



**GUIDELINES FOR THE RESUMPTION OF JURY TRIALS  
SUPERIOR COURT OF GEORGIA  
EASTERN JUDICIAL CIRCUIT**

In response to the declaration of a statewide emergency by the Governor of the State of Georgia and due to concerns over the spread of COVID-19 the Chief Judge of the Georgia Supreme Court issued a series of orders directing courts to conduct business in a manner that reduces the risks associated with this public health emergency. Directives set forth in these orders included the suspension of grand juries and jury trials in the State of Georgia. The Georgia Supreme Court's Sixth Amendment to its Statewide Emergency Order, issued on September 10, 2020, now directs each county to establish a local committee of judicial system participants to develop detailed guidelines for the resumption of jury trials and allows for the use of grand juries.

As directed, the Chief Judge of the Superior Court of the Eastern Judicial Circuit has convened a local committee of stakeholders to assist in developing the following plan to resume jury operations in Chatham County. The following stakeholders assisted in the preparation and/or implementation of this plan:

Georgia Department of Public Health – Coastal Health District

State Court of Chatham County

Superior Court, Eastern Judicial Circuit

Clerk of the State Court of Chatham County

Clerk of Superior Court of Chatham County

Savannah Bar Association

Official Court Reporter, EJC

Chatham County Government

Office of the Circuit Public Defender

Office of the District Attorney

## **Communicating Safety to the Public:**

The general public must have confidence and be given reasonable assurances regarding public health issues in the courthouse. To properly operate, the public must be confident that risks have been mitigated and that their safety is of paramount importance. This assurance is best conveyed when all of the factors that jurors experience are taken into consideration. A part of the Circuit's plan is public outreach that includes reference to the following:

### **1. Vulnerable Populations**

Individuals who are over age 65 and individuals with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune systems are compromised such as by chemotherapy for cancer or other conditions requiring such therapy are considered to be vulnerable populations. Vulnerable populations who are scheduled for court will need to contact the Court for further guidance.

### **2. Social Distancing**

- a. All persons not from the same household who are permitted in the court building will be required to maintain adequate social distancing of at least 6 feet.
- b. Each restroom has been evaluated to determine the appropriate capacity to ensure social distancing and the maximum capacity has been posted on each restroom door.
- c. Public common areas, including breakrooms and the snack bar have been closed to the public.
- d. The maximum number of persons permitted in the gallery of each courtroom has been determined. The maximum capacity of the courtroom(s) will be monitored and enforced by court staff.
- e. The courtrooms have been marked to identify appropriate social distancing in the seating.

### **3. Hygiene**

- a. Hand sanitizer dispensers have been placed at numerous locations around the courthouse for use by staff and the general public. Signage encourages both hand washing and the use of hand sanitizer.
- b. Signs have been posted throughout the courthouse to remind occupants to maintain good hygiene.

### **4. Screening**

- a. COVID-19 screening implemented at the courthouse on March 24, 2020 under an Order issued by the Chief Judge of the Eastern Judicial Circuit. Pursuant thereto, when individuals attempt to enter the court building courthouse security will ask the



individuals if they are feeling feverish; have a cough, shortness of breath, or difficulty breathing; whether they have traveled to a high risk area; or have been in close contact with a person who is confirmed to have COVID-19. Individuals who indicate yes to two or more of these questions are directed to call the office of the on-site Judge. A copy of the March 14, 2020 Order is attached as Exhibit A.

- b. When individuals attempt to enter the courthouse security will use an infrared thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 100.4°F shall comply with the terms of the March 24, 2020 Order.

#### **5. Face Coverings**

- a. On May 22, 2020 the Chief Judge of the Eastern Judicial Circuit issued an Administrative Order mandating the use of masks or face coverings in the courthouse. As ordered therein, all individuals entering the court building will be required to wear face coverings at all times. A copy of the May 22, 2020 Order is attached as Exhibit B.
- b. Individuals will be encouraged to bring cloth face coverings with them, but if the individual does not have a cloth face covering, a disposable face mask will be provided.

