



PIEDMONT JUDICIAL CIRCUIT

BARROW COUNTY

GUIDE FOR RESUMING JURY PROCEEDINGS

PHASE 1

Committee Members:

Chief Judge Joseph Booth, Co-Chair
Nicholas Primm, Superior Court Judge, Co-Chair
Piedmont Judicial Circuit District Attorney, Bradley Smith
Piedmont Judicial Circuit Chief Assistant District Attorney, Sarah Griffie
Barrow County Assistant District Attorney, Patricia Brooks
Piedmont Judicial Circuit Public Defender, Donna Seagraves
Barrow County Chief Assistant Public Defender, Katie Anderson
Barrow County Clerk of Court, Regina McIntyre
Piedmont Bar Association President, Erin Dekle
Barrow County Sheriff, Jud Smith
Barrow County Deputy Sheriff, Robert Schuenemann
Piedmont Judicial Circuit Trial Court Administrator, Steven Nevels
T.J. BeMent, District Court Administrator, Tenth Judicial Administrative District
Barrow County IT Official, John Oortman
Barrow County Health Department Representative, Dr. Stephen Goggans
Barrow County Manager, Mike Renshaw

BARROW COUNTY GUIDE FOR RESUMING JURY TRIALS

Pursuant to the Chief Justice of the Georgia Supreme Court's Statewide Declaration of Judicial Emergency entered initially March 14, 2020 and the subsequent extensions thereto, jury trials (and other deadlines and limitations) were suspended. Prior to resuming in-court proceedings as directed by the Georgia Supreme Court's July 10, 2020 Fourth Order Extending Declaration of Statewide Judicial Emergency, this Court developed written guidelines to ensure that in-court proceedings "will be conducted to protect the health of litigants, lawyers, judges, court personnel, and the public."

Recognizing that the broad prohibition on grand jury and jury trials could not continue indefinitely because our judicial system, particularly the criminal justice system, must have some capacity to resolve cases by indictment and trial, the Seventh Order Extending Declaration of Statewide Judicial Emergency dated October 10, 2020 authorized courts to summon 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." This plan is intended to serve as a guideline for conducting jury trials. The Court anticipates that these guidelines for resuming jury trials will be updated and refined once a few jury trials have been conducted and all participants are able to learn from those proceedings.

PHASE 1 – ONE JURY TRIAL AT A TIME

Barrow County shall prioritize scheduling criminal cases. Criminal cases involving 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 shall be the tried in this early phase of resuming jury trials. The early experiences with the more straightforward initial criminal cases will assist the court's ability to incorporate more complex criminal actions into the trial schedule.

GENERAL CONSIDERATIONS

Summons

The Clerk shall summon 200 total jurors for Superior Court and 75 jurors for State Court. The following documents will be mailed to all prospective jurors:

- A Summons directing jurors to report to the Barrow County courthouse. The summons shall also provide a contact person to call or email with health-related questions or concerns.
- A COVID-19 letter from the Court that expresses appreciation for their service, assures them that the court understands their concerns and need for safety, and provides certain reporting and safety information and a contact person to call with health-related questions or concerns and information about deferrals or excusals. (Attached hereto as Exhibit 'A').

- A Questionnaire that seeks contact information including: name, address, cell phone number, email; that asks general qualification questions; and that asks a series of questions to determine whether they are in a category of persons identified by the CDC as being at increased risk for severe illness from COVID-19. (Attached hereto as Exhibit 'B').

Excusals and/or Deferrals

Prior to jurors reporting on the date of service, the Court and Clerk's office will work cooperatively to determine whether any prospective juror(s) should be excused or have service deferred due to medical/COVID-19 related concerns. Such deferrals and/or excusals will be solely at the discretion of and upon approval of the assigned judge.

The Clerk of Court shall compile all juror questionnaires with affirmative responses to questions indicating a heightened risk for COVID-19. The Clerk of Court shall also keep a log of all potential jurors who called in with COVID-19 related concerns. The Clerk of Court shall forward to the Court the contact information and questionnaires of all potential jurors with COVID-19 related concerns. The Court will then conduct a conference with each said juror, by Zoom if possible, to determine deferrals and excusals.

