IN THE SUPERIOR COURTS OF HALL AND DAWSON COUNTIES
NORTHEASTERN JUDICIAL CIRCUIT
STATE OF GEORGIA

GEORGIA, DAWSON COUNTY
CLERK'S OFFICE, SUPERIOR COURT
FILED FOR RECORD
AT 4:10 P M 10/16/20
Recorded in Book Page
This 16th day of Oct. 2020
, Clerk

IN RE: Extension of Judicial Emergency *
*
Date: October 16, 2020 *

ORDER EXTENDING JUDICIAL EMERGENCY

On September 18, 2020, the undersigned entered an *Order Declaring Judicial Emergency* for both Hall and Dawson Counties due to the ongoing threat of transmission of Coronavirus/COVID-19. Georgia has been in a continual statewide judicial state of emergency since March 14, 2020, with the most recent extension having been entered by Chief Justice Harold D. Melton on October 10, 2020. Today's order extends a local emergency, and supplements and applies Justice Melton's *Seventh Order Extending Declaration of Statewide Judicial Emergency.*

The COVID-19 disease continues to pose great risk to public health, as evidenced by Governor Brian Kemp's most recent September 30, 2020 *Renewal of Public Health State of Emergency.* Despite the implementation of and adherence to safe operating guidelines in this circuit, a number of courthouse employees have tested positive for COVID-19.

Therefore, pursuant to O.C.G.A. § 38-3-61, the Honorable Chief Judge Kathlene F. Gosselin of the Superior Courts of Hall and Dawson Counties DOES HEREBY DECLARE AND EXTEND the current Judicial Emergency in the Northeastern Judicial Circuit. Because this emergency continues to substantially endanger or infringe upon the normal functioning of the judicial system, this declaration affects all courts and clerk's offices in the circuit.

Accordingly, IT IS THE ORDER of the undersigned that all courts, litigants, parties, visitors, and members of the public shall continue to abide by the Safe Operating Guidelines, remote hearing policies, and all other terms previously laid out in the *Order Declaring Judicial Emergency* entered on July 15, 2020.

Furthermore, in accordance with Justice Melton's *Seventh Order* and the recommendations of this circuit's COVID-19 Jury Committee, the undersigned authorizes jury trials to resume immediately in both Hall and Dawson Counties. Only one trial per county shall take place during the remainder of 2020, after which the Committee shall reconvene to make whatever adjustments

and modifications are deemed appropriate before a second "phase" of jury trials begins in January 2021. Grand jury proceedings were authorized by previous order.

The Committee has submitted its "Guide for Resuming Jury Proceedings" for both Dawson and Hall Counties to the Administrative Office of the Courts, as required by the *Seventh Order*. The guides are attached as "Exhibit A" and "Exhibit B." The requirements and guidelines contained therein are made an order of the court and shall be strictly complied with during all such jury proceedings.

This Judicial Emergency shall terminate on November 15, 2020, at 11:59 p.m., unless otherwise extended, rescinded, amended, or superseded.

IT IS FURTHER ORDERED, pursuant to O.C.G.A § 38-3-63, that the Sheriffs of Hall and Dawson Counties shall post this Order on their public notification site and in the courthouses;

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

IT IS FURTHER ORDERED that the undersigned shall immediately notify and serve a copy of the order on the judges and clerks of all courts sitting within the jurisdictions affected.

IT IS SO ORDERED this 16th day of October, 2020 at 11:52 a.m./p.m.

Kathlene F. Gosselin

Hon. Kathlene F. Gosselin
Chief Judge, Northeastern Judicial Circuit

NORTHEASTERN JUDICIAL CIRCUIT

DAWSON COUNTY
GUIDE FOR RESUMING JURY PROCEEDINGS

October 15, 2020

COMMITTEE MEMBERS:
Chief Judge Kathlene F. Gosselin, Chair
Hon. Jason J. Deal, Superior Court Judge
Hon. Clint G. Bearden, Superior Court Judge
Hon. B.E. Roberts, III, Chief Judge, Hall County State Court
Dr. Pamela Logan, District 2 Director, Georgia Department of Public Health
Mr. Lee Darragh, District Attorney
Mr. Brad Morris, Circuit Public Defender
Ms. Stephanie Woodard, Solicitor General, Hall County
Mr. Charles Baker, Clerk of Courts, Hall County State and Superior Courts
Mr. Justin Power, Clerk of Courts, Dawson County Superior Court
Capt. Kelley Edwards, Hall County Sheriff's Office
Lt. Johnny Holtzclaw, Dawson County Sheriff's Office
Ms. Natalie Teston, President, Gainesville-Northeastern Bar Association
Mr. Clint Teston, Gainesville-Northeastern Bar Association
Mr. Matt Leipold, Assistant Public Defender
Mr. Chris van Rossem, Assistant Public Defender
Ms. Wanda Vance, Chief Assistant District Attorney
Mr. Conley Greer, Senior Assistant District Attorney
Mr. Jonathan A. Pope, Attorney, Hasty Pope Trial Lawyers
Mr. Zack Tumlin, Attorney, Tumlin Law Group
Mr. Jason Stephenson, Court Administrator
Ms. Lynn Ansley, Deputy Court Administrator
Mr. Joshua Thompson, CIS Director

GRAND JURY & ONE JURY TRIAL AT A TIME

A previous version of this document was approved on October 9, 2020, which contained guidelines only for grand juries. This updated version has been supplemented with additional plans for resuming jury trials.

By Order entered July 15, 2020, Chief Judge Kathlene F. Gosselin established and appointed a COVID-19 Jury Committee to assist the courts with conducting in-persons proceedings, in particular jury trials and grand jury proceedings. The Committee was charged with seeking to ensure the health and safety of all persons involved in the court system, while protecting constitutional and statutory rights for defendants, witnesses, and victims. The Committee was expanded with additional appointments by Order entered September 18, 2020.

These plans seek to apply previously adopted "COVID-19 Safe Operating Guidelines" to the specific context of jury proceedings. The Safe Operating Guidelines, dated July 15, 2020, are incorporated by reference and attached as "Exhibit A."

The Committee met as a whole on three occasions, August 7, 2020, September 4, 2020, and September 25, 2020. A subcommittee of Dawson County stakeholders met on October 10 and October 13, 2020, and this report was adopted by email consent of all committee members on October 15, 2020.

GENERAL CONSIDERATIONS

Summons

When jurors are initially summoned, the Clerk of Courts will mail:

- A Summons directing jurors to report to the Dawson County Courthouse. It will also provide a contact person to call with health-related questions or concerns.
- A COVID-19 Letter from the Court, signed by all the Judges, that expresses how much they are appreciated, assures them that the court understands their concerns for safety, and provides a contact person to call with health-related questions or concerns.
- A COVID-19 Insert highlighting the steps taken by the court to ensure their health and safety, with a web address where they can view a health and safety video and a contact person to call with further questions or concerns.
- A modified Excusal Request Form that temporarily waives the requirement that it be notarized before submission.
- A COVID-19 Questionnaire that includes their contact information (name, address, cell phone number, and email) and a series of questions to determine whether they are in a category of persons identified by the CDC as being at an increased risk for severe illness from COVID-19.
- An existing Information Form that requests information generally asked by attorneys when selecting a jury.

Excusals and/or Deferrals

Prior to jurors reporting on the date of their service, the court and Clerk's office will work cooperatively to determine whether any prospective juror should be excused or have their service deferred due to medical concerns. Any deferral or excusal will be solely at the discretion of and upon approval of the assigned judge.

- The existing *Excusal Form* will be modified to temporarily waive the requirement that it be notarized before submission. Jurors will be excused on having answered yes to any of the statutory questions included on the form.
- The *Letter, Insert,* and *Questionnaire* will instruct prospective jurors to call the Clerk's office if they have COVID-19 related questions and/or are seeking an excusal for COVID-19 related reasons. They will also instruct prospective jurors that in order to be considered for a deferral or excusal, the form must be returned 10 days prior to their date of service.
- Ms. Aimee Wilkie will receive the phone call, answer any questions and vet the request before sending the person's contact information to the assigned judge's office.
- The assigned judge's office will contact the prospective juror and set up either a phone or Zoom call with the judge. After the Zoom or phone call, the judge will decide whether to grant the deferral or excusal and alert Ms. Wilkie of the decision.
- Ms. Wilkie will be available by phone on the day of the reporting as well, so that prospective jurors who wake up feeling ill can receive instructions *before* coming to the courthouse.

