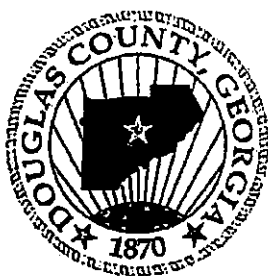


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Tammy M. Howard, Clerk
Superior & State Court
Douglas County, GA

DOUGLAS JUDICIAL CIRCUIT

PLAN FOR RESUMPTION OF JURY TRIALS

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PLAN

1. STATEMENT OF CRITERIA CONSIDERED

The Judges have considered all criteria and guidelines set forth in the Georgia Supreme Court's "Guidance for Resuming Jury Trials," issued September 21, 2020 based upon recommendations made by the Criminal and Civil Law Subcommittees of the Judicial COVID-19 Task Force, as well as advice and direction from the Cobb-Douglas Public Health Office and the Georgia Department of Public Health Eighth Amended Administrative Order For Public Health Control Measures issued July 28, 2020.

The Judges have received comments from the Douglas County Sheriff's Department, the Clerk of Superior and State Court, the District Attorney, the Solicitor General, the Douglas County Public Defender, and several local lawyers regarding the restoration of Criminal and Civil Jury Trials during the Judicial Emergency declared due to the COVID-19 pandemic.

2. ENTRY INTO THE COURTHOUSE

The Court issued an Order titled "Order Regarding Court Procedures Due to COVID-19 Pandemic for the Douglas Judicial Circuit" on May 8, 2020. Said Order was amended on July 24, 2020. Said Order:

- (a) prohibits any person who has tested positive for COVID-19 and not been medically cleared or has symptoms therefrom to enter the Douglas County Courthouse;
- (b) requires all persons entering the Douglas County Courthouse to wear a face covering at all times while in courtrooms or any other public area;
- (c) requires a temperature check prior to entry and refuse admittance to anyone with a temperature over 100.4;
- (d) authorizes the Sheriff to question all entrants regarding potential exposure to COVID-19 and ordering all members of the public to respond truthfully to such questions;
- (e) requires all persons to remain at least six feet apart "socially distant" from other persons while in the courthouse and in courtrooms, and;
- (f) requests that all persons wash and sanitize their hands using restrooms and sanitizer stations located in public areas.

All such requirements remain in place and will apply to persons reporting for jury duty and jury trials. Any person who is refused entry into the building by reason of a COVID-19 related risk will receive instructions about how to contact the Court or the office to which he or she was headed, and Court personnel will accommodate such person as necessary.

The Courthouse is well-marked with signs limiting elevator occupancy to no more than four riders and reminding users that social distancing is required. The elevators have prominent signs about social distancing and hand hygiene, and the elevator floors are marked to direct riders where to stand. Elevator waiting areas on each floor have hand sanitizer dispensers.

Stairwells are well-marked and should be used when appropriate.

3. AIR FILTRATION AND VENTILATION

The Douglas County Courthouse is fully air-conditioned, and there are no windows that can be opened. The Courts have addressed with the County maintenance department the issues surrounding proper air filtration and ventilation raised in the Supreme Court's "Guidance for Resuming Jury Trials" regarding air filtration and regular cleaning.

Air filters in use are very close to the recommended Minimum Efficient Reporting Value of 13 and are the highest MERV rating that is recommended for the equipment. Filters are changed regularly. During each filter change the air handler unit is treated with a biocide/fungicide to kill any bacteria in the unit.

In addition, electrostatic foggers are used to treat each courtroom and common areas and office spaces with Geneon Mist which is an approved way to safely treat areas for COVID-19 and other pathogens. Crews continue to clean actively during work hours and at night by wiping surfaces with TB-Cide to ensure the staff is doing everything possible to prevent the spread of COVID-19 and any other virus or pathogen.

4. JURY SUMMONSES

A. NUMBER: Pre-COVID-19, the Douglas County Superior and State Courts realized a jury yield of roughly 44%, reporting for jury duty. The Court expects that yield to be lower Post-COVID-19. We therefore project a yield of approximately 35% and intend to issue approximately 125 summonses in order to have 43 people report for criminal and civil juries.

B. CONTENTS: The summons will assure prospective jurors that:

- (a) all court personnel and participants in the jury trial will wear face coverings and will maintain social distancing of at least six feet;
- (b) the jurors themselves will be seated at least six feet apart at all times;
- (c) Court personnel will ask screening questions to all those seeking entry to the Courthouse and prohibit any persons who represent a COVID-19 risk, and;
- (d) the Court is taking very seriously the responsibility to conduct a jury trial safely and with protection of everybody's health as a paramount concern. The Court's experience with conducting grand juries during the judicial emergency period, in which it extended these assurances to the prospective grand jurors, confirmed that participants took comfort in hearing and observing the court's COVID-19 procedures.

A letter will be sent with the summons which will include a list of symptoms and high-risk factors. The presiding Judge will deal with each juror individually as to COVID-19 related issues regarding jury service.

5. JURY ASSEMBLY

Jurors will report to Citizen's Hall on a staggered rolling basis, with 125 persons summoned for 9:00 a.m. and another 125 persons summoned for 1:30 p.m. on each Monday of a jury trial week. These reporting times will be coordinated with reporting times for the litigants and counsel to the Courts. Individual jurors will be checked in and have an opportunity to address the presiding Judge with a request to be excused or postponed prior to being sent to a courtroom for a trial. Those jurors remaining to serve will then be sent to either the third or fourth floor to be staged until reporting to their assigned courtroom. Each juror will be assigned a number and will be lead to their staging location (the Jury Assembly Room or Hearing Room) by bailiffs from the Douglas County Sheriff's Office and remain at least six feet apart. Social distancing will be followed and directive signs will be prominent. Sanitizer dispensers will be available. The number of jurors on an elevator will be limited to no more than 3 with a bailiff.

For Criminal jury trials in Superior Court, voir dire will be conducted with jurors in panels of 12, who will sit in the gallery area of the courtroom during examination. For Criminal jury trials in the State Court, voir dire will be conducted with jurors in panels of no more than 8 jurors. Jurors will wear face coverings at all times, but the Court expects to permit individual jurors to lower the cover briefly if requested by counsel. All persons struck for cause who might be eligible to serve for another case will be sent back to the Jury Assembly area to be included in a subsequent voir dire panel for one of the other courtrooms. Persons struck for cause for reasons that would prevent them from serving on any of the panels will be excused.

While the first panel of jurors is undergoing voir dire, the remaining panel members will be kept in either empty jury rooms, the jury assembly room on the fourth floor, one of the administrative meeting rooms on the fourth floor or in the open rotunda space on the fourth floor, all while remaining six feet apart from each other.

When voir dire of the first panel is complete, the jurors will exit the courtroom as directed by the bailiffs continuing to maintain adequate social distancing. The jurors will either be excused by the Court with instructions on when and where to return for further proceedings or be required to remain in one of the locations referenced above while the subsequent jury panels are questioned.

Once a jury is chosen, the excused jurors will be lead out of the courthouse by a bailiff to help assure social distancing is observed. Jurors that are chosen to serve will be given

instructions by the trial Judge on the procedures to be followed while serving as jurors until the case is completed. Jurors not serving on a jury trial will be required to call the Clerk's Office juror information phone line each evening during the trial week for further reporting instructions.

Voir dire in Civil cases will be conducted in a similar fashion as criminal cases with similar limits on the number of jurors in each panel as in a criminal case unless the trial Judge decides it is necessary to do otherwise for good cause.

The Superior and State Courts will stagger their schedules and times to attempt to limit the number of jury trials occurring on any day to no more than two. The Judges will confer in advance if it appears that more than two trials may be underway at one time and will make arrangements to minimize the number of people in the courthouse at any given time to accommodate social distancing requirements.

Each Friday, the Superior Court Judges, State Court Judges and Clerk will meet and confer regarding the cases scheduled for jury trials the following week. A determination will be made as to the order of cases and the courtrooms which will need jurors and at what time.

6. TEMPERATURE CHECKS

All persons reporting for jury duty will have their temperatures scanned by court personnel when they report initially. Persons measuring temperatures of 100.4 degrees or higher will be excused from serving. Additionally, personnel involved in the trial who will be in the courtroom the entire time (lawyers, paralegals) will have their temperatures checked before each entry of the courthouse. The Court recognizes that temperature screening is not a silver bullet and that persons may be infected without displaying a fever, but jurors and litigants should take some comfort knowing that they are not spending hours and hours in a closed room with a feverish participant in their midst. County employees will be screened by their respective Department Head or designee.

7. JURY TO COURTROOMS

Once assembled in Citizen's Hall and remaining six feet apart, jurors will be assigned to a panel and a courtroom. When it is time to move the jurors to the courtroom for which they have been chosen, each juror will be given a number and will lineup at the direction of the bailiffs or deputies assigned to move them to the courtroom. Jurors are to remain six feet apart and continue to wear their face coverings to the courtroom. The jurors will proceed to the elevator and will be limited to no more than three at a time on the elevator along with a bailiff. A bailiff will be waiting on the floor of the assigned courtroom and will monitor the jurors in the

common area until all are present. At that time, some jurors will be sent into the courtroom while the remaining jurors will be sent to the fourth floor jury assembly room, remain in the common area or taken to a jury room next to the courtroom as directed by the Trial Judge.

Jurors that are to be seated in the jury box will be brought in the courtroom through the side entrance, while jurors being seated in the gallery will be brought in through the back door of the courtroom. Each juror will have an assigned, numbered seat during voir dire.

Once voir dire has been completed with the first panel, the jurors will exit the courtroom in the same fashion as they entered and shall follow the direction of the Trial Judge as to whether to remain in the courthouse or be excused until a time certain. Any subsequent panel shall then follow the same procedure to enter the courtroom.

After voir dire is completed, all jurors should be located in the jury assembly room or hearing room 2. A jury should be struck without the jurors in the courtroom. The Trial Judge will then proceed to the jury assembly room and have the Clerk read the names of those chosen to serve. Those jurors will then be taken to the jury rooms located next to the courtroom being used for the trial and the jurors should be broken up evenly into each of the two jury rooms and remain six feet apart.

When jurors who are serving on a trial jury are excused for lunch or the day, they must exit the courthouse while following social distancing guidelines. When jurors are excused from service after the completion of a trial, the jurors will be escorted out of the courthouse by deputies and/or bailiffs of the DCSO while maintaining social distancing.

At all times, sanitation stations will be placed throughout the courthouse and in jury rooms for use.

8. JURY LUNCH

The Courthouse is located near numerous locations to eat lunch. The jury usually receives approximately one hour and thirty minutes for lunch and will be encouraged to leave the building and get some fresh air; this is the Court's normal procedure. There is a break room in the Courthouse and juror's may bring their lunch to eat but if they remain in the Courthouse, they must stay at least six feet apart.

9. CRIMINAL TRIALS

The Courts will begin criminal trials with all due caution, starting with one jury at a time and, it is hoped, shortly increasing to two based upon comments from stakeholders regarding the suitability of the new procedures. We plan to conduct no more than two criminal jury trials

at one time once the system is fully operational, and we will dedicate Courtroom Two on the fourth floor (the largest courtroom) for felony criminal trials. Courtroom four on the third floor and Courtroom four on the fourth floor will be used for misdemeanor criminal trials.