#### **6. Cleaning**

- a. The common area(s) of the courthouse will be cleaned on a regular schedule.
- b. The courtroom(s) shall be cleaned on a regular schedule.
- c. Cleaning staff have been provided cleaning supplies shown to be effective with this coronavirus.
- d. Cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

#### **Direct Communication with Prospective Jurors:**

The information outlined above will be provided to perspective jurors on the Court's website and public access channel. To proactively address juror concerns, the Court will provide a one-page document to prospective jurors along with the summons explaining the steps that the Court is taking to mitigate COVID-19 risks.

The Court is considering a call-in number where prospective jurors can call in and report that they are symptomatic so that they do not report in person for service.

### **Space Preparation:**

1. **Paths of Travel:** Social distancing markers have been placed around the courthouse, in and near restrooms, and by elevators. Also, the number of riders per elevator have been limited.
2. **Courtrooms:** A space plan will be created for each courtroom to allow for social distancing.
3. **Reconfiguration:** The space plan includes a reconfiguration of existing courtrooms and installation of mitigation strategies, including but not limited to plexiglass partitions and ionization air purifiers.
4. **Common areas:** Access to common areas will be restricted, including juror amenities (vending, snack bar etc.).

### **Grand Jury Operations:**

1. The Chief Judge or her designee, 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.
2. When Grand Jury proceedings are to commence, the Chief Judge or her designee shall provide sufficient notice to the Clerk of Superior Court to allow the process of summoning potential jurors.
3. The Grand Jury will be assembled in the Jury Assembly Room on the 2<sup>nd</sup> floor of the courthouse, or at an alternative location that would permit remote access to the District Attorney's presentation of evidence.
4. The Grand Jury's deliberation room will be sanitized prior to Grand Jurors entering and will be sanitized when Grand Jurors leave.
5. Personal Protective Equipment will be provided by the Superior Court for any Grand Juror that does not have such equipment and hand sanitizer will be readily available at all times.
6. Grand Jurors will wear masks in accordance with the Chief Judge's May 22, 2020 Administrative Order Concerning the Use of Face Masks/Coverings in Public Areas of the Chatham County Courthouse and the Chatham County Juvenile Courthouse.
7. Any witnesses who will testify before the Grand Jury will be sequestered at the Office of the District Attorney on the 6<sup>th</sup> Floor. When a witness is called to testify that witness will be brought to the Grand Jury Room on the 6<sup>th</sup> floor of the courthouse.
8. The Grand Jury Room will be sanitized before the witness enters and sanitized after the witness leaves.



9. The only individuals in the Grand Jury Room while the witness testifies will be the witness and the prosecuting attorneys, except as outlined herein.
10. Both the Grand Jury room on the 6<sup>th</sup> floor of the courthouse and the room in which the grand jury is seated will have large televisions with webcams so that the Grand Jurors and witness can see, hear, and speak with each other. The Grand jury foreman will have control of the audio and video and will be able to mute audio and disable video when the grand jurors begin deliberating.

### **Trial Jury Operations:**

#### **1. Juror Summons and Arrival**

- a. Jurors will be summoned only for a specific week consistent with the Court's normal operating procedure.
- b. The Court will stagger times for jurors to arrive allowing for the assembly of smaller groups and to permit social distancing.
- c. Prospective jurors will be directed to the jury assembly room on the second floor of the courthouse. Once in the jury room, each juror will be checked in by a jury services employee. If practicable, Jurors for six person juries may be summoned to report directly to the courtroom for orientation.
- d. Once checked in each juror will be assigned a seat for orientation.
- e. For the health of the jurors and the Court staff the Court will provide pencils and the jurors will be instructed to keep all personal items separated from other jurors.

#### **2. Jury Service Staff Interaction**

- a. Jurors will be asked to self-report to the jury staff any symptoms they may have that morning. This is in addition to the screening questions asked upon entry to the courthouse.
- b. Staff will be trained to limit contact with jurors and documents that jurors have handled. For example, jurors will be asked to hold up documentation (summons and driver license) for scanning and review.
- c. Staff will use pre-printed, large stick-on labels for juror badges.
- d. Juror orientation will include a review of the steps the Court is taking to increase juror safety. Jurors will be reminded of the steps they must take for their enhanced safety, including frequent hand washing, and social distancing.
- e. Seats will be marked in jury assembly to designate where jurors are permitted to sit enabling the Court to have proper social distancing in the jury assembly room.