Check-In

On the morning of service, jurors will encounter the following safety precautions:

- Staggered Reporting Times – Because of the potential bottleneck at security and check-in, jurors will be instructed by call-in to report at staggered times. Jurors reporting more than five minutes before their summoned time will be directed to wait outside, or in the lobby area if uncrowded, until their report time arrives.
- Health Screenings – Everyone entering the courthouse is screened for illness and COVID-19 exposure. Any prospective juror prohibited from entering on the date of their service will be instructed to fill out an information form that includes their name, address, phone number, and juror number. The form will be given to Jury Division so that service can be deferred.
    - If any juror reports having been diagnosed with COVID-19 in the previous 14 days, or in contact over the previous 14 days with someone who has been diagnosed with COVID-19, or that they are concerned they may have been exposed or infected, they will not be permitted to enter.
    - If any juror reports having experienced a persistent cough, difficulty breathing or fever above 100.4 degrees within the previous three days, they will not be permitted to enter.
- Masks – All jurors are required to wear masks upon entering the building, and they must remain in proper position over nose and mouth, unless instructed by a judge to remove them. All courthouse deputies, bailiffs, and other staff will remain vigilant and politely ask anybody in the court area without a mask to put it back on. Any jurors that arrive without a mask will be provided one at the checkpoint. (Note that the courthouse also houses the Dawson County Government Center, located primarily on the first and second floors, which does not require visitors to wear face masks.)

- Hand Sanitization Stations – Hand sanitizer dispensers are available prior to and after security check-in, as well as outside the courtrooms.
- Social Distancing – The Jury Assembly Room (JAR) has been set up with a reduced capacity of 40 jurors, with chairs placed 6 feet apart. Floor decals have been placed on the first floor to assist visitors with maintaining proper distance.
- Controlled Check-In – Jurors will check in with the Clerk at a temporarily located table on the first floor near the stairs. (The Clerk may consider setting up outside as an alternative, depending upon the weather.)
- Disposable Badges. Jurors will be provided disposable badges in order to eliminate the need to disinfect the reusable ones ordinarily provided.
- Stairs Encouraged – Jurors will be directed to the JAR on the second floor, directly up the stairs. For jurors who need or prefer the elevator, a bailiff will assist in allowing two persons to take the elevator at a time up to the second floor.
- Overflow Seating – In the event more than 40 jurors report, overflow jurors will be directed to the lobby area of the second floor, where seating has been spaced out and is able to accommodate approximately 12 persons.
- Clear Masks/Face shields – Court personnel will use transparent face shields or clear masks to accommodate hearing-impaired or language-challenged jurors.
- Nightly Deep Cleaning – Facilities Maintenance will sanitize the JAR and other publicly-used areas each evening.
- Health and Safety Video – The health and safety video posted to our website will also be played for jurors in the JAR.

GRAND JURIES

Impaneling Process

The objective is to identify and impanel 26 qualified jurors.

- The Clerk will summon 175 total jurors.
- Expected reporting percentages are unknown at this time, but the reporting times below will allow for an orderly check-in of a traditional 45-50% response rate.
    - 8:30am – 25 Jurors (not already excused or deferred)
    - 9:00am – 25 Jurors (not already excused or deferred)
    - 9:30am – 25 Jurors (not already excused or deferred)
    - 10:00am – Remaining Jurors (not already excused or deferred)
- Seating
    - The first 40 jurors will be seated in the JAR.
    - Any overflow will be directed to sit in socially distanced seating provided in the lobby lounge area on the second floor.
- Qualification
    - Non-qualified jurors will be excused and their service concluded, as well as any qualified jurors in excess of the first 26.
    - If fewer than 26 persons are qualified, the Clerk will call in additional jurors from the lobby waiting area.
    - After all jurors are checked-in, the Clerk will notify the assigned judge to come to the JAR.
    - Remaining jurors, up to and including 26 persons, will be sworn in and given further instruction from the District Attorney regarding when and where to report for the first session.

- Once 26 jurors are qualified and sworn in, the remaining jurors will be excused and their service concluded.
- At least 3 bailiffs will provide support for the Clerk in all of the procedures outlined.
- Sheriff's deputies will provide necessary security and support in all of the procedures outlined.

In Session

In order to accommodate social distancing guidelines, the District Attorney will conduct grand jury sessions in the Jury Assembly Room rather than the ordinarily-used Grand Jury Room.

- Confidentiality
  - All cameras and audio devices in the room will be disabled prior to jurors reporting.
  - Glass windows in the entrance doors will be covered by non-transparent paper.
  - Signs will be posted on the entrance doors clearly stating, "Grand Jury in Session".
- District Attorney Station
  - Staff and witnesses will set up at a temporarily table located outside the JAR in the lobby area, out of earshot of any proceedings in the room.
  - Staff and witnesses will socially distance while they wait to appear.
- Face coverings will be required of everyone in the room, except when speaking if more than six feet away from the nearest person.
- Witnesses will be permitted to appear remotely, via Zoom or other video technology.

TRIAL JURIES

Impaneling Process

The objective is to qualify 50 jurors, with 40 seated in the JAR and 10 additional waiting in the lobby area to be called upon if needed.

- The Clerk will summon 175 total jurors.
- Expected reporting percentages are unknown at this time, but the reporting times below will allow for an orderly check-in of a traditional 45-50% response rate.
  - 8:30am – 25 Jurors (not already excused or deferred)
  - 9:00am – 25 Jurors (not already excused or deferred)
  - 9:30am – 25 Jurors (not already excused or deferred)
  - 10:00am – Remaining Jurors (not already excused or deferred)
- Seating
  - The first 40 jurors will be seated in the JAR.
  - Remaining jurors will be directed to the socially distanced seating in the lobby lounge areas.
  - Some shuffling may occur as the Clerk moves the first 40 jurors on the list to the JAR.
- Qualification
  - Non-qualified jurors may be immediately excused by the Clerk and their service concluded.
  - If a juror in the JAR is excused from the panel of 40, the Clerk will call in the next additional juror.

    - After all jurors are checked-in, the Clerk will notify the assigned judge to come to the JAR.
- Release
    - Qualified jurors after the first 50 will be released subject to recall, with instructions to call in after 6 p.m. for further direction.
    - These jurors, even if not called back, will be checked-in for attendance purposes and given verification of attendance for their employers.
- At least 3 bailiffs will provide support for the Clerk in all of the procedures outlined.

Jury Selection

Jury Selection (voir dire) will take place in the Jury Assembly Room due to the limited seating capacity of the courtroom.

- Room Layout
    - The room features 40 chairs socially distanced in the audience, plus 11 raised seats at the front of the room (five "commissioner" seats, with three slightly lowered seats on both wings).
    - The judge will be seated in the center seat (the chairman's), with an exit door directly behind him.
    - Judge's staff (law clerk and court reporter) will be seated either to the immediate left or right of the judge, in one of the commission's five seats.
    - The defendant and his attorney will be seated to the judge's right, in the wing of the three lower seats.
    - The prosecutor will be seated to the judge's left, in the wing of the three lower seats.
- Defendant in Custody
    - The defendant, if in custody, will be shackled at his or her ankles, not visible to the audience.
    - He or she will <u>not</u> be moved from their seat unless and until the room is emptied of all prospective jurors.
- Consent
    - OCGA § 15-12-131 requires that the court place a panel of 12 in the jury box "upon the request of either party."
    - In order to ensure there are no issues raised later, the Court should ask on the record if either side objects to proceeding in this manner.
- Public Viewing
    - A camera in the JAR will livestream the proceedings to Courtroom A, where members of the public can view it.
    - A sheriff's deputy will be stationed in Courtroom A and seating will be socially distanced.
- <u>Panel of 40</u>
    - The court will attempt to strike a jury from the 40 qualified jurors in the JAR.
    - General questions will be asked with all 40 remaining in the room.
    - Bailiffs will have at least two handheld microphones to pass between jurors. After each juror is questioned, the mic will be wiped and disinfected by a bailiff before being passed to the next juror (or disposable covers used).
    - During individual voir dire, the remaining 39 jurors will be excused from the room but instructed to remain in the building. They will be reminded to socially distance

and may seat themselves in the lobby areas of the 2nd and 3rd floors, the snack area on the first floor, as well as the Public Defender office area on the 3rd floor.
    - A bailiff will be stationed outside the entrance and allow the next juror to enter the JAR at the appropriate time.
- Backup Panel
    - After any jurors from the Panel of 40 are dismissed for cause, the Court will assess whether additional jurors are needed in order to allow for peremptory strikes.
    - If so, the Court, with the assistance of the Clerk, will call in an additional panel of a sufficient number of jurors from the backup panel of 10 waiting in the building.
    - The process will then repeat as outlined above, with General Questions at the beginning and individual questioning to follow.
    - If it appears that the Backup Panel will not be needed, the judge may dismiss those jurors for the day with instructions to call back in after 6:00pm for further instruction.
- Striking a Jury
    - Once a sufficient number of jurors are questioned, the attorneys will strike the jury without bringing either the Panel of 40 or the Backup Panel back in the room.
    - Depending on the time of day, the judge may opt to dismiss jurors after their individual questioning.
    - If a jury is struck before jurors are dismissed for the day, the selected jurors will be called back into the JAR, sworn in, and further instructions given.
    - If jurors have been dismissed for the day, they will be instructed to call in after 6:00pm to learn if they were selected and to learn further instruction.
    - Although a jury may be sworn in on Monday, proceedings will not go further until at least Tuesday (no witnesses required to appear on Mondays).
- Modifications
    - More complex cases may not lend themselves to the exact times described above, and jury selection may take two days or more.
    - The procedures may also be modified in the case of a misdemeanor trial, where a panel of 20-25 jurors is sufficient.