Each Courtroom has been modified so that jurors may be spaced at least six feet apart. Some jurors will be assigned seats in the jury box, a bench in front of the jury box or in the gallery. These modifications require the relocation of counsel tables and seating for spectators. Spectators who cannot fit into the courtroom will be able to view the proceedings from another room on the fourth floor equipped to show the courtroom, livestreamed or another media platform. The offices of the District Attorney and the Solicitor General will work with the courts in assuring that victims and their family members will have in person access to the trial or view the proceedings remotely in another location within the courthouse.

The courtroom reconfiguration will require modification of the court's audio-visual system, laptops, microphones and other tools of technology. This will include having monitors positioned so that jurors in the gallery of the courtroom have an improved ability to view the proceedings and hear the witnesses, parties, attorney's and the Court.

Juror morning assembly and breaks will occur in the two jury rooms outside of Courtroom two on the fourth floor for felony cases and the two jury rooms outside of Courtroom Four on the fourth floor for misdemeanor cases. The rooms are large enough to have seven people remain six feet apart. Each area has two bathrooms and jurors may enter the secure hallway outside of their assigned jury room and remove their face coverings for a few minutes to breath normally if they desire. The number of jurors in the hallway will be monitored by the bailiffs to ensure social distancing is occurring. Sanitation stations will be provided in the jury rooms and jurors will be encouraged to wash their hands during each break.

Exhibits may be displayed on video monitors and the Court encourages all parties to present as much evidence as possible digitally to minimize the contact with exhibits. The Court will have gloves available to provide if handling a particular exhibit becomes necessary. All parties are encouraged to have shared exhibits with opposing counsel prior to trial so that any technical issues may be resolved in advance and not delay the proceedings. At the Court's discretion, documents may be placed in clear plastic sleeves.

The Court will encourage counsel to stipulate to any non-controversial evidence to reduce the length of trial and to agree on witnesses whose testimony could be presented remotely by Webex or Zoom.

All persons, including witnesses, must wear face coverings. The witness stand, however, will have a plexiglass barrier in place which will allow the witness to take the face covering down and testify with face exposed. If a lawyer or bailiff needs to approach a witness to hand

them something, the Court will instruct the witness to recover his or her face covering before the approach.

Attorneys and attorney staff shall wear face coverings when present in the courtroom. However, when standing to communicate with witnesses, the jury or the Court, attorneys may remove their face covering, so long as the attorney remains sufficiently physically distant from all other persons in the courtroom.

A criminal defendant may be asked to remove his/her face covering during voir dire to ensure that prospective jurors can see him/her and indicate whether any know him/her or recognize him/her. They may be also asked to lower their face covering briefly for the purpose of enabling a witness to see his/her face and answer whether the witness can identify the defendant.

If face coverings impair the ability of a lawyer and his client to communicate at counsel table (and alternate methods of communication such as note-writing, texting between devices, etc., are unavailable or insufficient), the Court will permit counsel whatever recesses are necessary for the purpose of facilitating private communication. The Court expects counsel to maintain social distancing with co-counsel and his or her client at all times.

Sidebars may be conducted at the bench, but with social distancing maintained between the parties in the Court's discretion. Otherwise, the jurors will be sent to the juror deliberation rooms.

10. CIVIL TRIALS

Civil trials may be conducted in coordination between the Judges after sufficient criminal jury panels have been provided to the Court trying a criminal case that day. Jurors will be summoned to report at staggered times consistent with the procedure for criminal jury trials. Once empaneled, the jurors will be brought to the appropriate courtroom in the same manner as jury panels for criminal trials.

The Trial Judge will decide how many jurors to include in each panel for voir dire, but generally it will be no more than 12 jurors per panel. Once the first panel is brought to the courtroom, the additional panels will either be placed in a holding room with sufficient social distancing available or given a return time and allowed to leave the courthouse. All consideration should be given to having jurors leave and reenter the courthouse as possible when scheduling the trials.

Civil jury trials will be conducted in Courtrooms one, three and four on the fourth floor and Courtroom four on the third floor. For twelve person juries, three jurors will be placed in the jury box, three jurors will be placed on the bench in front of the jury box, three jurors will

be placed on the front row of the gallery and three jurors will be placed on the back row of the gallery. Any alternate jurors will be placed in a chair on either side of the courtroom gallery against the wall. All seats will be marked and have been measured to be at least six feet apart to ensure social distancing. Once seated for a trial, the jurors will use their assigned seat for the entirety of the trial. The Court should take into account juror's ability to see and hear and be flexible in seating should the need arise.

11. JURY DELIBERATION

Jury deliberation in criminal trials for Superior Court will take place in the jury assembly room or meeting room 2 located on the fourth floor. Said rooms have been approved by the public health representatives as having sufficient space to appropriately socially distance all jurors. The Court will consider providing each juror with a set of written instructions so that they will not need to share.

Jury deliberation in criminal trials for State Court will occur in the jury room for each of the State Court courtrooms as it has sufficient space for six jurors to socially distance themselves. For civil trials requiring twelve jurors, juror deliberation will occur in meeting room 2 located on the fourth floor or the jury assembly room.

12. CLEANING

Courtroom bailiffs will clean the witness stand with disinfectant between each witness. Additional cleaning staff will be available as needed for all jury trials, with instructions to clean all high-touch surfaces, including jury bathrooms and counsel tables regularly.

13. SYMPTOMS DEVELOPING DURING TRIAL

The presiding Judge and/or the Judge's staff will collect from each juror and alternate a mobile telephone number and email address for use if the Court needs to contact jurors during any evening recess. If events develop that cause the trial to be discontinued, the Court will notify each juror personally with the contact information provided.

All participants, including lawyers, parties, and jurors in multi-day trials will be encouraged before adjourning for the day to continue monitoring themselves for symptoms, to take their temperatures, and to not return to the courthouse—but rather contact the Court—if they have any symptoms. Likewise, if any feel that they have developed symptoms during the day as the trial is ongoing, they are to notify the presiding Judge immediately.

If any person associated with a multi-day trial develops symptoms during the trial, that person will be immediately directed to leave the courtroom and isolate alone in an adjacent conference room. The Court Services Security Commander will be immediately notified to provide an escort garbed in suitable personal protective equipment to escort that person from the courthouse, ensuring via radio communication with other Sheriff's deputies that an elevator is vacant and the corridors have been cleared to allow the person to pass.

If any participant develops COVID-19 related symptoms during the evening recess of a trial, they should contact the Court by calling the number provided by the Clerk's office and leaving a message. The participant should await further instructions before returning to the Courthouse. The Clerk will notify the Court as soon as possible and confer with Counsel for the parties in deciding how to proceed. Any affected person should seek medical attention if they believe it is appropriate.

If any participant in the trial exhibits symptoms or tests positive for COVID-19 during a trial, the Court will notify within 24 hours all persons who may have been exposed to the person known or suspected to be infected, consistent with the requirements of the GDPH Eighth Amended Administrative Order entered July 28, 2020 and attached to this plan. All notified persons will be urged to contact their healthcare provider or the Georgia Department of Public Health.

The Court expects to discuss with the lawyers in advance of trial whether they agree to proceed with fewer than 12 jurors should a juror drop out. In cases where counsel do not consent, the Court expects to seat at least two alternates for all multi-day trials. The determination of whether any symptom-related interruption to the trial should result in a brief continuance (a few days, resuming with the same jury panel) or a mistrial will depend on consideration of several factors including: the availability of rapid-return test results, the use of alternates, the stage of the trial, the length of the prospective delay, and the continued availability of jurors and litigants. The Court will also consult with the Department of Public Health about recommended measures for how and whether the trial could safely proceed when one or more participants has developed symptoms.

All cleaning protocols required by the Georgia Department of Public Health will be followed in the event of an actual or suspected infection develops during a trial. This includes, when feasible, sealing affected areas for 24 hours and thereafter cleaning and disinfecting with products that satisfy the Amended Health Order. Should such cleaning render an affected courtroom unavailable for continuation or resumption of proceedings, the Court will move the trial into one of the other available courtrooms.


14. ATTACHED EXHIBITS


GUIDANCE FOR RESUMING JURY TRIALS (SEPTEMBER 21, 2020)

SEVENTH ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY (OCTOBER 10, 2020)

GEORGIA DEPARTMENT OF PUBLIC HEALTH EIGHTH AMENDED ADMINISTRATIVE ORDER FOR PUBLIC HEALTH CONTROL MEASURES (JULY 28, 2020)

DOUGLAS JUDICIAL CIRCUIT ORDER REGARDING COURT PROCEDURES DUE TO COVID-19 PANDEMIC (JULY 24, 2020)


Respectfully Submitted, this _____ day of October, 2020.



David T. Emerson, Chief Judge
Douglas Judicial Circuit

GUIDANCE FOR RESUMING JURY TRIALS

Jury trials are critically important to public safety as well as the effective operation of our civil and criminal justice systems. Resuming in-person civil and criminal jury trials and initiating virtual jury trials during the COVID-19 pandemic requires extensive planning and preparation. Most notably, a significant number of jury trials in Georgia involve criminal offenses, and due to the inability to conduct jury trials since the initial Order Declaring Statewide Judicial Emergency (Order) on March 14, 2020, many criminal defendants are awaiting trial, some of whom are incarcerated. Many civil litigants have not been able to exercise their constitutional right to have their cases decided by a jury. This guidance presents protocols and planning points to assist trial courts in rethinking the stages of the jury trial process to help courts create detailed plans to safely resume jury proceedings while protecting the health of the various individuals compelled to attend those proceedings.

Preliminary Considerations

Jury trials should proceed only after the local committee of judicial system participants established by the Chief Judge of the superior court has approved a plan for safely resuming jury trials in the county and submitted the jury trial plan to the Administrative Office of the Courts (AOC) as required by the Chief Justice's September 10, 2020 Sixth Order Extending Declaration of Statewide Judicial Emergency. The plan for conducting jury trials should be consistent with the Order, as extended, with these guidelines, and with the Judicial COVID-19 Task Force bench card entitled "Georgia Court Reopening Guide."

As set out by the Order, as extended, it is critical that all courts continue to conduct proceedings, remotely or in-person, in compliance with public health guidance, applicable statutes and court rules, and the requirements of the United States and Georgia Constitutions, including the public's right of access to judicial proceedings and a criminal defendant's rights to confrontation and an open courtroom.

The location of the trial is also critical, because some courthouses will provide social distancing challenges. If space limitations make the regular courthouse unfit to meet social distancing requirements, courts should include in their local plans options to utilize auxiliary space in other buildings in the county such as auditoriums, gymnasiums, theaters, and ballrooms. Issues with acoustics, lighting, security, and availability may be impediments to using these facilities. Courts should review OCGA §§ 38-3-61 (c), 15-6-17 (b), 15-6-18; and Uniform Superior Court Rule 45 to ensure selected alternative locations are appropriate and have been properly designated.