### **3. Preparing the Courtroom for Jury Selection and Trial**

- a. Public health has been consulted on appropriate measures to retrofit the courtroom(s). Some jury boxes have been altered and the courtrooms themselves have been reconfigured.
- b. Markings or tape has been used to delineate proper socially distanced seating in the courtroom.
- c. Courtroom seating is limited and has been prioritized in criminal cases 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.
- d. If gallery space is not adequate, the Court's proceedings will be live streamed.
- e. Plexiglass barriers have been installed as appropriate to separate the judge, staff, parties and their counsel, witnesses, and jurors.
- f. Consideration has been given to ensuring that each juror, party, and counsel can see and hear the proceedings from their places around the courtroom.
- g. Courtrooms will be alternated between trials to deep clean the room, with particular attention to sanitizing the jury seating area, the judge and clerk positions, and party seating areas.
- h. Masks will be worn by all individuals in the courtroom, except by witnesses who are actually testifying.
- i. Chatham County IT has been consulted regarding acoustics, live streaming and enhanced sightlines.
- j. Due to the configuration of the courtroom(s) sidebars will be discouraged. Instead, the jurors may be removed from the courtroom to allow confidential communication between the judge and litigants.
- k. Chatham County has been consulted to determine what HVAC modifications may be made in the courthouse.
- l. The Court has implemented a contingency plan in advance for COVID-19 issues arising during jury selection and trial. The potential jurors will be instructed about the plan at the beginning of jury selection. The plan includes providing jurors with a point of contact if potentially exposed to COVID-19 or experiencing symptoms of COVID-19 during their service.

### **4. Jury Selection and Trial**

- a. Initially, only one trial jury will be selected on any given day to minimize individual movement and interaction within the courthouse. This plan will be reevaluated



- once the Court has had an opportunity to conduct a sufficient number of trials to ensure the viability of this plan and that public health guidelines are complied with.
- b. Upon arrival in the jury assembly room prospective jurors will be given a general voir dire questionnaire. This general questionnaire will be prepared by the the Court and will be designed to help limit the amount of time necessary to evaluate potential jurors. Copies of each questionnaire shall be made available to the Court and the parties.
  - c. Once the questionnaires have been distributed the panel will be brought into the courtroom for jury selection (unless the jurors have reported directly to the courtroom). This will provide room for the next staggered panel to gather in the jury assembly room. The jury assembly room will be sanitized between panels.
  - d. If necessary the courtroom adjacent to the trial courtroom will be used for juror overflow. This allows for the use of three spaces for staging jurors during jury selection (1) jury assembly, (2) trial courtroom, and (3) adjacent courtroom.
  - e. Prospective jurors will be assigned seats in the courtroom for voir dire.
  - f. Counsel will be required to conduct voir dire from their own counsel table instead of the podium.
  - g. Specific individual juror follow up questioning will occur immediately after general voir dire.
  - h. Challenges for cause may be addressed by the Court immediately as grounds for the challenge arise. This will allow for the prompt excusal of unqualified jurors.
  - i. Only jurors will be permitted to use the restrooms in the jury deliberation room(s).
  - j. Jurors in early panels will be released until a time certain to allow for jury selection to continue in smaller groups.
  - k. Once all prospective jurors have been through voir dire the trial jury will be struck with the trial to commence on the next day, except in the case of a six person jury which may begin immediately.

#### **5. Presentation of Evidence**

- a. A camera will be used on the witness, as necessary, to allow a clear view of testimony by all jurors and other trial participants.
- b. When it is necessary for jurors to handle physical exhibits, the Court will provide hand sanitizer for use after handling or gloves that are discarded immediately after use to avoid cross-contamination.

- c. To the extent practical all evidence will be presented on monitors or screens so that personal contact is limited.
- d. During deliberations, the jurors will be encouraged to take socially distanced turns reviewing exhibits placed on a table rather than handing around the exhibits.
- e. Witnesses will 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.
- f. 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.