TRIAL

General Protocols

The judge is to conduct proceedings in accordance with all constitutional and statutory requirements, seeking to ensure a fair and impartial trial while doing so within the confines of public health guidelines. Due to space and manpower limitations, only one trial will be conducted at a time.

- Masks are generally required.
    - Judges, court staff, bailiffs, lawyers, and jurors will all wear masks during the trial unless otherwise instructed by the judge.
    - Judges, attorneys, and jurors may be permitted to remove their masks while speaking.
    - Witnesses may testify without a mask, from a witness stand that is six feet away from other persons.

- Bailiffs
  - Due to difficulties guiding the jurors throughout the courthouse, it is anticipated that trials will necessitate the use of three bailiffs.
  - Bailiffs will meet the jurors in the hallway just past security, at the designated time, and escort them to the 3rd floor. Due to limited elevator capacity, it will require the use of two bailiffs–one on the 3rd floor with the jurors getting off the elevator, and one on the ground floor with the jurors waiting to board.
- The judge shall provide jurors with a point of contact if potentially exposed to COVID-19 or experiencing symptoms of COVID-19. They should not be required to report.
- Any juror who does not pass the temperature check or COVID screening questions will be brought to the Judge's attention immediately.

Courtroom Layout

Trials will be conducted one at a time, in Courtroom A on the third floor.

- Jury
  - The courtroom gallery will be converted into the jury box, and jurors placed at seats marked six feet apart in order to comply with social distancing requirements.
  - Seating will be prohibited in the first row of the gallery.
- Court Personnel
  - The court reporter will be relocated to sit in the traditional witness stand.
  - The staff attorney will sit in the same location at the judge's immediate left.
- Witness
  - The witness stand will be relocated to where a deputy is traditionally seated, at the end of the bench directly in front of the secured door.
  - This places the witness and judge in the same line of sight of the parties.
- Parties
  - Tables will be rearranged so that the prosecution and defense are arranged perpendicular to the gallery and facing the judge and relocated witness stand.
  - The prosecution will be seated at the table closest to the witness.
  - The defense will be seated at the table furthest from the jury gallery.
  - Sheriff's deputies will provide the necessary deputies in the courtroom to maintain security and safety.
- Audio/Visual
  - Attorneys will be asked to wear wireless lavalier mics so that everyone in the courtroom is better able to hear the proceedings.
  - Jurors should be instructed to let the Judge know if they are having any difficulty hearing or seeing.

Evidence Presentation

Courtroom evidence should be displayed to the jurors in a digital format whenever possible, making use of the large television monitors.

- There will be certain items that cannot be displayed in a digital format and the attorneys will be directed to seek guidance from the Court.

- Attorneys will be provided wipes and will be responsible for wiping down the podium, and anything else they touched, before returning to their table. They will also be asked to wipe down their table at the end of the day.

Jury Deliberation Room

Existing jury deliberation rooms will not be utilized due to the space restrictions. Instead, the Grand Jury suite on the 3rd floor will be converted into a Jury Deliberation Room.

- Bailiffs will provide a supply table with extra disposable masks, hand sanitizer, paper towels, gloves, tissues, juror pads and pencils, bottled water, and disinfecting spray. Jurors should keep up with their own items, so as to prevent sharing.
- Jurors will be permitted to bring in their own food and/or leave at lunchtime and return. Jurors will be reminded to abide by social distancing guidelines while consuming food.
- Bathrooms are available in the suite.
- Jury rooms will be cleaned and disinfected nightly.

Public Viewing Rooms

Due to the jury being seated in the traditional gallery, the public will not be able to attend and view the proceedings in person.

- A video stream will be set up by court staff so that a camera will be aimed at the well of the courtroom.
- The stream will be displayed in the 2nd Floor Jury Assembly Room, using the existing Cisco video screen (used with the Department of Corrections).
- Seating in the viewing rooms will be clearly marked 6 feet apart, unless attendees are from the same household. All persons in the room must keep their masks on at all times. A deputy will be stationed in the viewing rooms.

Trial Courts

OF THE

Northeastern Judicial Circuit

JASON STEPHENSON
COURT ADMINISTRATOR
P.O. BOX 1435
GAINESVILLE, GEORGIA 30503
(770) 532-1895

DAWSON AND HALL COUNTIES

October 1, 2020

Dear Prospective Juror:

As our judicial circuit initiates a return to jury proceedings, your health and safety, as well as the health and safety of court personnel, parties, and witnesses, is of paramount importance to us. Our courts continue to monitor the COVID-19 pandemic closely, and we've worked diligently over the last 6 months to plan and execute additional health measures. Jury Duty is an essential part of the American justice system, and we've taken extraordinary steps to minimize risk and conduct proceedings in accordance with public health guidelines.

We've highlighted several of the basic steps we're taking in the attached flyer, and you can visit www.nejc.org for a copy of our complete Operating Guidelines. You'll also find on our website a health and safety video with Chief Judge Kathlene Gosselin.

Perhaps most importantly, on the day of your service you will be required to wear a mask and screened by court deputies before entering the courthouse. You will not be permitted to enter if:

- You have been diagnosed with COVID-19 in the previous 14 days, or you have been in contact with anyone who has been diagnosed with COVID-19 in the previous 14 days;
- You have experienced any persistent cough, difficulty breathing, or fever above 100.4 degrees in the previous 3 days.

If you are in a higher risk category, you should request to have your service deferred. ***Any deferral or excusal is solely at the discretion of and upon approval of a judge, and requires your immediate response.*** The court will contact you if you request a deferral or excusal, and may schedule a phone or video hearing before making a determination. You should submit such a request using the included *COVID-19 Juror Questionnaire* or *Excusal Request* at least 10 days prior to your report date.

Finally, please call Ms. Aimee Wilkie in the Clerk of Courts office if you have any health-related questions or concerns. You can contact her at 706-344-3510. Thank you for your service and your cooperation,

Kathlene F. Gosselin, Chief Judge

Jason J. Deal, Superior Court Judge

C. Andrew Fuller, Superior Court Judge

Clint G. Bearden, Superior Court Judge

Bonnie Chessher Oliver, Superior Court Judge

A SAFE JURY DUTY EXPERIENCE... IS OUR TOP PRIORITY.

Health Measures at the Dawson County Courthouse (Government Center)

The Northeastern Judicial Circuit is dedicated to protecting your health and the health of our employees, visitors, and community. As we begin to resume jury proceedings, our commitment to fighting the spread of COVID-19 has not changed. We are adhering to public health guidelines, modifying check in procedures, reconfiguring courtrooms, and educating you, a prospective juror, about the measures taken. Thank you for your commitment to our community and county.

For more detailed information, including a health and safety video with Chief Judge Kathlene F. Gosselin, please visit www.nejc.org.

We thank you for your service and look forward to having you at the Dawson County Courthouse!

What We're Doing:

Health Screenings

Face Coverings

Social Distancing

Cleaning & Disinfecting

Staggered Report Times

Smaller Jury Pools

HAVE COVID-19 QUESTIONS?

Please don't hesitate to contact us!

(706) 344-3510

www.nejc.org

Trial Courts

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JASON STEPHENSON
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DAWSON AND HALL COUNTIES

COVID-19 Safe Operating Guidelines

June 1, 2020

On March 13, 2020, Chief Judge Kathlene Gosselin declared a judicial state of emergency due to the COVID-19 pandemic. A statewide emergency declaration was entered by the Chief Justice of the Georgia Supreme Court the next day. Pursuant to these orders, all non-essential proceedings in all courts were immediately suspended. Judge Gosselin's local order expired on May 31, 2020 while the statewide order has been extended through June 12, 2020.

As the NEJC initiates an exit from this state of emergency, it will not simply be a return to the things as they were. Instead, in accordance with the latest guidelines from federal and state officials, as well as critical input from local hospital leaders, the courts will see a gradual return of both personnel and services/proceedings.

In Justice Harold D. Melton's *Second Order Extending Declaration of Statewide Judicial Emergency*, he directs that prior to conducting extensive in-person proceedings, each court should develop written guidelines as to how in-court proceedings "will be conducted to protect the health of litigants, lawyers, judges, court personnel, and the public." The guidelines below are a first step toward each class of court developing their own specific policies and procedures.