Because of constitutional speedy trial requirements, criminal cases should receive priority scheduling. It is suggested that the first trials in a county be cases that involve one defendant, few lay and no out-of-town witnesses, straightforward evidentiary issues, and limited physical evidence that may need to be handled by the jury. The lessons learned from those initial trials will help inform incorporating more complex litigation into the trial schedule.

Jury trials can be conducted safely when following new protocols designated to protect the health of all participants. These protocols will include retooling the flow of individuals through the common areas of a courthouse, reconfiguring courtroom and jury deliberation spaces to allow for social distancing by the participants, the consistent use of masks or other face coverings such as transparent face shields, installation of plexiglass barriers, checking prospective jurors and other trial participants for health vulnerabilities or COVID-19 exposure, reliance on technology, and constant sanitization of rooms and often-touched surfaces. The following are recommended as best practices for that process.

Courthouse Physical Space Preparation

General Protocols

- Ensure that the county's cleaning policy will be adequate when the courthouse and courtrooms are reopened to more public use.

- Confirm HVAC system air flow will be optimized and that air filters will be cleaned or replaced regularly.
- Prominently display mask and face covering, social distancing, and other protocols. Masks or other face coverings should be worn in the courthouse at all times except when directed by the court for case-specific reasons or by security personnel or as otherwise provided below.
- Place social distancing directional markers around the courthouse, at the counter check-in area, in elevators, and in stairwells. The markers should encourage using the stairs as an alternative to elevators.
- Install automatic hand sanitizer dispensers at courthouse entrances, near security checkpoints, and in every room where trial participants or the public will be present.
- Create witness waiting rooms or areas where courtroom proceedings cannot be seen or heard.
- Install physical barriers (such as plexiglass) between court personnel and visitors.
- Consider which restrooms should be used by jurors and other trial participants during breaks, especially given challenges to social distancing when many people try to use the bathroom at the same time. Plan to clean and disinfect restrooms after breaks and at the end of the day.
- Make disinfectant products available in the jury room and the restroom.

Courtroom

- Use markers or tape to delineate proper socially distanced seating in the courtroom.
- In criminal cases, courtroom seating should be prioritized for the defendant's immediate family members, victims and their immediate family, and at least some space for members of the general public and the media. If space is limited, plan for those who cannot sit in the courtroom to observe the trial by livestreaming the proceedings into a

nearby room. Install plexiglass barriers as appropriate to separate the judge, staff, parties and their counsel, witnesses, and jurors.

- If jurors will be placed in the jury box, install plexiglass barriers between seats and assign juror seating.
- Ensure that each juror, party, and counsel can see and hear the proceedings from their places around the courtroom.
- Alternate courtrooms between trials, if necessary, to deep clean the room, including the HVAC filters, with particular attention to sanitizing the jury seating area, the jury room, and party seating areas.
- Plan for public access to court proceedings, including setting up areas where the public can watch remotely from within the courthouse in compliance with Uniform Superior Court Rule 22.

Security

- Meet with courthouse security and create a screening plan.
- Arrange for security personnel or court staff at building entrances to use a predetermined set of questions to determine each visitor's COVID-19 status. See CDC screening tool: <https://www.cdc.gov/screening/index.html>.
- * Especially in criminal cases, plan for additional deputies to handle juror management, transport and monitoring of in-custody defendants, and transport and monitoring of in-court witnesses.
- Establish procedures to notify the presiding trial judge of information about any trial participant turned away for COVID-19 exposure reasons.
- To the extent possible, provide masks or other face coverings at the entrance for anyone who does not have one.
- Consider a sign-in sheet, which may be useful for contact tracing.
- Consider how security will accommodate individuals who cannot wear a mask for Americans With Disabilities Act (ADA) reasons and how to handle individuals who refuse to wear a mask.

Jury Trial Scheduling and Pretrial Conferences

Jury Trial Scheduling

- Schedule fewer cases for a given trial term in accordance with maximum capacity guidelines for courtroom space.
- Prepare a “master calendar” for all judges in the courthouse who will be holding jury trials to avoid scheduling conflicts.
- When feasible, restrict or eliminate other in-person court calendars during jury selection to limit the number of people coming into the courthouse; use remote calendar calls as an alternative.

Pretrial Conferences

- Consider the efficiencies of conducting pretrial conferences in all but the most routine cases before scheduling cases for jury trials.
- Conduct the conference remotely instead of in-person; if in-person, schedule specific times for each case.
- Provide written proposed protocols for jury selection and trial to the parties and solicit questions and objections on the record.
- Consider options and develop a plan for the admission of exhibits:
 - o Encourage parties to stipulate to the authenticity or admissibility of exhibits and to compile one unified set of exhibits to minimize handling of duplicates.
 - o Use digital exhibits where feasible to reduce the handling of paper or physical evidence in the courtroom. The court and/or the parties can develop a protocol for the exchange of digital evidence, including the software platform to be used, naming protocol for documents, etc. See Appendix A for a sample order. When it is necessary for jurors to handle physical exhibits, provide hand sanitizer for use after handling or gloves that are discarded immediately after use to avoid cross-contamination.

- o During deliberations, encourage jurors to take socially distanced turns reviewing exhibits placed on a table rather than handing around the exhibits.
- Direct the parties to advise the court promptly and on an ongoing basis if any trial participants associated with the party (including litigants, counsel, and witnesses) are individuals at increased risk for severe illness from COVID-19,¹ have tested positive for or are exhibiting symptoms of COVID-19, have had recent exposure to COVID-19, or otherwise may not be able to attend trial proceedings.

Summoning Jurors

- Jurors should be summoned only for a specific term of court.
- Courts should summon considerably more jurors than normal in anticipation that fewer jurors will report due to pandemic-related vulnerabilities or hardships such as being in a health or age-related risk category for COVID-19, lacking childcare, or holding a job in an essential industry.
- Courts should issue summonses considerably earlier than normal to ensure that requests for hardship excusals or deferments are timely received and reviewed.
- The notice that accompanies the summons should include language regarding the public health emergency and the specific steps the court

¹ Individuals who are at increased risk for severe illness from COVID-19 are generally defined by the Centers for Disease Control and Prevention as individuals who are over age 65 and individuals of any age with serious underlying health conditions, such as cancer, chronic kidney disease, chronic obstructive pulmonary disease, obesity, serious heart conditions, sickle cell disease, and type 2 diabetes mellitus, and individuals in an immunocompromised state from solid organ transplant. Those persons who live with or care for an individual who is at increased risk for severe illness from COVID-19 may also need accommodations, including alternatives to in-person court appearances and avoiding the need to travel to the courthouse. See https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fneed-extra-precautions%2Fgroups-at-higher-risk.html

is taking to ensure the jurors' safety, including designated parking, security screening measures, the provision of food and drinks for jurors (or information about whether jurors can bring their own drinks, snacks, or lunches), the facilities designated for jury assembly and deliberation, and similar information.

- The notice should also include a phone number or a link to a website that will provide additional safety information, including, when possible, a video showing the COVID-19 safety precautions undertaken by the court.
- The notice should include easy-to-read contact information and the process for accommodating individuals who are deaf, hard of hearing, or have English-language difficulties. (Individuals with language difficulties may have challenges in interpreting complex or lengthy written material and are more prone to show up at the courthouse to seek clarification).
- Consider including a questionnaire, either written or electronic, to identify individuals at increased risk for severe illness from COVID-19, and persons with known or suspected exposure to or symptoms of COVID-19 so that they can be excused or deferred in advance without requiring them to appear at the courthouse. The questionnaire may also include general questions that may expedite voir dire, such as: "What is your employment?" "Do you know or think you may know any of the following judges? If so, please provide details." "Do you know or think you may know the district attorney or anyone who works in his or her office? If so, please provide details?" If a written questionnaire is used, provide an envelope with postage prepaid to return it.
- Any notices should clearly communicate that excusal from or deferral of jury duty other than upon proof of a statutory exemption shall be at the discretion of and upon approval of the judge.
- Courts should use their discretion in reviewing requests for excusal or deferment from jurors who submit medical forms and relevant documentation indicating that they are at increased risk for severe illness from COVID-19, have tested positive for or are exhibiting symptoms of COVID-19, or have had recent exposure to COVID-19. This excusal or deferment shall occur without the individual juror appearing at the courthouse and may include conducting a virtual

interview of the potential juror before rendering a decision on excusal or deferment.

- If there is a possibility of remote impaneling or remote trial proceedings:
 - Modify the summons notice to advise jurors not to report to the courthouse and that if called for a “hybrid trial” (with remote selection and/or in-person proceedings), public health guidelines will be followed for the in-person service.
 - Consider including a written or electronic questionnaire regarding the juror’s internet connectivity, use of on-line technology, and ability to have a quiet place from which to participate remotely. Similarly, consider partnering with local libraries or other public entities to provide “remote rooms” equipped with devices maintained by the court for those prospective or selected jurors who do not have devices or connection speeds that will allow them to meaningfully participate as jurors.
 - Consider including information about or links to information regarding the on-line platform to be used (i.e., Zoom² or WebEx).

Juror Arrival and Assembly

- Stagger juror arrival time — jury calls may need to be spread over several days to assure that qualified jurors can be selected.
- Mark off a specific juror parking area; provide signage to guide foot traffic to the proper courthouse entrance and COVID-19 screening station; place signs on the street at the approaches to the courthouse and throughout the courthouse to guide jurors. (Consider placing security personnel at the designated juror parking area, at the parking elevator to assure social distancing, in the outer lobby for temperature checks and COVID-19 screening, at the post-security elevator/stairwell lobby for social distancing travel to the designated courtroom).

² See Appendix B for sample Zoom protocol information.

- At check-in, staff members should have a jury assembly room seating chart to direct jurors to the room and where to sit.
- Use a room large enough to accommodate the number of jurors with appropriate social distancing.
- Separate chairs or seating in benches with enough distance to allow for social distancing between each juror.
- Consider impaneling extra alternate jurors consistent with OCGA §§ 9-11-47 and 15-12-169.1 to guard against delays or mistrials if regular jurors must be excused.
- Consider allowing jurors to report by phone or electronically each morning of trial to confirm that court will be in session and that the juror has not experienced any symptoms of or had exposure to COVID-19. If a juror reports symptoms or exposure, the juror should not be allowed to come to the courthouse. Make a plan for if a juror experiences symptoms of COVID-19 while at the courthouse.

Impaneling and Qualifying of Jurors³

In-person

- Use transparent face shields to accommodate hearing-impaired or language-challenged jurors.
- Consider having jurors wear a face shield rather than a mask while answering individual voir dire questions.
- Use separate podiums, if possible, for the attorneys for questioning jurors and clean microphones and podiums between each user, or allow attorneys to conduct voir dire from counsel tables.

³ Especially in criminal cases, consider limiting virtual jury selection to cases where the parties expressly consent until further guidance is provided. OCGA § 15-12-163 (a), relating to felony jury trials, provides: "When each juror is called, he shall be presented to the accused in such a manner that he can be distinctly seen." This language can be read to require the physical presence of prospective jurors before the defendant prior to the jurors being selected, seated, and accepted in court for individual voir dire.