- The Questionnaire referenced above will ask jurors the statutory questions for qualification to serve on a jury and jurors showing to be disqualified based upon his/her responses to the statutory questions shall be excused from service. Any juror answering "yes" to any of the COVID-19 questions may be deferred or excused from service based upon the discretion of the judge in conjunction with the Clerk's office.
- The COVID-19 Letter and Questionnaire referenced above will instruct prospective jurors to call or email a specific individual with COVID-19 related questions and /or excusal/deferral for COVID-19 related reasons. The Questionnaire will inform prospective jurors that in order to be considered for deferral, the form must be returned ten (10) days prior to their date of service.

Check In

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

- Staggered Reporting Times: jurors who return their questionnaires and who provide contact information will be called by the Clerk of Court and given staggered reporting times on the first day of jury selection to reduce a large number of jurors from appearing at the courthouse at the same time.
- Health Screenings: every individual entering the courthouse shall be screened for illness and COVID-19 exposure. Any prospective juror prohibited from entering the courthouse on the date of service will be instructed to fill out an information form that includes their name, address, phone number, email address. That form will be given to the Clerk of Court so that individual's service can be deferred. Individuals shall be screened to determine:
 - Whether said individual currently has a temperature exceeding 100.4°F; and

- Whether said individual is experiencing (or has experienced) any typical symptoms of COVID-19 (as outlined by the CDC to include: fever, chills, coughing, shortness of breath or difficulty breathing, muscle pain, sore throat, new loss of taste or smell) in the ten (10) day period prior to visiting the courthouse; and
 - Whether said individual has been diagnosed with COVID-19 OR exposed to (meaning close contact within six (6) feet for a period of fifteen (15) minutes or longer) an individual diagnosed with COVID-19 within the last ten (10) days prior to visiting the courthouse if no symptoms have been experienced.
- Face Coverings: all individuals shall be required to wear a face covering upon entry to the courthouse and throughout the duration of their time in the courthouse. All face coverings must be properly worn – covering the individual’s nose and mouth (unless instructed or approved by the judge to remove the face covering). All courthouse deputies, bailiffs, and other staff will remain vigilant and politely ask anybody in the courthouse seen without a mask (or improperly wearing a mask) to properly secure their mask. Any individual who arrives to the courthouse without a mask will be provided one.
- Social Distancing: Each courtroom has capacity restrictions: Courtrooms 3 and 4 have a capacity of twenty-five (25) individuals, inclusive of court staff. Courtrooms 1 and 2 have a capacity of thirty (30) individuals inclusive of court staff. Hearing Rooms 1 and 2 have a capacity of ten (10) individuals. Jurors shall be appropriately socially distanced in the courtroom and shall sit at designated markers. To the extent possible, courthouse employees shall also socially distance when in the courtroom.
- Controlled check-in: on the morning of jury selection, jurors will check in at a table located outside the entrance to the courthouse. Social Distancing markers will be placed on the sidewalk for the check in line. A plexiglass barrier shall be placed at the check-in table to aid in safe communication between the clerks and prospective jurors. Members of the Clerk’s office will sit at the table to check arriving jurors in using the Wait While app. After receiving Wait While instructions, jurors will return to their cars until summoned to enter the courthouse. In the event a juror does not have a capable smartphone, the juror will be directed to a designated waiting area inside the courthouse and will receive additional instructions.
- Clear Masks/Face Shields: transparent face shields or clear masks may be worn by individuals who need an accommodation for language or hearing impairments. Witnesses, defendants, and any other individuals whose credibility is to be determined, may wear a transparent face shield or clear mask. The judge may permit a witness to remove his/her face covering while testifying provided that social distancing is observed.

Impaneling Process & Jury Selection

The objective is to qualify 48 jurors for Superior Court, and 24 jurors for State Court. In order to comply with courtroom capacities, jurors shall be divided into panels of twelve with no more than one panel present in the courtroom at a time. Each panel shall be seated in the gallery while socially distanced.