BASIC MEASURES		
ALL COURTS	COVID-19 is a respiratory illness thought to spread primarily through droplets expelled when someone speaks, breathes, coughs, sneezes, etc. Exposure is riskiest during close contact – defined as being within 6 feet of an infected person for about 10 minutes. Transmission is also thought to be possible from touching surfaces where droplets have settled and then touching your nose, mouth, or eyes. The following six Basic Measures are critical to fighting the risk of an outbreak in our court community.	Resources: Centers for Disease Control and Prevention Georgia Department of Public Health

	1. **Social Distancing** Keep 6 feet between yourself and people who do not live with you. Do not allow crowds to congregate. 2. **Good Hygiene** Wash your hands with soap and water frequently, particularly after touching shared surfaces such as doorknobs, handles, tables, etc. Use hand sanitizer provided, and be sure to cover up coughs or sneezes and properly dispose of tissues. 3. **Cleaning Surfaces** Frequently touched surfaces should be regularly wiped down with a disinfectant. This is in addition to the cleaning done by custodial staff. 4. **Face Coverings** Face coverings are intended to trap droplets from leaving the wearer's mouth and nose. They should always be worn when in close contact with another person, as well as in public or common areas. 5. **Self-Quarantine Personnel Policy** Mandatory self-disclosure and self-quarantine policies require employees to immediately alert their department head if they are experiencing any symptoms, have tested positive, or have had close contact with anyone who has. If so, they are required to stay at home. 6. **Screening Measures at Entrances** While the courthouse remains open to the public, anyone entering is subject to the additional screening measures as ordered by the Chief Judge. These measures will include digital temperature checks.	Northeast Georgia Health System NEJC.org
SCREENING ENTRANTS	By amended order entered June 1, 2020, courthouse deputies shall continue screening all employees and any other visitors by using an infrared thermometer and asking the following questions: 1. Have you or anyone you have been in contact with in the last 14 days, tested positive for COVID19 or have/has contacted a medical professional or otherwise been concerned that you may have been exposed or infected with COVID19? 2. Are you currently experiencing or have you experienced any symptoms of difficulty breathing, a persistent cough, or a fever of 100.5 degrees or greater in the past 14 days?	Current Order Expires July 12, 2020

	Anyone registering a fever and anyone answering yes to either question will be directed not to enter. Persons not permitted to enter should provide security with the following information: name, contact information, the court they were scheduled to attend and why, and the reason for denying entry.	
GLOBAL PRECAUTIONS	All persons entering judicial facilities must comply with the directives of court or security personnel; anyone not in compliance may be directed to leave or risk being held in contempt. <u>Face Coverings:</u> Persons entering are required to wear face coverings over their mouth and nose ▪ Must wear them in all public areas, including the courtrooms, unless otherwise directed by the judge ▪ Disposable facemasks available at all facility entrances ▪ Dawson County will not require them at the front entrance, but they are required in the 3rd and 4th floor courtrooms <u>Hand Sanitizer</u> Widely available throughout the building, including elevator lobbies <u>Additional Cleaning</u> In addition to the normal cleaning, custodial staff will: ▪ Sanitize doorknobs/push bars/handles ▪ Sanitize elevator buttons/handrails ▪ Sanitize courtroom surfaces as needed ▪ Courtrooms sanitized each day after use <u>Social Distancing</u> Signs posted throughout the building ▪ Reminding and requiring visitors to keep 6 feet of physical distance between them, unless from the same household ▪ Hallway seating removed except for chairs spaced 6 feet apart ▪ Front entrance will be marked so as to identify appropriate spacing between persons that may be standing in line ▪ Breezeway and Annex entry to be similarly marked ▪ Elevator capacity limited to 2 persons at a time, unless from the same household <u>Courtroom Seating</u> ▪ Each courtroom has a "maximum capacity" based on proper distancing ▪ Maximum capacity does not include court personnel, and should not be exceeded except at the judge's direction	

	▪ Litigants and visitors are encouraged not to bring nonessential persons with them, especially children ▪ Persons with cases on the calendar will be given priority for seating	
	SUPERIOR COURT	
GENERAL	All offices resume normal operating hours <u>In-Person Proceedings</u> Only schedule if the hearing is one that cannot reasonably be held via videoconference ▪ As determined by the assigned judge ▪ No jury trials until August 2020 <u>Large Calendars</u> The number of attendees is expected to exceed the courtroom's maximum seating capacity ▪ Trial weeks, arraignments, calendar calls, etc. ▪ Scheduled in consultation with the Courts Coordinator so as to avoid overcrowding <u>Small Calendars</u> The number of attendees is *not* expected to exceed the courtroom's maximum seating capacity ▪ Staggered hearing times throughout the day, rather than a morning calendar and afternoon calendar ▪ To be scheduled at each judge's discretion	Beginning June 1, 2020
DOMESTICS	<u>Video Proceedings</u> Resume non-essential hearings by Zoom only, or with very limited in-person attendance ▪ Judges' offices to schedule, with training and assistance from Court Administration ▪ Priority will be given to those hearings which were cancelled as a result of the emergency order ▪ If any party objects to conducting the hearing by Zoom, the case may be removed from the calendar by contacting the judge's office (the case will then be postponed until in-person proceedings resume) ▪ If a hearing will require extensive evidence or multiple witnesses, etc., the case may not be appropriate for a video hearing. All hearings are scheduled and conducted at the discretion of the assigned judge ▪ Livestream to YouTube if the judge is not physically on the bench	Began May 11, 2020

	▪ "Zoom stations" available on the 4th floor for any litigant unable to join by their own device or internet connection <u>In-Person Proceedings</u> Non-essential, in-person proceedings resume ▪ Make every reasonable effort to schedule and conduct the proceeding via Zoom first ▪ Refrain from scheduling any calendars expected to exceed the maximum capacity of a courtroom ▪ Advise litigants of the screening measures and mask mandate before they come to court	Beginning June 15, 2020
GENERAL CIVIL	<u>Motions and Hearings</u> Make every reasonable effort to schedule and conduct proceedings via Zoom ▪ With the consent of the parties and at the discretion of the assigned judge ▪ A request for an in-person proceeding may delay the matter being heard <u>In-Person Proceedings</u> Scheduled at the assigned judge's discretion ▪ Refrain from scheduling any hearings expected to exceed the maximum capacity of a courtroom ▪ Advise litigants of the screening measures and mask mandate before they come to court	Beginning June 15, 2020
CRIMINAL	Prioritize hearings where a defendant can waive his presence, and make every reasonable effort to conduct the proceedings via Zoom <u>Jail Hearings</u> Use Zoom videoconferencing, rather than transport <u>Arraignments and Calendar Calls</u> ▪ Encourage ADAs and defense attorneys to speak prior to coming into the courtroom ▪ Calendars may be reduced and staggered report times	Beginning July 1, 2020

NORTHEASTERN JUDICIAL CIRCUIT

HALL COUNTY
GUIDE FOR RESUMING JURY PROCEEDINGS
Phase 1

October 1, 2020

COMMITTEE MEMBERS:
Chief Judge Kathlene F. Gosselin, Chair
Hon. Jason J. Deal, Superior Court Judge
Hon. Clint G. Bearden, Superior Court Judge
Hon. B.E. Roberts, III, Chief Judge, Hall County State Court
Dr. Pamela Logan, District 2 Director, Georgia Department of Public Health
Mr. Lee Darragh, District Attorney
Mr. Brad Morris, Circuit Public Defender
Ms. Stephanie Woodard, Solicitor General, Hall County
Mr. Charles Baker, Clerk of Courts, Hall County State and Superior Courts
Mr. Justin Power, Clerk of Courts, Dawson County Superior Court
Capt. Kelley Edwards, Hall County Sheriff's Office
Lt. Johnny Holtzclaw, Dawson County Sheriff's Office
Ms. Natalie Teston, President, Gainesville-Northeastern Bar Association
Mr. Clint Teston, Gainesville-Northeastern Bar Association
Mr. Matt Leipold, Assistant Public Defender
Mr. Chris van Rossem, Assistant Public Defender
Ms. Wanda Vance, Chief Assistant District Attorney
Mr. Conley Greer, Senior Assistant District Attorney
Mr. Jonathan A. Pope, Attorney, Hasty Pope Trial Lawyers
Mr. Zack Tumlin, Attorney, Tumlin Law Group
Mr. Jason Stephenson, Court Administrator
Ms. Lynn Ansley, Deputy Court Administrator
Mr. Joshua Thompson, CIS Director

PHASE 1 – GRAND JURY & ONE JURY TRIAL AT A TIME

By Order entered July 15, 2020, Chief Judge Kathlene F. Gosselin established and appointed a COVID-19 Jury Committee to assist the courts with conducting in-persons proceedings, in particular jury trials and grand jury proceedings. The Committee was charged with seeking to ensure the health and safety of all persons involved in the court system, while protecting constitutional and statutory rights for defendants, witnesses, and victims. The Committee was expanded with additional appointments by Order entered September 18, 2020.