- Socially distance the jurors for questioning. Conduct specific individual juror follow up questioning immediately after general voir dire.
- Question jurors in smaller panels of no more than 12 at a time in staggered sets with thorough cleaning between each panel (e.g., 12 jurors at 9 a.m.; 12 jurors at 12 p.m.; 12 jurors at 3 p.m.).
- Modify the traditional method of numbering jurors by designating the seating location for each juror with a numbered sign corresponding to the juror's juror number, with the number on the sign visible to the juror, the court, and counsel. That is, the seating location for juror number 1 in the first panel of 12 should be designated with a sign displaying the number 1 with the same seating accommodations appropriately spaced for jurors 2 through 12; once that panel has been examined and excused for voir dire of the next panel, disinfect the seating area and prepare for the second panel by designating the seat for juror number 13 with a sign displaying the number 13 with the same accommodations for the socially distanced seating areas for jurors 14 through 24; and so forth for additional panels.
- Consider dealing with challenges for cause either immediately as grounds for the challenge arise or after the entire panel of 12 has been examined and prior to being excused for examination of the next panel. This will allow for the prompt excusal of unqualified jurors.
- To streamline the process, consider implementing an electronic or written questionnaire prior to the court date by soliciting proposed questions from attorneys in advance of trial as described above in the "Summoning the Jury" subsection, or encourage counsel to present general questions on a screen where the entire panel can see the question.
- Unless seating the panel in the jury box is specifically requested by a party, prospective jurors can be placed in the courtroom gallery for questioning. OCGA § 15-12-131 requires that the court place a panel of 12 in the jury box only "upon the request of either party."
- Encourage the parties to excuse panels while they are conducting strikes. Courts should inform the attorneys in advance regarding the procedures for striking without bringing the entire panel back as a group.

- Maintain a contingency plan in advance for COVID-19 issues arising during jury selection and instruct the potential jurors about the plan at the beginning of jury selection. The protocol should include providing jurors with a point of contact if potentially exposed to COVID-19 or experiencing symptoms of COVID-19 during the voir dire process.
- Provide breaks during the proceedings in designated space outside of the courthouse for jurors to take off masks to get fresh air while remaining distanced from others.

Remote Voir Dire⁴

- The notice sent with the summons should include questions regarding the juror's internet connectivity, use of technology, and ability to have a quiet place from which to participate remotely.
- Consider partnering with local libraries or other public entities to provide "remote rooms" equipped with computers and maintained by the court for those prospective or selected jurors who do not have devices or connection speeds that will allow them to meaningfully participate as jurors.
- Question jurors in smaller panels of no more than 12 at a time in staggered sets (e.g., 12 jurors at 9 a.m.; 12 jurors at 12 p.m.; 12 jurors at 3 p.m.) as it could be difficult to have more than 12 to 15 potential jurors on screen at once.
- Consider creating different breakout rooms for each panel with different meeting IDs and passwords. Prior to each session, consider creating breakout rooms to assist with the following technology issues: interpretation/language issues, private conversations, and side bars.
- Consider having a technology bailiff, possibly a member of the court's IT staff, to facilitate breakout rooms and assist jurors who are

⁴ As noted above, under OCGA § 15-12-163, remote impaneling may be inappropriate for felony criminal jury trials unless expressly consented to by the defendant.

unfamiliar with the software platform being used or who otherwise experience technological issues during remote proceedings.

- In the event of a break, consider adding a countdown clock to the screen to inform participants when they must return to their device.

Jurors Who Refuse to Appear

- Courts should prepare for the situation where jurors who do not meet the courts' standards for excusal or deferment refuse to participate.
- Those jurors should be excluded from the proceedings and placed on a calendar to appear before the court remotely or in person to show cause why they should not be held in contempt.

Seating the Jury and Conducting the Trial

- Place the jury in the courtroom gallery instead of jury box and place witnesses in the jury box to situate witnesses closer to the jurors. Ensure that each juror, party, and counsel can see and hear the witnesses.
- Remove unused chairs to promote social distancing.
- Allow the jury to deliberate in a larger room (vacant courtroom, jury assembly room, etc.).
- Remember to coordinate with other judges regarding trial scheduling, calling of jurors, and use of courtrooms needed for jury deliberations.
- Consider how to deal with self-represented litigants.
- Post guidelines for the use of restrooms and how jurors are to conduct themselves during breaks (maintain social distancing, directional arrows and six-foot markers, frequent handwashing or use of hand sanitizer, etc.).
- Any food or beverages provided to jurors should be individually packaged, and courts should consider loosening restrictions on jurors bringing in their own snacks and drinks.
- Have a supply of single-use notebooks and writing instruments on hand, or have jurors bring their own.
- Provide a jury room in an extra courtroom, grand jury room, or large conference room, if necessary, to accommodate social distancing.

Make sure all security cameras, recording devices, and microphones in the room used are disabled while the jury is present.

Presentation of Evidence

- 1
- Consider use of digital monitors in multiple parts of the room to enable jurors to view digital evidence, provide jurors with individual devices to view the digital evidence, or provide every juror with a copy of the evidence. Consider how to safely move physical exhibits between parties; one court staff member wearing a mask and face shield could be used as the primary individual transferring such exhibits between counsel and the witness.
 - When it is necessary for jurors to handle physical exhibits, provide hand sanitizer for use after handling or gloves that are discarded immediately after use to avoid cross-contamination.
 - During deliberations, encourage jurors to take socially distanced turns reviewing exhibits placed on a table rather than handing around the exhibits.
 - Consider having certain witnesses in civil cases testify remotely via Zoom or a similar live-streaming platform with the "share screen" function to display and explain certain exhibits.

Handling Sidebar Conversations

- Courts should plan for how these separate discussions will occur.
- When possible, courts should provide litigants with a dedicated headset to hear what is said while remaining at the counsel table.

Managing Witnesses

- Courts should be mindful that witnesses may fear that a spectator watching the proceedings by remote broadcast may record the testimony and rebroadcast it on the internet.
- Courts should also consider how they will enforce the rule of sequestration under OCGA § 24-6-615.

- Witnesses should testify behind plexiglass without masks or wear face shields rather than masks so their demeanor can be fully evaluated. The judge should make sure that the jury's view of the proceedings and ability to hear is not obscured.
- On each day of trial, parties should confirm that witnesses are not exhibiting COVID-19 symptoms and have not had recent exposure to someone with COVID-19.

Attorney Communications with Client During Trial

- For criminal trials, starting at least 30 days before trial and then during the proceeding, the defense attorney should be provided confidential and safe access to any detained client to discuss trial proceedings. Doing so will ensure that scheduled trials can stay on schedule and the parties can be prepared to go forward as scheduled.
- In criminal and civil cases, the courts must ensure the opportunity for the attorney and client to communicate confidentially at all times during the trial proceedings.
- When available, courts should provide headphones and microphones for the attorney and client to confidentially and quietly communicate with one another.
- Handwritten notes may be shared between the attorney and client, which can then be destroyed by the attorney when the attorney leaves the courtroom.
- Courts should consider allowing the use of electronic devices, such as tablets or computers, for the attorney and clients to send text messages to one another.
- Courts may provide a room or space outside of the courtroom for the lawyer and client to communicate.
- Courts may allow the use of white noise machines to mask communications between the attorney and client.
- Courts should also be cognizant that an interpreter may also need to be included in these confidential communications.
- Courts should consider how to assure social distancing when the trial team consists of more than one attorney.

Guidance Issued September 21, 2020

This guidance is based on recommendations made by the Criminal and Civil Law Subcommittees of the Judicial COVID-19 Task Force.

APPENDIX

Appendix A: Sample Order Regarding Use of Exhibits

(Taken from Judge Leonard, Cobb County Superior Court)

**IN THE _____ COURT OF _____ COUNTY
STATE OF GEORGIA**

Plaintiff,

CIVIL ACTION FILE NO.:

Defendant.

**ORDER SETTING HEARING VIA ZOOM VIDEO CONFERENCE AND
DIGITAL EXCHANGE OF EVIDENCE VIA CITRIX SHAREFILE**

NOTICE: READ THIS ORDER CAREFULLY. IT CONTAINS SPECIFIC INSTRUCTIONS THAT IF NOT FOLLOWED, WILL PREJUDICE YOUR CASE.

Due to the high rate of COVID-19 cases in our community and the Orders Declaring Statewide Judicial Emergency pursuant to O.C.G.A. § 38-3-61 issued on March 14, 2020 (Order Declaring Statewide Judicial Emergency), April 6, 2020 (First Order Extending Declaration of Statewide Judicial Emergency), May 11, 2020 (Second Order Extending Declaration of Statewide Judicial Emergency), June 12, 2020 (Third Order Extending Declaration of Statewide Judicial Emergency), and July 10, 2020 (Fourth Order Extending Declaration of Statewide Judicial Emergency); the above-styled case is now hereby scheduled for a Special Set via Zoom Video

Conferencing (“Zoom Hearing”) on 10/28/2020 at EST⁵ Time announcement of total. The parties will be sent a Zoom invitation contemporaneously with this Order. This is a mandatory court appearance and if counsel has a legal conflict, counsel shall send a conflict letter that complies with U.S.C.R. 17.1 to the Court by emailing the Court’s staff attorney, Mimi Scaljon, at mimi.scaljon@cobbcounty.org and administrative assistant, Michelle Jordan, at michelle.jordan@cobbcounty.org.

1.

If witnesses are necessary, the parties shall identify the witnesses and provide their names to the opposing party and the Court by emailing the Court’s staff attorney. Failure of a party to log on will be deemed to be a waiver of their presence for the hearing. Any non-party witness will be placed in a “waiting room” and only join the Zoom Hearing when called.

2.

If counsel/parties have evidentiary or demonstrative exhibits they intend to introduce, the parties are ORDERED to contact the Courtroom Clerk, Sandy Jones (sandy.jones@cobbcounty.org) at least **three (3) business days** prior to the hearing to request a link to the Court’s Citrix ShareFile evidence submission portal. The documents intended to be introduced as exhibits shall be pre-marked with exhibit stickers for ease of conducting the Zoom Hearing. Specific instructions as to required evidence format, file naming protocol, and ShareFile Link information are included in this Order as “Exhibit A.” All exhibits must be uploaded and named in accordance with Exhibit A, attached hereto. Exhibits that do not conform to this protocol will be rejected.

3.

The parties/counsel are responsible for timely uploading their exhibits and downloading the opposing side’s exhibits. After that has occurred, but at least **one (1) business day** prior to the hearing, the parties shall email the Court’s staff attorney to inform the Court if the exhibits that were exchanged are agreeable and will be stipulated to. If so, all Exhibits will be admitted at the start of the hearing and they may be referenced without laying foundations and formal introduction of each exhibit. However, if there are going to be objections to certain exhibits, those should be identified to the Court’s staff attorney at least **one (1) business day** prior to the hearing. All objections should state the grounds for the objection and the corresponding rule number from the Georgia Rules of Evidence. The Court will handle any objections that the parties failed to resolve during the hearing.

4.

⁵ The Court notes even though it is virtual, this is still a court session and all participants shall dress accordingly. The time provided by the Court is Eastern Standard Time.