#### **6. Attorney Communications with Client**

- a. Before trial and then during the proceeding, the defense attorney will be provided confidential and safe access to any detained client to discuss trial proceedings.
- b. Handwritten notes may be shared between the attorney and client, which can then be destroyed by the attorney when the attorney leaves the courtroom.
- c. The Court will permit the use of electronic devices, such as tablets or computers, for the attorney and clients to send text messages to one another.
- d. Where practical, the Court will provide a room or space outside of the courtroom for the lawyer and client to communicate.

#### **7. Deliberations**

- a. The jury will deliberate in a vacant courtroom adjacent to the courtroom in use during the trial, or otherwise in a properly spaced room.
- b. No one is permitted to stand outside the doors and overhear jurors during deliberations, as they will presumably be talking louder than usual because of social distancing.
- c. The jury will be directed to tell the Sheriff's Deputy waiting outside the deliberation room when they have questions or a verdict.
- d. The jurors will be provided with a supply of single-use notebooks and pens on hand.
- e. Pens and juror notebooks will be disposed of after each trial.

October 10, 2020



# EXHIBIT A

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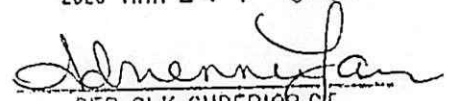
IN THE SUPERIOR COURT OF CHATHAM COUNTY  
STATE OF GEORGIA

FILED IN OFFICE

In Re:  
Declaration of Judicial Emergency

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2020 MAR 24 P 5:01

  
DEP. CLK. SUPERIOR CT.  
CHATHAM COUNTY, GA.

ORDER

Pursuant to the Judicial Emergency declared on March 14, 2020 by Chief Justice Harold D. Melton of the Georgia Supreme Court and adopted by this Court on March 15, 2020 and to protect public health, including the health of court employees, parties and court participants, all individuals, including courthouse employees and employees of agencies or departments located within the courthouse, who enter the Chatham County Courthouse shall be asked the following questions:

- (1) Have you traveled to a high risk area in the last fourteen days?
- (2) Have you had contact with anyone confirmed to have COVID-19/coronavirus in the last fourteen days?
- (3) Have you experienced any of the following symptoms in the last fourteen days:
  - (a) Fever of 100 degrees or greater;
  - (b) Difficulty breathing; or
  - (c) Persistent cough?
- (4) Are you currently experiencing fever of 100 degrees, difficulty breathing or cough?



Any individual responding yes to two or more of the above-referenced questions shall be directed not to enter the courthouse and to call the office or the on-site judge's office they are attempting to access so that they may conduct their business without coming into the courthouse. If the individual is an employee of any agency or department located within the courthouse, that individual shall immediately return home and thereafter call their supervisor to report the event. In addition, anyone exhibiting symptoms of illness as witnessed by the Court or Chatham County Sheriff's Office may be directed to handle their business in the above-described manner<sup>1</sup>:

The Chatham County Courthouse remains open.

SO ORDERED this 24<sup>th</sup> day of March, 2020.



Penny Haas Freeseemann, Chief Judge  
Superior Court, Eastern Judicial Circuit

cc: Chief Justice, Georgia Supreme Court  
All Judges and Clerks of Court  
District Attorney  
Chairman Chatham County Commission  
News media  
Sheriff John Wilder

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<sup>1</sup> Upon the Court obtaining access to an infrared thermometer, the Chatham County Sheriff's Office is permitted to test for temperature at their discretion and close other entrances to the courthouse as needed.