These plans seek to apply previously adopted "COVID-19 Safe Operating Guidelines" to the specific context of jury proceedings. The Safe Operating Guidelines, dated July 15, 2020, are incorporated by reference and attached as "Exhibit A."

The Committee met as a whole on three occasions, August 7, 2020, September 4, 2020, and September 25, 2020. This report was adopted by email consent of all committee members on October 1, 2020.

GENERAL CONSIDERATIONS

Summons

When jurors are initially summoned, whether for grand jury or trial jury, the Clerk will mail:

- A Summons directing jurors to report to the Jury Assembly Room in the main courthouse, with staggered report times. It will also provide a contact person to call with health-related questions or concerns.
- A COVID-19 Letter from the Court, signed by all the Judges, that expresses how much they are appreciated, assures them that the court understands their concerns for safety, and provides a contact person to call with health-related questions or concerns.
- A COVID-19 Insert highlighting the steps taken by the courts to ensure their health and safety, with a web address where they can view a health and safety video and a contact person to call with further questions or concerns.
- A modified Excusal Request Form that temporarily waives the requirement that it be notarized before submission.
- A COVID-19 Questionnaire that includes their contact information (name, address, cell phone number, and email) and a series of questions to determine whether they are in a category of persons identified by the CDC as being at an increased risk for severe illness from COVID-19.
- An existing Information Form that requests information generally asked by attorneys when selecting a jury.

Excusals and/or Deferrals

Prior to jurors reporting on the date of their service, the court and Clerk's office will work cooperatively to determine whether any prospective juror should be excused or have their service deferred due to medical concerns. Any deferral or excusal will be solely at the discretion of and upon approval of the assigned judge.

- The existing *Excusal Form* will be modified to temporarily waive the requirement that it be notarized before submission. Jurors will be excused on having answered yes to any of the statutory questions included on the form.
- The *Letter, Insert,* and *Questionnaire* will instruct prospective jurors to call a unique phone number if they have COVID-19 related questions and/or are seeking an excusal for COVID-19 related reasons. They will also instruct prospective jurors that in order to be considered for a deferral or excusal, the form must be returned 10 days prior to their date of service.
- Ms. Robin Jones, Jury Division Supervisor, will receive the phone call, answer any questions and vet the request before sending the person's contact information to the assigned judge's office.
- The assigned judge's office will contact the prospective juror and set up either a phone or Zoom call with the judge. After the Zoom or phone call, the judge will decide whether to grant the deferral or excusal and alert Ms. Jones of the decision.
- Ms. Jones will be available by phone on the day of the reporting as well, so that prospective jurors who wake up feeling ill can receive instructions *before* coming to the courthouse.

Check-In

On the morning of service, jurors will encounter the following safety precautions:

- Staggered Reporting Times – Because of the potential bottleneck at security and check-in, juror summons will include staggered report times. Jurors reporting more than five minutes before their summoned time will not be checked in and directed to wait outside until their report time arrives.
- Health Screenings. Everyone entering the courthouse is screened for illness and COVID-19 exposure. Any prospective juror prohibited from entering on the date of their service will be instructed to fill out an information form that includes their name, address, phone number, and juror number. The form will be given to Jury Division so that service can be deferred.
    - If any juror reports having been diagnosed with COVID-19 in the previous 14 days, or in contact over the previous 14 days with someone who has been diagnosed with COVID-19, or that they are concerned they may have been exposed or infected, they will not be permitted to enter.
    - If any juror reports having experienced a persistent cough, difficulty breathing or fever above 100.4 degrees within the previous three days, they will not be permitted to enter.
- Masks – All visitors are required to wear masks to enter the courthouse, and they must remain in proper position over nose and mouth, unless instructed by the judge to remove them. All courthouse deputies, bailiffs, and other staff will remain vigilant and politely ask anybody in the courthouse seen without a mask to put it back on. Any jurors that arrive without a mask will be provided one at the checkpoint.
- Hand Sanitization Stations – Hand sanitizer dispensers are available prior to and after security check-in, as well as outside the courtrooms.
- HVAC Modifications – The courthouse HVAC system has been modified to allow in more outside air, with high efficiency filters that are monitored and changed regularly.

- Social Distancing – The Jury Assembly Room (JAR) has been set up with a reduced capacity of 40 jurors, with chairs placed 6 feet apart. Courtroom 102, on the first floor, will also be used, with a capacity of 32.
- Controlled Check-In – Jurors will check in at the Receipt Room on the first floor. In order to prevent long lines forming, clerk staff will not scan the summons at the time but only take down the jurors' numbers. Jurors will then be directed to a seat and clerk staff will electronically check in jurors after they are seated.
- Physical Barriers – Jury Division will check-in jurors from inside the first floor receipt room, behind glass.
- Badges – Jurors will proceed to the table outside the jury room to pick up their juror badge off the table instead of staff handing it to them. The badges will be placed in single rows across the table.
- Overflow Seating – In the event more than 72 jurors report, overflow jurors will be directed to a second courtroom, Courtroom 101, which has a seating capacity of 23.
- Clear Masks/Face shields – Court personnel will use transparent face shields or clear masks to accommodate hearing-impaired or language-challenged jurors.
- Nightly Deep Cleaning – Building Maintenance will sanitize the JAR and other publicly-used areas each evening.
- Health and Safety Video – The health and safety video posted to our website will also be played for jurors in the JAR and courtroom.

GRAND JURIES

Impancling Process

The objective is to identify and impanel 26 qualified jurors.

- Jury Division will summon 300 total jurors.
- Expected reporting percentages are unknown at this time, but the reporting times below will allow for an orderly check-in of a traditional 35-40% response rate.
    - 8:30am – Jurors 1-100
    - 9:30am – Jurors 101-200
    - 1:00pm – Jurors 201-300 (subject to call-in)
- Seating
    - The first 40 jurors will be seated in the JAR and the next 32 in Courtroom 102.
    - Any excess overflow will be seated in Courtroom 101.
- Morning Check-In
    - After all jurors are checked-in, Jury Division will notify the assigned judge to come first to the JAR and then Courtroom 102 (and, if necessary, Courtroom 101).
    - Non-qualified jurors will be excused and their service concluded, as well as any qualified jurors in excess of the first 26.
    - Remaining jurors, up to and including 26 persons, will be gathered in the JAR, sworn in, and given further instruction from the District Attorney regarding when and where to report for the first session.
    - If less than 26 are qualified, Jury Division will call-in additional jurors at 1pm.
- Afternoon Check-In
    - Jurors 201-300, summoned for 1:30pm, will be instructed to call in at noon to confirm their service prior to reporting.

    - If 26 are qualified in the morning check-in, then jurors 201-300 will be told via the call-in not to report at 1pm. If the morning check-in yields less than 26 jurors, an additional number of jurors will be instructed to report at 1pm.
    - The check-in process will be repeated and additional jurors qualified in order to reach the total number of 26.
- At least 3 bailiffs will provide support for the Jury Division in all of the procedures outlined.

In Session: Gainesville Municipal Courtroom

In order to reduce the number of persons in the courthouse and the need to make use of a courtroom otherwise available for non-jury proceedings, the District Attorney will conduct grand jury sessions off-site at the City of Gainesville's Municipal Court.

- Initially, Judge Gosselin will use Title 15 emergency powers to designate the municipal building as an alternate court facility. OCGA 15-6-18(a). Because such designation is limited in time, Hall County Government will be asked to consider a resolution "leasing" and "providing" such space to the courts in compliance with OCGA 38-3-60 and 61.
- The same health measures employed at the Hall County Courthouse will be required at the Municipal Courtroom:
    - All persons will be screened at the door by Hall County deputies and their temperatures taken
    - All persons will be required to wear a mask in the courtroom
    - DA staff will have hand sanitizer stations available at the entrance and restrooms
    - Jurors will be seated at least 6 feet apart in the courtroom, and witnesses will socially distance in the lobby area until their appearance is required
- Witnesses will be permitted to appear remotely, via Zoom or other video technology.
- The municipal courtroom is located in the Gainesville Justice Center at 701 Queen City Parkway SW, Gainesville, Georgia

TRIAL JURIES

Impaneling Process

The objective is to qualify 51 jurors, divided into three panels of 17 jurors each. At the same time that jurors are checking-in on the first floor, jury selection will be ongoing in the trial courtroom on the 4th floor.