The parties and any witnesses shall familiarize themselves with Zoom and all of its capabilities, including screen sharing, prior the hearing. Counsel shall assist their respective clients with downloading and operating Zoom, prior to the hearing. The court hearing should not be their first exposure to Zoom. The Court further ORDERS all counsel, parties, and witnesses to have any evidentiary exhibits available to them in such a format that they are able to review the exhibits during the video hearing (e.g. printed on paper, or in .pdf format on a separate monitor from the video hearing). To be of assistance to those that have not yet participated in a virtual court session, the Court has also distributed a document entitled "Preparing to Participate in a Zoom Court Session" with the Zoom invite. Please share it with your clients. This document may also be downloaded on the Court's bio page on the Superior Court website. The url is: <https://www.cobbcounty.org/courts/superior-court/judges/judge-robert-d-leonard>

5.

The Court's court reporter will also be present during the Zoom hearing to take down the hearing, if the parties want the hearing reported. The takedown fee is \$43.31 per hour, and the parties will need to make arrangements with the court reporter for payment. The parties shall email the court reporter at Louise.Thijssen@cobbcounty.org at least one (1) day prior to the hearing to let her know whether the hearing will be taken down and to make payment arrangements.

6.

The parties may email the Court's staff attorney with any issues or questions prior to the Zoom Hearing.

7.

If this hearing is being held on a day when the courtroom cannot be opened for public access, the parties are hereby notified that the Zoom Hearing will be "livestreamed" on YouTube for public access. However, once the hearing has ended and the live-streaming is stopped, there will be no video recording of the hearing remaining on YouTube.

8.

The Clerk shall add this hearing to a published calendar.

SO ORDERED, this ___ day of _____ 2020.

CERTIFICATE OF SERVICE

This is to certify that I have this day served all interested parties in the within and foregoing matter by emailing a copy of the Order via PeachCourt electronic service as follows:

This ___ day of _____ 2020.

EXHIBIT A

(Updated July 22, 2020)

As a result of the COVID-19 pandemic, Cobb County Superior Court has adopted a “no touch” policy for documents. This policy is designed to reduce the need to pass evidence between multiple people in the courtroom and to allow for proper social distancing during in person evidentiary hearings. The pandemic has also caused Cobb County Superior Court to routinely conduct nonjury hearings via video conferencing. In video hearings, evidence must be available to multiple participants at different physical locations. As a result, the Court now requires all exhibits and evidence to be made available in electronic format in advance of the hearing.

Please read and follow the evidence protocol below in advance of any evidentiary hearing.

ShareFile Link from Courtroom Clerk to Attorney/Party

The Clerk of Superior Court maintains custody and control of evidence admitted in cases pending in Cobb County Superior Court. Courtroom Clerks will continue with this responsibility using the Citrix ShareFile secure document storage program.

At least 3 business days prior to the hearing date, attorneys/parties should contact the Courtroom Clerk, Sandy Jones at sandy.jones@cobbcounty.org if they have evidence to present at the hearing. The Courtroom Clerk will email the attorney/party a link to access ShareFile. Create a ShareFile account using that email address.

Required Evidence Format

All evidence should be submitted as a .pdf file and **marked with an exhibit sticker or the digital equivalent**. If you are unable to submit your evidence as a .pdf file, you should contact the Courtroom Clerk ASAP for further instructions.

File Name Protocol for All Evidence

In video hearings, and as part of the evidence storage process, multiple people will view the evidence from different computers. It is very important that uploaded files are named in a consistent manner. All evidence should be submitted as a .pdf file and named as follows:

- *In criminal cases*, the file name for all evidence submitted by the state should be "S-1, S-2, S-3, etc." The file name for all evidence submitted by a defendant should be "D-1, D-2, D-3, etc." If there are multiple defendants, the file name should begin with defendant's last name. For example, in State v. John Doe and Brian Smith, the defendants would name their files as "Doe-1, Doe-2, Doe-3" or "Smith-1, Smith-2, Smith-3."
- *In civil cases*, the file name for all evidence submitted by the plaintiff/petitioner should be "P-1, P-2, P-3, etc." The file name for all evidence submitted by a defendant/respondent should be "D-1, D-2, D-3, etc." If there are multiple parties, the file name should begin with the party's last name or company name. For example, in ABC Inc. & Acme Co. v. John Doe & Brian Smith, the plaintiff would name their files "ABC-1, ABC-2, ABC-3" or "Acme-1, Acme-2, Acme-3." The defendants would name their files as "Doe-1, Doe-2, Doe-3" or "Smith-1, Smith-2, Smith-3."
- For *both criminal and civil cases*, it is permissible to add a descriptive title to the file name, so long as the above-referenced file naming protocol is complied with at the beginning of the file name. For example, "P-1 - Husband's Wells Fargo Statements" is permissible and helpful.

If you do not name your files correctly, the Courtroom Clerk will notify you to resubmit.

Upload the evidence file into the appropriate folder for review by the Deputy Courtroom Clerk.

Upload Evidence

Once an account is created, click on "Shared Folders" in the left column.

Click on the folder for the case, and then click on the subfolder for the party submitting evidence. Within each case folder, there is a subfolder designated for each party.

Click on the blue “+” symbol to select a file to upload. Either drag a file to the box or select “Browse files” to select navigate to where file is saved on your computer. The selected file should appear in the box.

Click on the blue “Upload” button in the lower left corner of the screen. Once uploaded, the file will show in the folder with the creator and upload time.

Download Evidence

Each side will be able to view and download evidence uploaded by other parties. Because ShareFile is a web-based storage platform, at times the program may run slow. To prevent any delay during a hearing, attorneys should download all evidence in advance.

To download, click on the box to the left of the selected file(s) and then click on the Download button at the top.

Questions?

If you have questions or are unable to upload evidence, contact the Courtroom Clerk or Judge Leonard’s staff at 770-528-1837 (Michelle Jordan, Administrative Assistant, michelle.jordan@cobbcounty.org or Mimi Scaljon, Staff Attorney, mimi.scaljon@cobbcounty.org).

Appendix B: Sample Order on Zoom Protocol

(taken from Judge McClelland, State Court of Forsyth County)

YOU HAVE BEEN ORDERED TO APPEAR BEFORE THE STATE COURT OF FORSYTH COUNTY, VIA THE ZOOM MEETING APP. You must follow these instructions and appear for your hearing. Failure to appear may result in your claims being denied, or opposing claims granted against you, up to and including a default judgment. If you a defendant in a criminal case, failure to appear may result in the issuance of a bench warrant for your arrest and a forfeiture of your bond.

First, visit zoom.us and create an account. You must use your real name in setting up your Zoom accounts. You should also download and install the app on your computer, tablet and smart phone. (You can do this by clicking Resources, and selecting Install Client or App). If you cannot figure out how to do it, just remember this — when you attempt to host or join a meeting, it will ask you whether to open in the browser or open/install the Zoom app. *Instruct it to open in the Zoom app and allow it to install the program.* You may in the alternative, use the call-in information with a voice call, but while you will be permitted to participate, you will not be permitted to testify under oath unless you appear in camera in Zoom.

Witnesses who are not on camera will not be permitted to testify.

Dress codes: Parties and witnesses should dress "smart casual," which is best described as what someone would wear to a first date or at dinner with their parents. You are responsible for ensuring that your clients and witnesses are aware of and comply with this dress code.

Participating in the Zoom Virtual Courtroom:

1. You will join the virtual courtroom at the scheduled time by clicking the link in the e-vite.
2. When you join a virtual setting, you will be appear in a virtual waiting room with all other parties, attorneys and witnesses. There may be several cases set on the docket at that time. When your case is called, the court will bring you into the virtual courtroom.
3. Because the Zoom app works on all modern smart phones, tablets and computers, each attorney is expected to appear by video, rather than merely by voice.
4. When you enter the virtual courtroom, your video will automatically be on and your audio muted, until the hearing begins.
5. All criminal hearings will be on the record and taken down by the Court's Official Court Reporter. Civil hearings will be taken down by the Official Court Reporter upon request or agreement of the parties and upon making financial arrangements with the Court Reporter before the start of the hearing.

6. Witnesses will be called as in any case, and the court will bring them in one at a time from the waiting room. Remember, only people on video will be permitted to testify unless they are in the physical presence of a notary public.

7. You may "slip notes" to your lawyer, using the private chat feature, if available. To do so, hit the "CHAT" button, and at the bottom of the chat window, pull-down the recipient arrow and select your lawyer's name. However, you are not to communicate with your lawyer or anyone else while you are testifying. You are also prohibited from using the chat feature to communicate with witnesses. Witnesses are only permitted in the virtual courtroom while they are testifying. You are not to hold notes or paperwork in your hands while testifying, just as though you were on the witness stand.

8. You may, upon request, confer in private with your attorney. You should "slip a note" via chat feature to your lawyer, request a moment to confer. If your request is granted by the court, you will be moved into a confidential video room to confer for a few moments.

9. Exhibits and plea papers must be submitted to the Criminal Case Coordinator if a criminal hearing and the Court's Staff Attorney if a civil hearing prior to the hearing, at _____. The only formats that will be accepted are PDF for documents, JPG and PNG for images, and MP4 for videos. No DOC formats or executables will be accepted.

10. All exhibits should be named in this format: Case number and a short description, e.g., "20M1234B Plea Papers" or "20SC1234B Northside Hospital Bills". Any documents that require the judge's signature, such as the Waiver of Rights and Petition to Enter Plea of Guilty must be submitted as a separate document. Evidence not anticipated or submitted prior to the hearing may be submitted during the hearing through the Chat/File feature in Zoom.

Additional instructions will be given to you by the Court during the hearing.

So ordered.

Appendix C: Sample Six-Person Jury Trial Plan (from Judge Hanson, State Court of Bibb County)

**State Court of Bibb County
Pandemic Six-Person Jury Trial Plan**

Summons

1. A limited number of jurors will be summonsed for each day of the trial week. In other words, jurors will be summonsed for each trial, not for the entire trial week. (Misdemeanor trials can typically be completed in one day.) The Court expects 20 to 25 potential jurors to be present at one time. This number can be easily accommodated in the courtroom while social distance of six feet is maintained between potential jurors.
2. The Juror Summons will direct the potential juror to a website for information about jury service. The website includes the Guidelines implemented for all courts at the Bibb County Courthouse, as well as additional information about the protections being taken in State Court for jurors.
3. The website also includes a juror questionnaire to be completed by each juror so that voir dire can be expedited.
4. Potential jurors who contact the Court with a COVID-19 related request for excusal will be deferred or excused.

Arrival for Jury Service

1. Pursuant to the Guidelines, everyone entering the courthouse will be screened and required to wear a facial covering. Any potential jurors who do not have a facial covering will be provided a mask.
2. Upon arrival on the 5th Floor, a bailiff will greet potential jurors and provide hand sanitizer.
3. Potential jurors will check in at a window with a plexiglass barrier. Single direction traffic flow will be utilized to promote social distancing, and spacing is marked on the floor, if there is a line. The flow is directed one-way from the elevators to the check-in and then to the courtroom.
4. The Court has a large courtroom that seats approximately 130 people in normal times. With social distancing of 6 feet in all directions between each potential juror, this courtroom can accommodate 27 potential jurors. Generally, panels of 15 to 17 are used to pick a 6-person jury. Twelve is enough if there are no strikes for cause. Based on the limited number summonsed and the likely high rates of excuses and no-shows, the risk of having too few jurors is greater than the risk of too many.
5. Potential jurors will be directed into the large courtroom and will sit in a marked seat on one of the pews. (The pews and other surfaces are cleaned between each use of the courtroom.) This seat is their assigned seat for the duration, until they are selected or dismissed.