# EXHIBIT B



FILED IN OFFICE

IN THE SUPERIOR COURT OF THE EASTERN JUDICIAL CIRCUIT  
STATE OF GEORGIA

2020 MAY 22 P 12:49  
*Dianne Mosley*  
CLERK, SUPERIOR CT  
CHATHAM COUNTY, GA

In Re: ]  
] ]  
Administrative Order Concerning the ]  
Use of Face Masks/Coverings in Public ]  
Areas of the Chatham County ]  
Courthouse and the Chatham County ]  
Juvenile Courthouse ]  
]

**ADMINISTRATIVE ORDER**

Pursuant to O.C.G.A. § 38-3-61(a)(6), and due to the continuing statewide judicial emergency involving the transmission of Coronavirus ("COVID-19"), the Honorable Chief Judge Penny Haas Freeseemann of the Superior Court of Chatham County **HEREBY ORDERS** as follows:

**WHEREAS**, the Center for Disease Control and Prevention ("CDC") and public health authorities have advised, and continue to advise, public and private agencies to continue to take necessary and appropriate precautions to reduce the possibility of exposure to COVID-19 and slow the spread of the disease;

**WHEREAS**, on March 14, 2020, the Chief Justice of the Supreme Court of Georgia declared a Statewide Judicial Emergency pursuant to O.C.G.A. § 38-3-60 *et seq.*, and said Order was twice amended and extended through June 12, 2020;

**WHEREAS**, the CDC strongly recommends wearing face coverings when traveling outside the home, when gathering in groups in public settings, and where other social distancing measures are difficult to maintain;

**WHEREAS**, in furtherance of the administration of justice and the health and safety of all persons working for or in the Chatham County Courthouse and the Chatham County

Juvenile Courthouse and all other persons entering or doing business in the courthouses,<sup>1</sup> the Court already has in place certain screening requirements (see In Re: Declaration of Judicial Emergency Order, March 24, 2020); and

**WHEREAS**, this Court will continue to take reasonable and prudent actions to further that mission consistent with public health needs and the health needs of those persons working for or in the courthouses, the members of the public, and all others that enter the courthouses.

**NOW, THEREFORE**, in order to continue to protect the health, safety, and liberty of those who work in the courthouses and of those who are required to appear in the courthouses by subpoena or other means, **IT IS HEREBY ORDERED** that effective **TUESDAY, MAY 26th, 2020**, the courthouses will implement the following steps to help reduce the spread of COVID-19:

1. For the protection of others around them, Personal Protective Equipment (“PPE”), including masks or face coverings,<sup>2</sup> shall be worn by all individuals not only upon entering the courthouses, but also in all elevators, courtrooms, common areas, and public areas of the courthouses.

2. If a visitor does not have access to his/her own PPE, a mask will be provided.

3. Within the confines of private workspaces or offices, the individual courts or department heads can develop their own policies to allow no masks, provided social distancing can be observed and the public or other unrelated employees are not placed at risk.

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<sup>1</sup> Hereinafter, “courthouses” shall include the Chatham County Courthouse and the Chatham County Juvenile Courthouse.

<sup>2</sup> Face coverings may include coverings that secure to the ears or back of the head and encompass the mouth and nose. These include homemade cloth ear loop covers, scarves, handkerchiefs, bandanas and neck gaiters.



4. The Court recognizes that masks and face coverings are an inconvenient and uncomfortable matter. However, it needs to be emphasized that you wear a mask for the protection, not of yourself, but for the protection of the persons with whom you come in contact. There will be vulnerable individuals at the courthouses, and you can be carrying the COVID-19 virus although you are not showing symptoms.

5. Any person seeking entry to the courthouses without a mask or face covering shall be denied access by the Chatham County Sheriff or his designees. The person denied entry should call the judge's office or desired destination and determine how to handle their business without coming into the courthouse. If the purpose of the visit is for a court appearance, the Chatham County Sheriff, or his designees, shall notify the primary deputy assigned to the judge and the judge's office of the denied access.

6. The Chatham County Sheriff and his designees are directed to enforce this Order within the common areas and public areas of the courthouse.

7. This Order shall remain in effect until amended or vacated by the undersigned.

**SO ORDERED** this 22nd day of May, 2020.



Penny Haas Freesemann, Chief Judge  
Superior Court, Eastern Judicial Circuit

Cc: Chief Justice, Georgia Supreme Court  
All Judges and Clerks of Court  
District Attorney  
Circuit Public Defender  
Chairman Chatham County Commission  
Chatham County Sheriff's Office  
Chatham County Public Information Officer