Melton of the Supreme Court of Georgia with a copy of this Order, such service to be accomplished via email to Tee Barnes, the Clerk of the Supreme Court of Georgia, at barnest@gasupreme.us;

IT IS FURTHER ORDERED that the undersigned shall notify and serve a copy of the order on the judges and clerks of all courts sitting within the jurisdictions affected and on the clerks of the Georgia Court of Appeals and the Georgia Supreme Court, such service to be accomplished through reasonable means to assure expeditious receipt;

Because this Order modifies some provisions of the Court's Prior Standing Order which contains the Superior Court's Required Operating Guidelines, a copy hereof shall be submitted 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/>; 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.

IT IS SO ORDERED this 20th day of August, 2020 at 11:30 a.m. in Toccoa, Stephens County, Georgia. This Judicial Emergency Order shall terminate on September 19, 2020, at 11:59 p.m., unless otherwise extended.



Russell W. Smith, Chief Judge
Superior Courts
Mountain Judicial Circuit



B. Chan Caudell, Judge
Superior Courts
Mountain Judicial Circuit