SUPREME COURT OF GEORGIA

FILED Administrative Minutes October 10, 2020
Thérèse S. Barnes Clerk/Court Executive SUPREME COURT OF GEORGIA <i>Thérèse S. Barnes</i>

**SEVENTH ORDER EXTENDING DECLARATION OF
STATEWIDE JUDICIAL EMERGENCY**

On March 14, 2020, in response to the COVID-19 pandemic, the Honorable Harold D. Melton, as the Chief Justice of the Supreme Court of Georgia, issued an Order Declaring Statewide Judicial Emergency pursuant to OCGA § 38-3-61. That Order has been extended six times, with modifications, by orders issued on April 6, May 11, June 12, July 10, August 11, and September 10, 2020. After consulting with the Judicial Council of Georgia and other judicial partners, recognizing again that most in-court proceedings compel the attendance of various individuals rather than allowing them to decide how best to protect their own health, and further recognizing that the novel coronavirus continues to spread in Georgia, it is hereby determined that the Order should be extended again.

Courts in Georgia have continued to perform essential functions despite the pandemic. Courts have also greatly expanded the use of remote proceedings and have resumed limited in-person proceedings that can be conducted safely. In an effort to return to more robust court operations, many of the deadlines imposed by law on litigants in civil and criminal cases that had been suspended, tolled, or extended since the initial March 14 Order were reimposed as of July 14, allowing more pending and newly filed cases to move forward in the judicial process. The last extension order on September 10 authorized the Chief Judge of each superior court, in his or her discretion after consultation with the District Attorney, to resume grand jury proceedings if doing so can be done safely and in compliance with public health guidance based on local conditions. A number of courts have utilized this authority, and many more are expected to do so going forward.

However, jury trials, which require the assembly of larger numbers of people and thus pose more significant issues for conducting safely, have remained suspended. That blanket prohibition cannot continue, even though the pandemic continues, because our judicial system, and the criminal justice system in particular, must have some capacity to resolve cases by trial, and our trial courts have accumulated many cases that are awaiting trial. The September 10 extension order directed the Chief Judge of each superior court to convene for each county in his or her circuit a local committee of judicial system participants to develop detailed guidelines for the safe resumption of jury trials in the county, utilizing the "Guidance for Resuming Jury Trials" included in the Appendix to this order. And as announced in the September 10 order, this order in Section I below authorizes the Chief Judge of each trial court, in his or her discretion, to resume the jury trial process if local conditions allow and the Chief Judge, in collaboration with the local committee, has developed and issued a final jury trial plan.

It should be recognized that grand jury hearings and jury trials will not actually start until a month or longer after the process for resuming them begins in a particular county or court, due to the time required to summon potential jurors for service. It also should be recognized that there are substantial backlogs of unindicted and untried cases, and due to ongoing public health precautions, these proceedings will not occur at the scale or with the speed they occurred before the pandemic. Thus, while our justice system must resume moving cases to indictment and trial as rapidly as can be done safely, **statutory deadlines based on indictments and jury trials will remain suspended and tolled.** Finally, it should be understood that plans may need to be revised based on changing circumstances.

As has been the direction since the original Order, all Georgia courts must continue to conduct proceedings, remotely or in-person, in compliance with public health guidance, applicable statutes and court rules, and the requirements of the United States and Georgia Constitutions, including the public's right of access to judicial proceedings and a criminal defendant's rights to confrontation and an open courtroom. All courts should continue to use and increase the use of technology to conduct remote judicial proceedings as a safer alternative to in-person

proceedings, unless required by law to be in person or unless it is not practicable for technical or other reasons for persons participating in the proceeding to participate remotely. This order again delineates the health precautions required for all in-person judicial proceedings and requires courts to adopt and maintain operating guidelines consistent with the Georgia Court Reopening Guide and any more specific local public health guidance.

Accordingly, the Order Declaring Statewide Judicial Emergency, which would have expired on Saturday, October 10, 2020, at 11:59 p.m., is further extended until November 9, 2020, at 11:59 p.m. All Georgia courts shall continue to operate under the restrictions set forth in that Order as extended; the provisions of this order below are identical to the October 10 extension order except for Section I, which has been substantially revised, and minor revisions in Section II (A) and IV (C). Where this order refers to "public health guidance," courts should consider the most specific current guidance provided by the federal Centers for Disease Control and Prevention (CDC), the Georgia Department of Public Health (DPH), and their local health departments.

I. Grand Jury Proceedings and Jury Trials

(A) Grand Jury Proceedings Authorized

(1) The Chief Judge of each superior court, in his or her discretion after consulting with the District Attorney, may resume grand jury proceedings in person or remotely (where consistent with law), if doing so can be done safely and in compliance with public health guidance based on local conditions. When a Chief Judge exercises this authority, he or she must provide sufficient notice to the appropriate clerk of court or court administrator to allow the process of summoning potential jurors, and potential jurors should be informed in advance about the practices that the court will use to ensure their safety. Guidance for safely conducting in-person grand jury proceedings, based on recommendations from the Judicial COVID-19 Task Force, is included in the Appendix to this order, and guidance on conducting remote grand jury proceedings is forthcoming.

(2) Courts and counsel are reminded that many criminal cases may proceed on accusation and do not require a grand jury indictment.

(B) Jury Trials Authorized; Local Committees to Develop County Jury Trial Guidelines

(1) As directed in the September 10 extension order, every county should have in place a local committee of judicial system participants, convened by the Chief Judge of the county's superior court, which is charged with developing a plan for safely resuming jury trials in the county as further described in the "Guidance for Local Committees on Resuming Jury Trials" included in the Appendix to this order. The local committees should utilize the "Guidance for Resuming Jury Trials" also included in the Appendix in developing their plans, which must be submitted to the Administrative Office of the Courts (AOC) as soon as possible and before the jury trial process begins.

(2) The blanket suspension of jury trials that has been in place since the March 14 Order is ended effective immediately. The Chief Judge of each trial court is authorized, in his or her discretion, to summon new trial jurors and to resume jury trials, if that can be done safely and in accordance with a final jury trial plan developed in collaboration with the local committee and incorporated into the court's written operating guidelines for in-person proceedings discussed in Section IV below. As with grand jury proceedings, when a Chief Judge exercises this authority, he or she must provide sufficient notice to the appropriate clerk of court or court administrator to allow the process of summoning potential jurors, and potential jurors should be informed in advance about the practices that the court will use to ensure their safety.

(C) Because there are substantial backlogs of unindicted and untried cases and because grand jury proceedings and jury trials even when resumed will not occur at the scale or with the speed as before the pandemic, deadlines calculated by reference to the date of grand jury proceedings or jury trials, including but not limited to the speedy trial deadlines in OCGA §§ 17-7-170 and 17-7-171 and the deadlines for

indicting detained individuals in OCGA §§ 17-7-50 and 17-7-50.1, will remain suspended and tolled as discussed in Section II (A) (1) below.

II. Reimposition of Deadlines on Litigants

(A) The July 10 extension order reimposed all deadlines and other time schedules and filing requirements (referred to collectively herein as “deadlines”) that are imposed on litigants by statutes, rules, regulations, or court orders in civil and criminal cases and administrative actions and that had been suspended, tolled, extended, or otherwise relieved by the March 14, 2020 Order Declaring Statewide Judicial Emergency, as extended, on the following schedule and with the following exceptions and conditions:

(1) Consistent with Section I above, **deadlines for jury trial proceedings (including statutory speedy trial demands), deadlines for grand jury proceedings, and deadlines calculated by reference to the date of a civil or criminal jury trial or grand jury proceeding shall remain suspended and tolled.** This provision does not apply to deadlines calculated by reference to the date of non-jury (bench) trials. Statutes of limitation in criminal cases shall also remain tolled until further order.

(2) **All other deadlines imposed on litigants were reimposed effective July 14, 2020, as further explained below.**

(3) In cases that were pending before the March 14 Order, litigants were provided the same amount of time to file or act after July 14 that they had as of March 14.

(4) In cases filed between March 14 and July 13, 2020, the time for deadlines began to run on July 14.

(5) In cases filed on or after July 14, 2020, litigants must comply with the normal deadlines applicable to the case.

(6) If the reimposed deadline falls on a weekend or legal

holiday, the deadline will as normal be the next business day. See OCGA § 1-3-1 (d) (3).

(7) Any extension of time for a litigant's filing or action that was granted by a court, or was agreed or consented to by the litigants as authorized by law, before July 14, 2020, also extended the time for that filing or action after July 14.

(8) Litigants may be entitled to additional time based on the provisions of a local judicial emergency order applicable to their case if such an order tolled applicable deadlines before the March 14, 2020 Order Declaring Statewide Judicial Emergency or tolls applicable deadlines after July 14, 2020.

(9) The tolling and suspension of deadlines imposed on litigants in civil and criminal cases that are calculated by reference to terms of court were lifted as of July 14, 2020, and any regular term of court beginning on or after July 14 counts toward such deadlines. See also the May 4, 2020 "Guidance on Deadlines and Time Limits Defined by Reference to Terms of Court" included in the Appendix.

(10) The 122 days between March 14 and July 14, 2020, or any portion of that period in which a statute of limitation would have run, shall be excluded from the calculation of that statute of limitation.

(11) Litigants may apply in the normal way for extensions of reimposed deadlines for good cause shown, and courts should be generous in granting extensions particularly when based upon health concerns, economic hardship, or lack of child care.

(B) Recognizing the substantial backlog of pending cases, deadlines imposed on courts shall remain suspended and tolled. All courts should nevertheless work diligently to clear the backlog and to comply with usual deadlines and timetables to the extent safe and practicable.

(C) If before July 14 a court reimposed deadlines by order in a specific case based on the authority to do so granted by prior extension

orders, the case-specific order reimposing deadlines shall control over the deadlines for the same filings or actions reimposed by this statewide order.

(D) If in a divorce or adoption case a time period required by law actually passed or passes before the court entered or enters a consent order, consent judgment, or consent decree regarding the divorce or adoption, such order, judgment, or decree shall not be invalid based on any suspension or tolling of the applicable period by the March 14 Order as extended.

III. Proceedings Conducted Remotely Using Technology

(A) All courts should continue to use and increase the use of technology to conduct remote judicial proceedings as a safer alternative to in-person proceedings, unless required by law to be in person or unless it is not practicable for technical or other reasons for persons participating in the proceeding to participate remotely.

(B) Courts should understand and utilize the authority provided and clarified by the emergency amendments made to court rules on video conferences and teleconferences.