- The first 12 jurors will be checked in at 9:00 am. Once the first 12 prospective jurors have been checked in, they will be seated in the courtroom for *voir dire*. Upon complete questioning by counsel for each side, those twelve jurors will be excused until later in the day. Jurors will be instructed when to return to the courthouse using the Wait While app. The next set of twelve jurors will then be summoned to enter the courthouse and to report to the courtroom using the Wait While app. A civilian bailiff will escort each set of twelve jurors from the courthouse entrance to the courtroom following a designated route.
- Individual *voir dire* shall be conducted immediately following general questions.
- During individual *voir dire*, jurors not being questioned will be escorted to an alternate courtroom where social distancing can be observed.
- Any motions to excuse potential jurors for cause shall be made upon the conclusion of questioning of the particular panel of prospective jurors.
- Striking the jury will occur without bringing the panels back in.

TRIAL

General Protocols

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

- As specified above, masks are generally required.
 - Judges, court staff, bailiffs, lawyers, and jurors will all wear masks or clear face shields during the trial unless otherwise instructed by the judge. The judge will address any concerns with defense counsel about the Defendant wearing a face covering during the trial.
 - If the facial covering is inhibiting the ability of the courtroom speaker, whether judge, witness or attorney, the covering may be removed upon approval of the judge, provided that they maintain an appropriate social distance from others at all times.
 - In order for jurors to make necessary credibility determinations, witnesses may testify without a mask upon request or may wear a transparent face shield while testifying. Social distancing will be observed by the testifying witness.
 - Any individual's refusal to properly wear a face covering will be brought to the attention of the presiding judge.

- Due to difficulty guiding the jurors throughout the courthouse while observing social distancing requirements and while keeping jurors sequestered from the public, it is anticipated that trials will necessitate the use of additional bailiffs (in addition to courthouse security deputies).
- Due to the inadequate size of the traditional jury deliberation rooms in light of social distancing requirements, a second courtroom of sufficient size will serve as the “jury deliberation room” so that social distancing can be maintained.
- The presiding judge will provide jurors with a point of contact if potentially exposed to COVID-19 or experiencing symptoms of COVID-19. Such jurors should not be required to report.
- Any potential juror who does not pass the temperature check or COVID-19 screening questions will be brought to the Judge’s attention immediately and shall not be admitted to the courthouse. Court security and the Clerk’s Office shall keep a list of those individuals refused entry and will provide same to the Court at the conclusion of each day.
- The conference rooms located on the third floor may be used for sequestered witnesses. If the number of sequestered witnesses exceeds the capacities of the conference rooms, the Court will make other arrangements and reserve other spaces in the courthouse (such as attorney meeting rooms).
- Handling “sidebar” conversations – jurors shall be escorted to their deliberation room so that the Court can conduct these matters outside the presence of the jury while maintaining appropriate social distances between the judge, staff, attorneys, and parties.

Courtroom Layout

The traditional courtroom “gallery” will be converted into the jury box. Jurors will be placed in seats marked every six (6) feet in order to comply with social distancing requirements. Jurors shall be assigned a seat whereby they will sit for the duration of the trial.

- Court Staff/Personnel
 - Staff attorney may be relocated to sit in the witness stand.
 - Witnesses shall testify from the jury box.
 - The Clerk of Court or their office’s representative may sit in the traditional location beside the judge.
 - Court reporter will remain seated at the traditional court report’s station, unless a suitable temporary station is needed to improve the court reporter’s ability to record the testimony of witnesses.
 - Attorneys can present their case from the podium, or counsel table if preferred, as long as they are able to maintain a safe social distance from others in the courtroom. They shall ask permission from the court before moving freely about the courtroom or approaching any witness or opposing party. Otherwise, they will remain at their respective counsel table.

Jury Seating & Deliberations

Due to space restrictions and social distancing requirements, existing jury deliberation rooms shall not be utilized. Instead, jurors will use a second courtroom as a jury deliberation room.