- Jury Division will summon 450 total jurors.
- Expected reporting percentages are unknown at this time, but the reporting times below will allow for an orderly check-in of a traditional 35-40% response rate.
    - 8:30am – Jurors 1-150
    - 10:30am – Jurors 151-300
    - 1:30pm – Jurors 301-450 (subject to call-in)
- Seating
    - The first 40 jurors will be seated in the JAR and the next 32 in Courtroom 102.
    - Any excess overflow will be seated in Courtroom 101, with a seating capacity of 23.

- Morning Check-ins
  - Jurors 1-150 will be checked-in and seated beginning at 8:30am.
    - Once jurors are checked in, Jury Division will notify the assigned judge to come first to the JAR and then Courtroom 102 (and, if necessary, Courtroom 101).
    - Non-qualified jurors will be excused and their service concluded.
    - Qualified jurors will be assigned to one of three panels of 17, with Jury Division filling Panel A first, then Panel B, and, lastly, Panel C.
    - Jurors assigned to Panel A will be escorted immediately up to the 4th floor to Courtroom 402 for Jury Selection (voir dire).
    - Jurors assigned to Panel B will be excused until 1:30pm, and instructed by the judge to report directly to Courtroom 401 (jury deliberation room).
  - Jurors 151-300 will be checked-in and seated beginning at 10:30am.
    - The process above will repeated.
    - However, rather than the assigned judge interrupting her jury selection process upstairs, a second judge will come to the first floor to complete orientation.
    - Jurors assigned to Panel C will be excused until 3:30pm, and instructed by the judge to report directly to Courtroom 401.
- Afternoon Check-in
  - Jurors 301-450, summoned for 1:30pm, will be instructed to call in at noon to confirm their service prior to reporting.
  - If 51 jurors happen to be qualified in the morning check-ins, afternoon jurors will be told via the call-in not to report. If the morning check-in yields less than 51 jurors, an additional number of jurors will be instructed to report at 1pm. Jury Division will determine the number of additional jurors to call in.
  - Jurors 301-450 will be checked-in and seated beginning at 1:30pm.
    - The process above will repeated.
    - However, rather than the assigned judge interrupting her jury selection process upstairs, a second judge will come to the first floor to complete orientation.
  - Jurors assigned to Panel C will be escorted up to the 4th floor to Courtroom 402 for Jury Selection at the appropriate time.
- Once Panel C has been filled, any remaining jurors can be released subject to recall.
  - Jurors placed "on-call" will be instructed that they are to report on 1-hour notice and will receive reporting instructions by telephone.
  - They will also be instructed that they are to call in after 6 p.m. for instructions.
  - These jurors, even if not called back, will be checked-in for attendance purposes and given verification of attendance for their employers.
- At least 3 bailiffs will provide support for the Jury Division in all of the procedures outlined.

Jury Selection

Jury Selection (voir dire) will take place in three separate panels due to the limited seating capacity of the courtroom. More complex cases may not lend themselves to the exact times described below, and jury selection may take two days or more. However, these procedures can be modified by the Judge and Jury Division, with appropriate communication to the jurors.

- Jury Selection Panels
  - 10:30am – Panel A
  - 1:30pm – Panel B
  - 3:30pm – Panel C
- Panel A will report immediately to courtroom 402 after the 8:30am check-in, taking the elevators two at a time with a bailiff escort.
- Approximately 1 hour per panel per side would be 2 hours per panel. Panel A may be completed before lunch, Panel B will report to Courtroom 401 at 1:30pm and Panel C will report at approximately 3:30pm. With this schedule, it would be possible to begin striking a jury at 5:30pm.
  - Bailiffs will have at least two handheld microphones to pass between jurors. After each juror is questioned, the mic will be wiped and disinfected by a bailiff before being passed to the next juror (or disposable covers used).
  - OCGA § 15-12-131 requires that the court place a panel of 12 in the jury box "upon the request of either party." The jury box, under this plan, is the traditional gallery.
  - During individual voir dire, the remaining 16 jurors will be excused to the jury deliberation room located in the neighboring courtroom.
  - Each panel will be excused for the day after being questioned.
- The attorneys will strike the jury without bringing the panels back in.
- Jurors will be instructed to call in after 6:00pm to learn if they were picked for the jury, with those being selected told to report back the following morning for service on the case.

TRIAL

General Protocols

The judge is to conduct proceedings in accordance with all constitutional and statutory requirements, seeking to ensure a fair and impartial trial while doing so within the confines of public health guidelines.

- Masks are generally required.
  - Judges, court staff, bailiffs, lawyers, and jurors will all wear masks during the trial unless otherwise instructed by the judge.
  - Judges, attorneys, and jurors may be permitted to remove their masks while speaking.
  - Witnesses will testify without a mask, from behind a plexiglass barrier.
- Due to difficulties guiding the jurors throughout the courthouse, it is anticipated that trials will necessitate the use of three bailiffs.
  - Bailiffs will meet the jurors in the hallway just past security, at the designated time, and escort them to the 4th floor. Due to limited elevator capacity, it will require the use of two bailiffs–one on the 4th floor with the jurors getting off the elevator, and one on the ground floor with the jurors waiting to board.
  - Any juror capable of taking the stairs who desires to do so, will be directed to the stairwell and they may take the stairs to the 4th floor.
- The judge shall provide jurors with a point of contact if potentially exposed to COVID-19 or experiencing symptoms of COVID-19. They should not be required to report.
- Any juror who does not pass the temperature check or COVID screening questions will be brought to the Judge's attention immediately.

Courtroom Layout

The courtroom gallery will be converted into the jury box, and jurors placed at seats marked every 6 feet in order to comply with social distancing requirements.

- Court Personnel
  - The court reporter will be relocated to sit in the traditional witness stand.
  - The staff attorney will be relocated to the court reporter's station, moved out of the middle of the well to the side of the witness stand.
- Witnesses will be placed in the corner of the jury box, with a swivel chair temporarily replacing the fixed seats.
- Seating will be prohibited in the first row of the gallery.
- Tables will be rearranged so that the prosecution and defense are arranged perpendicular to the gallery and facing the witness chair relocated to the jury box.
  - The prosecution will be seated at the table closest to the witness.
  - The defense shall be at the rear table, closest to the deputy and the secured entrance.
- A camera will be installed and used so that the witnesses will be displayed on large television monitors mounted on both side walls of the gallery. Jurors will be instructed to let the Judge know if they are having any difficulty hearing or seeing.
- Attorneys will be asked to wear wireless lavalier mics so that everyone in the courtroom is better able to hear the proceedings.

Evidence Presentation

Courtroom evidence should be displayed to the jurors in a digital format whenever possible, making use of the large television monitors.

- A plexiglass shield will be installed at the witness stand to ensure the witness may testify without a mask. Should this shield cause a glare, it will be removed and the witness will wear a clear facemask instead.
- The existing podium in Courtroom 402 will be replaced with one having a smaller profile and more easily moved. Attorneys will be asked to connect their laptops at the podium and display PDFs, digital photos, and powerpoint presentations on television monitors to be mounted in the courtroom. The document camera should also be used display images of any paper document evidence.
- There will be certain items that cannot be displayed in a digital format and the attorneys will be directed to seek guidance from the Court.
- Attorneys will present their case from the smaller podium, and seek permission from the Court before moving freely about the courtroom. Otherwise, they will remain at counsel table and the podium.
- Attorneys will be provided wipes and will be responsible for wiping down the podium, and anything else they touched, before returning to their table. They will also be asked to wipe down their table at the end of the day.

Jury Deliberation Room

Existing jury deliberation rooms will not be utilized due to the space restrictions. Instead, jurors will use the neighboring courtroom, Courtroom 401, as a jury deliberation room.

- Courtroom 401 will be rearranged so that 6 jurors are seated at tables in the well facing the gallery and the remaining jurors seated in the first two rows of the gallery.
- The bailiff will have a supply table with extra disposable masks, hand sanitizer, paper towels, gloves, tissues, juror pads and pencils, bottled water, and disinfecting spray. Jurors should keep up with their own items, so as to prevent sharing.
- Jurors will be assigned a seat by the bailiffs and should use the same seating area for the duration of the trial.
- Jurors will be permitted to leave at lunchtime and return, or the judge may decide to bring in a meal. Jurors will be permitted to bring in their own food, however there will be no community refrigerator available.
    - Jurors with dietary restrictions, or who prefer to bring their own food, should do so in a personal size cooler bag which will remain in the jury room.
    - Jurors will abide by social distancing guidelines when consuming food.
- Bailiffs will be stationed outside of each door to the jury room and shall keep the area secure. Bailiffs will escort jurors to the closest restrooms on the 4th floor.
- Jury rooms will be cleaned and disinfected nightly.

Public Viewing Rooms

Due to the jury being seated in the traditional gallery, the public will not be able to attend and view the proceedings in person.