(C) Courts may compel the participation of litigants, lawyers, witnesses, and other essential personnel in remote judicial proceedings, where allowed by court rules (including emergency amendments thereto). Such proceedings, however, must be consistent with public health guidance, must not impose undue burdens on participants, and must not be prohibited by the requirements of the United States or Georgia Constitutions or applicable statutes or court rules.

(D) In civil, criminal, juvenile, and administrative proceedings, litigants may expressly consent in the record to remote proceedings not otherwise authorized and affirmatively waive otherwise applicable legal requirements.

(E) Courts must ensure the public's right of access to judicial

proceedings and in all criminal cases, unless affirmatively waived in the record, a criminal defendant's rights to confrontation and an open courtroom.

IV. In-Person Proceedings Under Guidelines for Safe Operations

(A) Courts have discretion to conduct in-person judicial proceedings, but only in compliance with public health guidance and with the requirements of the United States and Georgia Constitutions and applicable statutes and court rules, including the public's right of access to judicial proceedings and a criminal defendant's rights to confrontation and an open courtroom.

(B) 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 this order, including in particular large calendar calls. 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) Each court shall develop and implement operating guidelines as to how in-court proceedings generally and particular types of proceedings, including grand jury proceedings and jury trials, will be conducted to protect the health of litigants, lawyers, jurors, judges, court personnel, and the public.

(1) The Judicial Council Strategic Planning Committee and the Judicial COVID-19 Task Force have issued a bench card entitled "Georgia Court Reopening Guide," which is included in the Appendix and should be used as the template for such operating guidelines, which at a minimum should include all subject matters contained therein. Courts should also consider guidance from local health departments and guidance provided by CDC and DPH; if local public health guidance is more restrictive than the bench card, the local public health guidance should be followed instead.

(2) With regard to everyone who works in a court facility, the operating guidelines shall require **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 Eighth Amended Administrative Order for Public Health Control Measures, a link to which may be found in the Appendix, or any subsequent version thereof.

(3) When there is reason to believe that anyone who works at 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.

(D) Courts of different classes that share courthouse facilities or operate in the same county should coordinate their operating guidelines, and should seek to coordinate operating guidelines with non-judicial entities sharing courthouse facilities.

(E) Each court must submit its operating guidelines to the AOC at <https://georgiacourts.gov/covid-19-court-operating-guidelines-form/> to be posted at <https://georgiacourts.gov/covid-19-court-operating-guidelines/> as a centralized website available to litigants, lawyers, and the public. Operating guidelines also should be prominently posted at courthouse entrances and on court and local government websites to provide advance notice to litigants, lawyers, and the public.

(F) Operating guidelines shall be modified as public health guidance is modified, and shall remain in effect until public health guidance indicates that they are no longer required.

V. Discretion of Chief Judges to Declare More Restrictive Local Judicial Emergencies

(A) Nothing in the Order Declaring Statewide Judicial Emergency as extended and modified limits the authority of the Chief Judge of a superior court judicial circuit under OCGA §§ 38-3-61 and

38-3-62 to add to the restrictions imposed by the statewide judicial emergency, if such additional restrictions are constitutional, necessitated by local conditions, and to the extent possible ensure that courthouses or properly designated alternative facilities remain accessible to carry out essential judicial functions. A Chief Judge may impose such additional restrictions only by a properly entered order.

(B) No court may disregard the restrictions imposed by the Order as extended and modified.

VI. Guidance on Application of the Order

Included in the Appendix are several guidance documents that clarify the application of the order in particular contexts. Additional guidance documents may be posted on the AOC's website at <https://georgiacourts.gov/judicial-council/aoc/>. Guidance related to the tolling of deadlines should be read in light of the reimposition of deadlines by this order and by orders in specific cases.

VII. Professionalism

With regard to all matters in this challenging time, all lawyers are reminded of their obligations of professionalism. Judges are also reminded of their obligation to dispose of all judicial matters promptly and efficiently, including by insisting that court officials, litigants, and their lawyers cooperate with the court to achieve that end, although this obligation must not take precedence over the obligation to dispose of matters fairly and with patience, which requires sensitivity to health and other concerns raised by court officials, litigants and their lawyers, witnesses, and others.

VIII. Notice Provisions

(A) Notice will be provided as to the expected termination of the Order as extended and modified at least one week in advance to allow

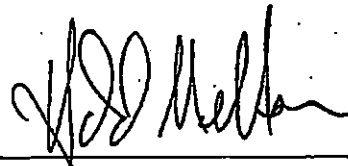
courts to plan for the transition to fuller operations.

(B) The clerks and court administrators of trial courts that conduct jury trials and convene grand juries will be provided sufficient notice of the resumption of jury proceedings to allow the complicated process of summoning potential jurors to be completed.

(C) The impact of COVID-19 varies across the state, and the level of response and adjustment will likewise vary among courts. Courts should make available to the public the steps they are taking to safely increase operations while responding to the COVID-19 pandemic. Recognizing that not all courts have a social media presence or website, the AOC will continue to post court-specific information as it becomes available on the AOC website at <https://georgiacourts.gov/covid-19-preparedness>.

(D) Pursuant to OCGA § 38-3-63, notice and service of a copy of this order shall immediately be sent to the judges and clerks of all courts in this State and to the clerk of the Court of Appeals of Georgia, such service to be accomplished through means to assure expeditious receipt, which include electronic means. Notice shall also be sent to the media, the State Bar of Georgia, and the officials and entities listed below and shall constitute sufficient notice of the issuance of this order to the affected litigants, counsel for the affected litigants, and the public.

IT IS SO ORDERED this 10th day of October, 2020, and effective at 11:59 p.m.



Chief Justice Harold D. Melton
Supreme Court of Georgia

APPENDIX

Guidance on Tolling of Filing Deadlines (March 27, 2020)

Guidance on Tolling of Statutes of Limitation (April 6, 2020)

Guidance on Deadlines and Time Limits Defined by
Reference to Terms of Court (May 4, 2020)

Guidance on Grand Juries (May 4, 2020)

Further Guidance on Grand Juries (May 11, 2020)

Georgia Court Reopening Guide (June 11, 2020)

DPH Eighth Amended Administrative Order for Public Health Control
Measures (July 28, 2020)

Guidance for Resuming In-Person Grand Jury Proceedings
(September 10, 2020)

Guidance for Local Committees on Resuming Jury Trials
(September 10, 2020)

Guidance for Resuming Jury Trials
(September 21, 2020)

Governor Brian P. Kemp
Lt. Governor Geoff Duncan
Speaker David Ralston
State Bar of Georgia
Administrative Office of the Courts
Judicial Council of Georgia
Council of Superior Court Clerks of Georgia
Department of Juvenile Justice
Criminal Justice Coordinating Council
Council of Accountability Court Judges
Georgia Commission on Dispute Resolution
Institute of Continuing Judicial Education of Georgia
Georgia Council of Court Administrators
Chief Justice's Commission on Professionalism
Judicial Qualifications Commission
Association County Commissioners of Georgia
Georgia Municipal Association
Georgia Sheriffs' Association
Georgia Association of Chiefs of Police
Georgia Public Defender Council
Prosecuting Attorneys' Council of Georgia
Department of Corrections
Department of Community Supervision
Georgia Court Reporters Association
Board of Court Reporting
State Board of Pardons and Paroles
Constitutional Officers Association of Georgia
Council of Magistrate Court Clerks
Council of Municipal Court Clerks

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the
minutes of the Supreme Court of Georgia.
Witness my signature and the seal of said court hereto
affixed the day and year last above written.

 , Clerk



Kathleen E. Toomey, M.D., M.P.H., Commissioner / Brian Kemp, Governor

2 Peachtree Street, NW, 15th Floor
Atlanta, Georgia 30303-3142

dph.ga.gov

**GEORGIA DEPARTMENT OF PUBLIC HEALTH
EIGHTH AMENDED ADMINISTRATIVE ORDER
FOR PUBLIC HEALTH CONTROL MEASURES¹**

WHEREAS, on March 14, 2020, Governor Brian P. Kemp issued Executive Order 03.14.20.01, declaring a Public Health State of Emergency in Georgia due to the impact of Novel Coronavirus Disease 2019 (COVID-19); and

WHEREAS, on March 16, 2020, the Georgia General Assembly concurred with Executive Order 03.14.20.01 by joint resolution; and

WHEREAS, the Public Health State of Emergency has been extended as provided by law; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") recommends that all states and territories implement aggressive measures to slow and contain transmission of COVID-19 in the United States; and

WHEREAS, the number of cases of COVID-19 in the state of Georgia continues to grow; and

WHEREAS, COVID-19 presents a severe threat to public health in Georgia; and

WHEREAS, COVID-19 is a severe respiratory disease that is transmitted primarily through respiratory droplets produced when an infected person coughs or sneezes; and

WHEREAS, although the vast majority of Georgians are complying with public health recommendations and guidance for the isolation of persons with symptoms of COVID-19, I have received reliable reports that a small number of persons may be behaving in a way that contributes to the spread of this disease in the community; and

WHEREAS, I have determined that it is necessary and appropriate to require persons who:

- have received a positive lab-confirmed test for COVID-19, or
- are suspected to have COVID-19 based on symptoms recognized by the CDC,
or
- have been in close contact with a person with known or suspected COVID-19

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¹ This Eighth Amended Administrative Order amends and supersedes all prior "Administrative Orders for Public Health Control Measures" in connection with COVID-19.

to isolate or quarantine themselves at home, in order to slow the spread of COVID-19, reduce the number of people who will become infected, and avoid unnecessary strain on Georgia's healthcare system.

NOW, THEREFORE, in accordance with O.C.G.A. §§ 31-2A-4(4) and 31-12-4, Chapter 511-9-1 of the Rules of the Georgia Department of Public Health ("Department"), and Governor Kemp's Executive Orders,

IT IS HEREBY ORDERED as follows:

Isolation of Persons With Known or Suspected COVID-19

1. *Persons With Known COVID-19.* Upon notification by a healthcare provider, public health official, or clinical laboratory of a positive laboratory-confirmed test for COVID-19, the person testing positive for COVID-19 shall immediately isolate himself or herself at home or another location approved by the Department.
2. *Persons With Suspected COVID-19.* Upon notification by a healthcare provider or public health official that COVID-19 infection is diagnosed or suspected based on symptoms, the person with suspected COVID-19 infection shall immediately isolate himself or herself at home or another location approved by the Department. As of the date of this Order, the CDC recognizes the following symptoms of COVID-19 infection: fever (a measured temperature over 100.4 degrees Fahrenheit or a feeling of feverishness), chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea.
3. Each isolated person shall avoid unnecessary physical contact with any and all persons and shall comply fully with the Isolation Protocol attached to this Order, as it may be updated from time to time.
4. Each isolated person shall remain in isolation until such time as he or she no longer presents a risk of infection to the public, as determined by the Isolation Protocol then in effect. As of the date of this Administrative Order, the Isolation Protocol requires an isolated person to remain in isolation as follows:

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(1) *If the person had a mild or moderate case of COVID-19² and is are not severely immunocompromised, then isolation may be discontinued when at least 10 days have passed since symptoms first appeared, and at least 24 hours have passed since the last fever without the use of fever-reducing drugs, and symptoms have improved (e.g., cough, shortness of breath.)*

(2) *If the person had a severe or critical case of COVID-19³ or is severely immunocompromised, then isolation may be discontinued when at least 20 days have passed since symptoms first appeared, and at least 24 hours have passed since the last fever without the use of fever-reducing drugs, and symptoms have improved (e.g., cough, shortness of breath.)*

(3) *If the person was diagnosed with COVID-19 but never developed any symptoms (i.e., asymptomatic), then*

(i) *If the person is not severely immunocompromised, isolation may be discontinued when at least ten days have passed since the positive laboratory test and there are still no symptoms.*

(ii) *If the person is severely immunocompromised, isolation may be discontinued when at least twenty days have passed since the positive laboratory test and there are still no symptoms.*

5. Isolated persons should monitor their symptoms and seek prompt medical attention if the symptoms get worse, as instructed in the Isolation Protocol.
6. Isolated persons may leave isolation in the event of an emergency, such as a fire or natural disaster, or if the person's health condition worsens and he or she requires treatment in a healthcare facility.
7. Each isolated person shall cooperate with state and local public health personnel by answering questions as necessary to identify and locate those persons with whom the isolated person has been in close contact (within six feet for fifteen minutes or more) beginning two days before symptoms began or, for isolated persons who have experienced no symptoms of COVID-19, beginning two days

² A "mild case of COVID-19" means the person had any of the symptoms of COVID-19 (e.g., fever, cough, sore throat, malaise, headache, muscle pain) without shortness of breath, dyspnea, or abnormal chest imaging. A "moderate case of COVID-19" means the person had evidence of lower respiratory disease, or oxygen saturation was abnormally low.