- Throughout the course of the trial, jurors shall be seated in the traditional gallery, with a limited number of people per row in order to maintain a safe social distance. They shall be assigned a seat and use the same seat for the duration of the trial.
- A bailiff shall have a supply table with extra masks and sanitization supplies, note pads/paper, writing utensils, and bottled water. Jurors should keep up with their items in order to prevent sharing of these items.
- Bailiffs shall keep the jury deliberation room secure and escort any juror that needs to use the restroom to the closest available restroom in the courthouse secure hallway.
- A bailiff shall escort the jurors to and from the courtroom any time the jurors are excused to the jury deliberation room or back into the courtroom.
- Jurors will be permitted to bring bottled water and a sack lunch if desired each day to avoid having to leave the courthouse for lunch.
- Bailiffs will escort the jurors to a designated location outside the courthouse so that they may remove their face coverings while outdoors. These breaks will be permitted at the discretion of the judge.

Evidence Presentation

- Attorneys will be asked to use their laptops or the courtroom's technology system to display photos, presentations, videos or other documentary evidence so as to limit the number of documents being passed amongst jurors and parties and to limit the need to approach witnesses to identify evidence.
- With respect to items that cannot be displayed in a digital format, the attorneys shall seek direction from the Court.
- Attorneys will be provided sanitizing wipes and will be asked to wipe down the podium and any items touched before returning to counsel table. Attorneys should wipe down their table at the end of the day. Alternatively, bailiffs will spray and sanitize the tables at the end of each day.

Public Viewing

Due to the jury being seated in the traditional gallery of the courtroom, the public may not be able to attend the proceedings in the same courtroom where trial is occurring. In the judge's discretion, the pew on the back wall of the courtroom may be available for limited seating by the public. A bailiff shall be positioned between the public on the back pew and the jurors seated in the gallery.

- IT staff will make arrangements for a stream of the proceedings to be available and played in another courtroom so that members of the public who cannot be accommodated in the "live" courtroom can view the trial at the courthouse.

- Seating in the public viewing room will be marked so as to provide six (6) foot distance between seats (attendees from the same household may sit together).
- All individuals in the public viewing room shall properly wear their face covering at all times.
- Regular courtroom rules apply and there shall be no recording of the proceeding in the public viewing room absent a properly filed and granted motion.
- A deputy shall monitor the public viewing room at all times throughout the course of the trial.

Cleaning/disinfectants

Courthouse janitorial staff shall clean and disinfect all areas used during the course of the trial at the end of each day. Jurors shall use the third floor secure hallway restrooms. Janitorial staff shall clean and disinfect the restrooms at the end of each day.

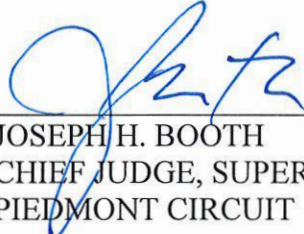
Sheriff's deputies, or civilian bailiffs, shall use a fogger-type device with an approved solution to disinfect the pews after each panel of twelve exits the courtroom during jury selection. The bailiffs shall also use the fogger to disinfect the witness stand (formerly the jury box) after each witness testifies. If a podium is shared by counsel, the podium shall be disinfected with the fogger throughout the trial.


Freestanding hand sanitizer dispensers shall be placed outside the courtroom and inside the jury deliberation room. Hand sanitizer shall be placed at each counsel table.

If feasible, the air filters for the courthouse should be replaced prior to each jury trial commencing.

Duration

Phase 1 outlined herein shall continue at least until each of the circuit's judges has presided over at least one jury trial, in order to allow the Court to learn from the first jury trials and to adapt and refine its procedures.

 12/4/20
 JOSEPH H. BOOTH
 CHIEF JUDGE, SUPERIOR COURT
 PIEDMONT CIRCUIT


 NICHOLAS PRIMM
 JUDGE, SUPERIOR COURT
 PIEDMONT CIRCUIT

Chambers of
Joseph Booth, *Chief Judge*,
Currie Mingledorff, *Judge*,
Wayne McLocklin, *Judge*, and
Nicholas Primm, *Judge*.



**Piedmont Judicial Circuit
Superior Courts**
*Serving Banks, Barrow
and Jackson Counties*

Dear Prospective Juror:

[EXHIBIT 'A']

As our judicial circuit initiates a return to jury proceedings, your health and safety (as well as the health and safety of court personnel, parties, and witnesses) is of paramount importance to us. Our courts continue to monitor the COVID-19 pandemic closely, and we have worked diligently over the last 6 months to plan and execute additional health measures.