- A closed-circuit video stream will be set up by CIS staff so that a camera will be aimed at the well of the courtroom.
- The stream will be displayed in rooms to be identified by Court Administration, where members of the public can sit and view the trial.
- Seating in the viewing rooms will be clearly marked 6 feet apart, unless attendees are from the same household. All persons in the room must keep their masks on at all times. A deputy will be stationed in the viewing rooms.

DURATION

Phase 1 will continue through 2020, so that a "pilot" trial can be conducted and procedures be refined.

- The Court will consider moving to a "Phase 2" after learning lessons from "Phase 1" and making necessary adjustments to the plan.
- Similar procedures could be used to accommodate two trials by implementing a staggered reporting time for the jurors. We would still attempt to have 40 jurors in the JAR at any given time, but more jurors could check in for the afternoon while *voir dire* is in process upstairs.
- This committee will reconvene to more fully discuss changes prior to finalizing a plan on Phase 2.

Trial Courts

OF THE

Northeastern Judicial Circuit

JASON STEPHENSON
COURT ADMINISTRATOR
P.O. BOX 1435
GAINESVILLE, GEORGIA 30503
(770) 532-1895

DAWSON AND HALL COUNTIES

October 1, 2020

Dear Prospective Juror:

As our judicial circuit initiates a return to jury proceedings, your health and safety, as well as the health and safety of court personnel, parties, and witnesses, is of paramount importance to us. Our courts continue to monitor the COVID-19 pandemic closely, and we've worked diligently over the last 6 months to plan and execute additional health measures. Jury Duty is an essential part of the American justice system, and we've taken extraordinary steps to minimize risk and conduct proceedings in accordance with public health guidelines.

We've highlighted several of the basic steps we're taking in the attached flyer, and you can visit www.nejc.org for a copy of our complete Operating Guidelines. You'll also find on our website a health and safety video with Chief Judge Kathlene Gosselin.

Perhaps most importantly, on the day of your service you will be required to wear a mask and screened by court deputies before entering the courthouse. You will not be permitted to enter if:

- You have been diagnosed with COVID-19 in the previous 14 days, or you have been in contact with anyone who has been diagnosed with COVID-19 in the previous 14 days;
- You have experienced any persistent cough, difficulty breathing, or fever above 100.4 degrees in the previous 3 days.

If you are in a higher risk category, you should request to have your service deferred. ***Any deferral or excusal is solely at the discretion of and upon approval of a judge, and requires your immediate response.*** The court will contact you if you request a deferral or excusal, and may schedule a phone or video hearing before making a determination. You should submit such a request using the included *COVID-19 Juror Questionnaire* or *Excusal Request* at least 10 days prior to your report date.

Finally, please call Ms. Robin Jones, Jury Division Supervisor in the Clerk of Courts office, if you have any health-related questions or concerns. You can contact her at 770-718-5142. Thank you for your service and your cooperation,

Kathlene F. Gosselin, Chief Judge

Jason J. Deal, Superior Court Judge

C. Andrew Fuller, Superior Court Judge

Clint G. Bearden, Superior Court Judge

Bonnie Chessher Oliver, Superior Court Judge

A SAFE JURY DUTY EXPERIENCE... IS OUR TOP PRIORITY.

Health Measures at the Hall County Courthouse

The Northeastern Judicial Circuit is dedicated to protecting your health and the health of our employees, visitors, and community. As we begin to resume jury proceedings, our commitment to fighting the spread of COVID-19 has not changed. We are adhering to public health guidelines, modifying check in procedures, reconfiguring courtrooms, and educating you, a prospective juror, about the measures taken. Thank you for your commitment to our community and county.

For more detailed information, including a health and safety video with Chief Judge Kathlene F. Gosselin, please visit www.nejc.org.

We thank you for your service and look forward to having you at the Hall County Courthouse!

What We're Doing:

Health Screenings

Face Coverings

Social Distancing

Cleaning & Disinfecting

Staggered Report Times

Smaller Jury Pools

HAVE COVID-19 QUESTIONS?

Please don't hesitate to contact us!

(770) 718-5142

www.nejc.org

FINAL VERSION TO BE FORMATTED AND EDITED FOR DESIGN

COVID-19 Juror Questionnaire

Name:	
Phone:	
Email:	
1. Are you over the age of 65?	
2. Do you have any serious underlying medical conditions such as high blood pressure, chronic lung disease, diabetes, severe obesity, severe asthma, severe heart disease, or cancer?	
3. Are you or have you recently undergone chemotherapy or another medical treatment that has caused your immune system to be compromised?	
4. Do you live with or care for someone considered to be at an increased risk of severe illness from COVID-19? Anyone who would answer "yes" to questions 1-3 above might be at increased risk.	
5. Are you requesting to defer your jury service to a later date because of answering "yes" to any of the above questions?	

Additionally, on the day of service, you will be screened at the courthouse entrance and asked the following questions:

1. Have you been diagnosed with COVID-19, or been in contact over the last 14 days with anyone who has been diagnosed with COVID-19, or been concerned for any reason that you may have been exposed or infected with COVID-19?

2. Are you currently experiencing any cough, difficulty breathing, or fever above 100.4 degrees, or have you experienced any such symptoms in the last three days?

If your answer is yes to either question *on the day of your service,* you should call the Clerk of Courts office immediately to request a deferral. Failing to appear without justifiable cause may place you in contempt of court.

Questions?
Call Ms. Robin Jones, Clerk of Courts Jury Division, at (770) 718-5142.

Trial Courts

OF THE

Northeastern Judicial Circuit

JASON STEPHENSON
COURT ADMINISTRATOR
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770-532-1895

DAWSON AND HALL COUNTIES

COVID-19 Safe Operating Guidelines

June 1, 2020

On March 13, 2020, Chief Judge Kathlene Gosselin declared a judicial state of emergency due to the COVID-19 pandemic. A statewide emergency declaration was entered by the Chief Justice of the Georgia Supreme Court the next day. Pursuant to these orders, all non-essential proceedings in all courts were immediately suspended. Judge Gosselin's local order expired on May 31, 2020 while the statewide order has been extended through June 12, 2020.

As the NEJC initiates an exit from this state of emergency, it will not simply be a return to the things as they were. Instead, in accordance with the latest guidelines from federal and state officials, as well as critical input from local hospital leaders, the courts will see a gradual return of both personnel and services/proceedings.

In Justice Harold D. Melton's *Second Order Extending Declaration of Statewide Judicial Emergency*, he directs that prior to conducting extensive in-person proceedings, each court should develop written guidelines as to how in-court proceedings "will be conducted to protect the health of litigants, lawyers, judges, court personnel, and the public." The guidelines below are a first step toward each class of court developing their own specific policies and procedures.

BASIC MEASURES		
ALL COURTS	COVID-19 is a respiratory illness thought to spread primarily through droplets expelled when someone speaks, breathes, coughs, sneezes, etc. Exposure is riskiest during close contact – defined as being within 6 feet of an infected person for about 10 minutes. Transmission is also thought to be possible from touching surfaces where droplets have settled and then touching your nose, mouth, or eyes. The following six Basic Measures are critical to fighting the risk of an outbreak in our court community.	Resources: Centers for Disease Control and Prevention Georgia Department of Public Health

	1. **Social Distancing** Keep 6 feet between yourself and people who do not live with you. Do not allow crowds to congregate. 2. **Good Hygiene** Wash your hands with soap and water frequently, particularly after touching shared surfaces such as doorknobs, handles, tables, etc. Use hand sanitizer provided, and be sure to cover up coughs or sneezes and properly dispose of tissues. 3. **Cleaning Surfaces** Frequently touched surfaces should be regularly wiped down with a disinfectant. This is in addition to the cleaning done by custodial staff. 4. **Face Coverings** Face coverings are intended to trap droplets from leaving the wearer's mouth and nose. They should always be worn when in close contact with another person, as well as in public or common areas. 5. **Self-Quarantine Personnel Policy** Mandatory self-disclosure and self-quarantine policies require employees to immediately alert their department head if they are experiencing any symptoms, have tested positive, or have had close contact with anyone who has. If so, they are required to stay at home. 6. **Screening Measures at Entrances** While the courthouse remains open to the public, anyone entering is subject to the additional screening measures as ordered by the Chief Judge. These measures will include digital temperature checks.	Northeast Georgia Health System NEJC.org
SCREENING ENTRANTS	By amended order entered June 1, 2020, courthouse deputies shall continue screening all employees and any other visitors by using an infrared thermometer and asking the following questions: 1. Have you or anyone you have been in contact with in the last 14 days, tested positive for COVID19 or have/has contacted a medical professional or otherwise been concerned that you may have been exposed or infected with COVID19? 2. Are you currently experiencing or have you experienced any symptoms of difficulty breathing, a persistent cough, or a fever of 100.5 degrees or greater in the past 14 days?	Current Order Expires July 12, 2020