³ A "severe case of COVID-19" means the person's respiratory frequency and arterial partial pressure of oxygen to fraction of inspired oxygen were abnormally low. A "critical case of COVID-19" means the person was hospitalized for shortness of breath, pneumonia, low oxygen levels, respiratory failure, septic shock, or multiple organ failure.

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before the test was completed. If requested by public health personnel, the isolated person shall provide a list of the locations visited by the isolated person during the time frame that he or she may have been able to transmit the disease.

Quarantine of Persons Exposed To COVID-19

8. *Persons With COVID-19 Exposure Likely to Result in Infection.* Upon notification by a healthcare provider, public health official, or isolated person of exposure to COVID-19 based on close contact (within six feet for fifteen minutes or more) with a person who must be isolated as provided herein, the person so exposed shall immediately quarantine himself or herself at home or another location approved by the Department.
9. Each isolated person shall avoid unnecessary physical contact with any and all persons and shall comply fully with the Quarantine Protocol attached to this Order, as it may be updated from time to time.
10. Each quarantined person shall remain at home or in the approved quarantine location for a period of fourteen days from the person's last known exposure to COVID-19.
11. Quarantined persons may leave quarantine in the event of an emergency, such as a fire or natural disaster, or if the person's health condition worsens and he or she requires treatment in a healthcare facility.
12. Health care providers, emergency medical services workers, first responders, and other critical infrastructure workers may continue to work, in consultation with their workplace occupational health program and if necessary to ensure adequate staffing, so long as they are asymptomatic, don masks while on duty, and comply with all other quarantine requirements for the duration of the fourteen day period.
13. During the period of quarantine, the quarantined person shall take his or her temperature twice per day and monitor any symptoms of respiratory illness. If at any time the quarantined person experiences symptoms of COVID-19, including cough, shortness of breath or difficulty breathing, fever (a measured temperature over 100.4 degrees Fahrenheit or a feeling of feverishness), chills, muscle pain, sore throat, or new loss of taste or smell, the quarantined person shall be considered a person with suspected COVID-19 and shall follow the requirements for isolation set forth above.

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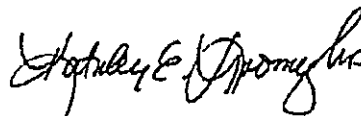
Staff members of the Department are available at 866-PUB-HLTH (866-782-4584) to provide assistance and counseling to persons subject to this Administrative Order concerning their illness or exposure and their compliance with this Order. During the period of isolation or quarantine, the ability of persons subject to this Order to communicate with others outside the isolation or quarantine site, including their ability to exchange confidential communications with legal and medical advisors of their own choosing, will be preserved and facilitated to the extent possible without jeopardizing the integrity of the isolation or quarantine.

Failure to comply with this Order is a misdemeanor offense pursuant to O.C.G.A. § 31-5-8. If the Department has reasonable grounds to believe that a person subject to quarantine or isolation refuses to comply with the requirements of this Order, the Department may provide information to law enforcement as necessary to ensure compliance and to facilitate criminal prosecution.

Further, any person who refuses to isolate or quarantine himself or herself as required by this Order may be subject to such further action as may be necessary to protect the public's health.

This Administrative Order shall remain in effect for thirty days following the end of the Public Health State of Emergency declared in Executive Order 03.14.20.01 and as extended thereafter.

SO ORDERED, this 28th day of July 2020.



Kathleen E. Toomey, M.D., M.P.H.
Commissioner
State Health Officer

Attachment:

- Georgia Department of Public Health Isolation Protocol
- Georgia Department of Public Health Quarantine Protocol

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ORIGINAL



FILED

JUL 24 2020

Timmy M. Howard, Clerk
Superior & State Court
Douglas County, GA

**IN THE SUPERIOR COURT OF DOUGLAS COUNTY
STATE OF GEORGIA**

**ORDER REGARDING COURT PROCEDURES DUE TO COVID-19
PANDEMIC FOR THE DOUGLAS JUDICIAL CIRCUIT**

WHEREAS, Donald J. Trump, President of the United States, and Brian Kemp, the Governor of the State of Georgia, have declared a state of emergency due to the coronavirus COVID-19 Pandemic;

WHEREAS, Harold D. Melton, the Chief Justice of the Georgia Supreme Court, has found a State of Judicial Emergency and has issued several orders the most recent of which was July 12, 2020 directing that the Chief Judge of each Superior Court in each judicial circuit to establish court policies and procedures during the pandemic to ensure public health and safety in the continued operation of all classes of courts including the provision of "comprehensive, written guidelines" that specify "who shall be admitted to the courthouse and courtroom and how public health guidance will be followed," and including quarantine requirements for persons who work in court buildings who are positive for COVID-19 or have been exposed with risk of

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infection; pursuant to the authority granted this court by OCGA Sections 38-3-61 and 38-3-62 this court issues the following Order and Policy regarding procedures to be followed at the Douglas County Courthouse until further Order:

1. No person shall be permitted entry into the Douglas County Courthouse who has tested positive for COVID-19 and has not subsequently been medically cleared or has symptoms thereof. Those symptoms are fever, cough, shortness of breath, chills, repeated shaking, headache, loss of sense of taste, loss of sense of smell or sore throat.
2. No person shall be permitted entry into the Douglas County Courthouse at any manned security station who is not wearing a protective face covering such as a surgical mask, cloth, bandanna, scarf or other covering over their nose and mouth, which must be worn at all times in courtrooms and public areas. Once any person has left a public area of the courthouse and entered the office of any government official within the building, being a visitor or staff member, it is within the discretion of that elected official or department head to require or not require face coverings and other health related procedures within

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those offices.

3. The Sheriff of Douglas County is directed to refuse admittance to the courthouse to persons who are unwilling to comply with these directions and document that said person was turned away on a form provided by the court if that person had court related business at that time. The Sheriff is further directed to temperature scan each person seeking entry into the courthouse and refuse admittance to anyone who has a temperature at 100.4 degrees or more. It shall be the responsibility of each department head to temperature check their staff upon entry to the work place.
4. All persons within public areas and courtrooms of the Douglas County Courthouse must conduct themselves to remain at least six feet "socially distant" from other persons during their time at the courthouse, and the Sheriff is directed to monitor traffic flow in and out of the courthouse and volume of persons within the public areas at all times, and if in the Sheriff or his deputy's discretion the number of persons is such that social distancing cannot be maintained, no further admittance will be allowed until enough persons have conducted their business and left so that social distance can be

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maintained

5. The respective Judges of the Superior, State, Magistrate, Juvenile, and Probate Courts of this Circuit should conduct all court proceedings when practical via videoconference. When it is not practical to conduct a court proceeding by videoconference, the courts have discretion to conduct in person court proceedings, but must limit the number of persons admitted to the courtroom to maintain 6 foot social distancing at all times while at the same time allowing the public to attend court. This will require each court to stagger court proceedings. All persons inside courtrooms shall be required to wear a face covering with the exception of the judge if the judge is on the bench at a distance from the participants.
6. If any class of court plans a court day where there will be a high volume of participants, the Chief Judge of that Court will be required to obtain the approval of the Chief Judge of the Superior Court of this Judicial Circuit before doing so. It will be necessary to do this to give the other courts an opportunity to defer their proceedings to accommodate the needs of that court on that particular day to accomplish the social distancing required by this Order.


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7. The court directs all persons to wash or sanitize their hands using personal equipment or the restrooms and sanitizer stations located in public areas upon entering the building and the court directs that the County Board of Commissioners is to ensure that these materials are available to the public in ample supply.
8. Any person who works at the Douglas County Courthouse who has tested positive for COVID-19 or who has had "close contact" with a person who has or is suspected to have COVID-19 shall not report to work; shall quarantine until medically cleared; shall notify the Chief Judge of their status; and in turn, the Chief Judge shall notify Cobb Douglas Public Health of this event. Close contact is defined as being within six feet of an infected or suspected to be infected person for a total period of at least 15 minutes over the course of a 24-hour day.
9. The court directs this Order to be prominently posted at all courthouse entrances; provided to all attorneys in the local bar by electronic means; posted on the Douglas County website; published prominently in the Douglas County Sentinel at the expense of Douglas County; submitted to the Supreme Court of Georgia electronically;


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and, this order shall be enforced by the contempt powers
of the Court.


SO ORDERED this July 21, 2020.

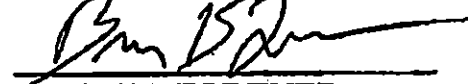

DAVID T. EMERSON
Chief Judge
Superior Court
Douglas Judicial Circuit

Approved:



WILLIAM H. MCCLAIN
Judge Superior Court
Douglas Judicial Circuit


CYNTHIA C. ADAMS
Judge Superior Court
Douglas Judicial Circuit

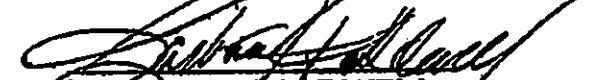

EDDIE BARKER
Chief Judge
Douglas State Court


BRIAN K. FORTNER
Judge
Douglas State Court


MICHELLE HARRISON
Chief Judge
Douglas Juvenile Court


TALIA NURSE
Judge
Douglas Juvenile Court


SUSAN S. CAMP
Chief Judge
Douglas County Magistrate Court


BARBARA CALDWELL
Judge
Douglas County Magistrate Court

Not available
HAL HAMRICK
Chief Judge
Douglas Probate Court

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DATE 10-28-2020

RECORDED IN BOOK 602 PAGE 249
DATE 7-24-2020