Jury duty is an essential part of the American justice system, and we have taken extraordinary steps to minimize risk and conduct these important proceedings in accordance with public health guidelines. Pursuant to the directives of the Georgia Supreme Court, prior to resumption of jury trials, we convened a local task force to assess the safety of courthouse operations and to implement measures designed to protect every participant's health. You can view the Administrative Emergency Orders of the Piedmont Judicial Circuit on our website www.piedmontsuperiorcourt.org. An updated Guide for Resuming Jury Trials will be posted on our website prior to the jury trial week that outlines the safety precautions to be taken during jury selection and trial.

On your report date, you will be required to wear a face covering and will be screened prior to entering the courthouse. No individual will be permitted to enter who:

- currently has a temperature exceeding 100.4°F; and
- is experiencing (or has experienced) any typical symptoms of COVID-19 (as outlined by the CDC to include: fever, chills, coughing, shortness of breath or difficulty breathing, muscle pain, sore throat, new loss of taste or smell) in the ten (10) day period prior to visiting the courthouse; and
- has been diagnosed with COVID-19 OR exposed to (meaning close contact within six (6) feet for a period of fifteen (15) minutes or longer) an individual diagnosed with COVID-19 within the last fourteen (14) days prior to visiting the courthouse.

You will check in at a tent outside of the courthouse and be given further instructions about where you will assemble for the jury qualification and selection process. You may bring bottled water (only) with you to jury selection.

If you are in a high risk category, you can request to have your service deferred. Any deferral or excusal is solely at the discretion of and upon approval of a judge, and requires your immediate response. The Court may contact you if you request a deferral or excusal, may require proper documentation and may schedule a phone or video hearing prior to making a determination. You should submit such a request for deferral or excusal using the included *COVID-19 Juror Questionnaire or Excusal Request* no later than December 1, 2020.

Please call Regina McIntyre, the Clerk of Court, if you have any COVID-19 related questions or concerns. You can reach her at 770-867-8993. Thank you for your service and cooperation.

Joseph H. Booth, Chief Judge of Piedmont Judicial Circuit

Chambers of
Joseph Booth, *Chief Judge*,
Currie Mingledorff, *Judge*,
Wayne McLocklin, *Judge*, and
Nicholas Primm, *Judge*.



**Piedmont Judicial Circuit
Superior Courts**
*Serving Banks, Barrow
and Jackson Counties*

[EXHIBIT 'B']

JUROR QUESTIONNAIRE
Date to Report for Jury Service: 12/14/2020

In order for the Court be able to contact you to provide additional reporting instructions or to address deferrals and excusals, this questionnaire must be returned in the provided self-addressed envelope no later than December 1, 2020. If you do not return the questionnaire, you may miss out on important reporting information.

Name _____ **Address** _____

Phone Number: _____ **email address:** _____

Date of Birth: _____

- | | | |
|---|-----|-------------------------------------|
| (1) Are you a U.S. Citizen? | YES | NO |
| (2) Are you a resident of _____ County? | YES | NO (I'm a resident of _____ County) |
| (3) Have you been convicted of a felony? | YES | NO |
| (If yes, have your civil rights been restored?) | YES | NO |
| (4) Are you the current holder of any elective office in state or local government or have you held any such office within the last two years preceding October 19, 2020? | YES | NO |
| (5) Are you over the age of 65? | YES | NO |
| (6) Do you have any serious underlying medical conditions such as high blood pressure, chronic lung disease, diabetes, severe obesity, severe asthma, severe heart disease, or cancer? | YES | NO |
| (7) Are you or have you recently undergone chemotherapy or another medical treatment that has caused your immune system to be compromised? | YES | NO |
| (8) Do you live with or care for someone considered to be at an increased risk of serious illness from COVID-19 (anyone who would answer "yes" to questions (5)-(7) above might be at increased risk) | YES | NO |

Questions? Please call the Clerk's office (770-867-8993)