	Anyone registering a fever and anyone answering yes to either question will be directed not to enter. Persons not permitted to enter should provide security with the following information: name, contact information, the court they were scheduled to attend and why, and the reason for denying entry.	
GLOBAL PRECAUTIONS	All persons entering judicial facilities must comply with the directives of court or security personnel; anyone not in compliance may be directed to leave or risk being held in contempt. <u>Face Coverings:</u> Persons entering are required to wear face coverings over their mouth and nose ▪ Must wear them in all public areas, including the courtrooms, unless otherwise directed by the judge ▪ Disposable facemasks available at all facility entrances ▪ Dawson County will not require them at the front entrance, but they are required in the 3rd and 4th floor courtrooms <u>Hand Sanitizer</u> Widely available throughout the building, including elevator lobbies <u>Water Fountains</u> Water fountains in the public hallways have been temporarily disabled <u>Additional Cleaning</u> In addition to the normal cleaning, custodial staff will: ▪ Sanitize doorknobs/push bars/handles ▪ Sanitize elevator buttons/handrails ▪ Sanitize courtroom surfaces as needed ▪ Courtrooms sanitized each day after use <u>Social Distancing</u> Signs posted throughout the building ▪ Reminding and requiring visitors to keep 6 feet of physical distance between them, unless from the same household ▪ Hallway seating removed except for chairs spaced 6 feet apart ▪ Front entrance will be marked so as to identify appropriate spacing between persons that may be standing in line ▪ Breezeway and Annex entry to be similarly marked ▪ Elevator capacity limited to 2 persons at a time, unless from the same household	

	Courtroom Seating ▪ Each courtroom has a "maximum capacity" based on proper distancing ▪ Maximum capacity does not include court personnel, and should not be exceeded except at the judge's direction ▪ Litigants and visitors are encouraged not to bring nonessential persons with them, especially children ▪ Persons with cases on the calendar will be given priority for seating	
	SUPERIOR COURT	
GENERAL	All offices resume normal operating hours In-Person Proceedings Only schedule if the hearing is one that cannot reasonably be held via videoconference ▪ As determined by the assigned judge ▪ No jury trials until August 2020 Large Calendars The number of attendees is expected to exceed the courtroom's maximum seating capacity ▪ Trial weeks, arraignments, calendar calls, etc. ▪ Scheduled in consultation with the Courts Coordinator so as to avoid overcrowding Small Calendars The number of attendees is *not* expected to exceed the courtroom's maximum seating capacity ▪ Staggered hearing times throughout the day, rather than a morning calendar and afternoon calendar ▪ To be scheduled at each judge's discretion Maximum Seating Capacities Does not include Court Personnel ▪ Courtroom 401: 23 people ▪ Courtroom 402: 23 people ▪ Courtroom 403: 23 people ▪ Courtroom 404: 23 people ▪ Courtroom 202: 23 people ▪ Jury Assembly Room: 40 people Designated Alternate Location Chicopee Woods Agricultural Center designated as an alternate courthouse location for the duration of the judicial emergency,	Beginning June 1, 2020

	currently June 12, 2020 ▪ Hearings scheduled where proper distancing may be hard to ensure in the courthouse	
DOMESTICS	<u>Video Proceedings</u> Resume non-essential hearings by Zoom only, or with very limited in-person attendance ▪ Judges' offices to schedule, with training and assistance from Court Administration ▪ Priority will be given to those hearings which were cancelled as a result of the emergency order ▪ If any party objects to conducting the hearing by Zoom, the case may be removed from the calendar by contacting the judge's office (the case will then be postponed until in-person proceedings resume) ▪ If a hearing will require extensive evidence or multiple witnesses, etc., the case may not be appropriate for a video hearing. All hearings are scheduled and conducted at the discretion of the assigned judge ▪ Livestream to YouTube if the judge is not physically on the bench ▪ "Zoom stations" available on the 4th floor for any litigant unable to join by their own device or internet connection <u>In-Person Proceedings</u> Non-essential, in-person proceedings resume ▪ Make every reasonable effort to schedule and conduct the proceeding via Zoom first ▪ Refrain from scheduling any calendars expected to exceed the maximum capacity of a courtroom ▪ Advise litigants of the screening measures and mask mandate before they come to court	Began May 11, 2020 Beginning June 15, 2020
GENERAL CIVIL	<u>Motions and Hearings</u> Make every reasonable effort to schedule and conduct proceedings via Zoom ▪ With the consent of the parties and at the discretion of the assigned judge ▪ A request for an in-person proceeding may delay the matter being heard <u>In-Person Proceedings</u> Scheduled at the assigned judge's discretion ▪ Refrain from scheduling any hearings expected to exceed the maximum capacity of a courtroom	Beginning June 15, 2020

	▪ Advise litigants of the screening measures and mask mandate before they come to court	
CRIMINAL	Prioritize hearings where a defendant can waive his presence, and make every reasonable effort to conduct the proceedings via Zoom <u>Jail Hearings</u> Use Starleaf or Zoom videoconferencing, rather than transport ▪ Courts Coordinator to serve as host and liaison to the jail, until those duties can be handed off to the judges' offices staff ▪ Rotation for Reserved Use of Video Equipment: - Monday – Judge C. Andrew Fuller (8:30-10, 2-5:00) - Tuesday – Judge Kathlene F. Gosselin (3:00 to 5:00) - Wednesday – Judge Bonnie C. Oliver (8:30 to 1:00) - Wednesday – Judge Clint G. Bearden (3:00 to 5:00) - Thursday – Judge Jason J. Deal (8:30 to 1:00) - Friday – Judge Jason J. Deal (3:00 to 5:00) <u>Arraignments and Calendar Calls</u> ▪ Encourage ADAs and defense attorneys to speak prior to coming into the courtroom ▪ Calendars may be reduced and staggered report times ▪ Use of Jury Assembly Room and other empty courtrooms	Beginning July 1, 2020
JURY TRIALS	Prioritize cases where defendant is in jail <u>Scheduling</u> Reset all previously scheduled jury calendars for 2020 ▪ Re-create a Master AOC Calendar starting with jury trials ▪ No more than two judges conducting jury trials at a time, whether State or Superior Court ▪ 4 total trial weeks per judge <u>Jury Selection and Deliberations</u> To Be Determined	Beginning August 2020

	STATE COURT	
GENERAL	All offices resume normal operating hours <u>In-Person Proceedings</u> Only scheduled if the hearing is one that cannot reasonably be held via videoconference ▪ As determined by the assigned judge ▪ No jury trials until August 2020 <u>Large Calendars</u> The number of attendees is expected to exceed the courtroom's maximum seating capacity ▪ Trial weeks, arraignments, etc. ▪ Scheduled in consultation with the Courts Coordinator so as to avoid overcrowding <u>Small Calendars</u> The number of attendees is *not* expected to exceed the courtroom's maximum seating capacity ▪ May be achieved by staggering hearing times throughout the day, rather than a morning calendar and afternoon calendar ▪ To be scheduled at each judge's discretion <u>Maximum Seating Capacities</u> ▪ Courtroom 201: 22 people ▪ Courtroom 101: 23 people ▪ Courtroom 102: 32 people ▪ Jury Assembly Room: 40 people	Beginning June 1, 2020
CRIMINAL	Prioritize hearings where a defendant can waive his presence, and make every reasonable effort to conduct the proceedings via Zoom <u>Jail Hearings</u> Use Starleaf or Zoom videoconferencing, rather than transport ▪ Courts Coordinator to serve as host and liaison to the jail, until those duties can be handed off to the judges' offices staff ▪ Rotation for Reserved Use of Video Equipment: - Tuesday – Judge Larry A. Baldwin (8:30 to 1:00) - Thursday - Judge John G. Breakfield (8:30 to 1:00) - Friday – Judge B.E. Roberts (8:30 to 1:00)	

	<u>Arraignments</u> Reset all previously scheduled calendars for the remainder of 2020 ▪ Re-create a Master AOC Calendar that starts with jury trials and Arraignments - Scheduled in consultation with Courts Coordinator and the Master AOC Calendar - Endeavor to keep any previously noticed arraignment dates ▪ Reduced Calendar Sizes and Extra Days - Scheduled Tuesdays to Fridays, with staggered report times - Start with backlog of cases that were cancelled ▪ Traffic Bureau Division - Judges to work with Courts Coordinator and Solicitor to determine new dates for new citations - Solicitor to provide new dates to law enforcement	
JURY TRIALS	Prioritize cases where defendant is in jail <u>Scheduling</u> Reset all previously scheduled calendars for the remainder of 2020 ▪ Re-create a Master AOC Calendar that starts with jury trials ▪ No more than two judges conducting jury trials at a time, whether State or Superior Court ▪ 4 total trial weeks per judge <u>Jury Selection and Deliberations</u> TBD	Beginning August 2020