

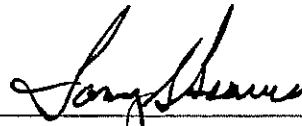
IN THE SUPERIOR COURT OF PAULDING COUNTY

STATE OF GEORGIA

IN RE: Report of Local Committee on Resuming Jury Trials,  
Paulding Judicial Circuit

The Paulding Judicial Circuit Committee on Resuming Jury Trials  
having made their report to the Chief Judge of the Circuit, the report is  
hereby approved.

This 1<sup>st</sup> day of December, 2020.



Tonny S. Beavers  
Chief Judge, Superior Court  
Paulding Judicial Circuit

FILED IN OFFICE  
PAULDING COUNTY, GA  
2020 DEC - 1 PM 3:54  
SHEILA M. BUTLER, CLERK  
PAULDING COUNTY  
SUPERIOR COURT

SCANNED

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## Report of Local Committee on Resuming Jury Trials, Paulding Judicial Circuit

On March 14, 2020, Chief Justice Harold Melton of the Supreme Court of Georgia issued an Order Declaring Judicial Emergency in response to the Coronavirus/COVID-19 pandemic. Among other things, this Order suspended jury trials. Chief Justice Melton has since issued several subsequent Judicial Emergency Orders extending this prohibition.

By Order entered September 10, 2020, Justice Melton stated that the prohibition on jury trials could not continue, even if the pandemic continues, and directed the Chief Judge of each superior court to convene a local committee to develop a plan for safely resuming jury trials in the county. Pursuant to that directive, Chief Judge Tonny Beavers of the Paulding Judicial Circuit issued an Order on September 25, 2020, creating a local committee for this purpose (the "Committee") and appointing members thereto, including the following persons:

Judge Dean C. Bucci, Superior Court  
Judge T. David Lyles, Superior Court  
Matthew Rollins, Esq., Chief Assistant District Attorney  
Angela O-Conor, Esq., Circuit Public Defender  
Michael Lonati, Esq., President, Paulding County Bar Association  
Sgt. Clint Barker, Paulding County Sheriff's Office  
Sheila Butler, Clerk of Court  
Lori Jennings, Chief Deputy Clerk of Court  
Alyson Briant, Court Administrator  
Will Lyons, Head of Paulding Information Technology  
Nicki Ivey, designee of Paulding County Health Department  
Frank Baker, designee of Board of Commissioners  
Angela Woodall, Probate Judge Elect

On October 10, 2020, Chief Justice Melton issued his Seventh Order Extending Declaration of Statewide Judicial Emergency. As in his earlier Orders, Chief Justice Melton acknowledged the challenges involved in conducting jury trials while maintaining health and safety measures, but he also acknowledged the need for jury trials, the backlog of cases to be tried, and he concluded that the blanket prohibition on jury trials could not continue. This Order ended the blanket suspension of jury trials which had been in place since March 14, 2020.

The Committee now issues the following Guidelines for Resuming Jury Trials. Adoption of these Guidelines will result in the jury trial process being even more time-consuming and resource-intensive than prior to the pandemic. However, this is unavoidable if the Court is to protect the health and safety of everyone involved. It will be especially important for the Court and the parties to be well-prepared and ready to begin promptly on the Monday morning of trial week. Any issues which can be resolved prior to trial week should be so resolved.

The Committee recommends that the first trial(s) be misdemeanor trials due to their relative simplicity and the need for fewer jurors. The Committee expects that lessons will be learned from the first trial(s) which may be important to know before the Court conducts felony jury trials, which will necessarily involve many more people.

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Other ideas were explored but not included in the Guidelines. The Committee considered virtual voir dire, but there was little support for this idea for many reasons. E.g., some people lack internet access, connectivity problems are common, attorneys feel they can better evaluate jurors in person, and it is not clear that the process would pass legal muster. The Committee considered the possibility of conducting the trial or portions thereof off-site. This idea was rejected due to concerns about security and the extra demands on personnel it would impose. Virtual juror check-in was explored with the Clerk of Court. It was determined that funds were not currently available to create such a system, but the Court and Clerk would keep the idea open. In the meantime, the Clerk will include with the Summonses return envelopes to obtain advance information from potential jurors.

The Committee's recommended Guidelines follow in outline format.

Respectfully submitted, this 30 day of November, 2020.

Judge Dean C. Bucci, Chair  
Judge T. David Lyles, Vice Chair

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## Guidelines for Resuming Jury Trials, Paulding Judicial Circuit

### 1. PRETRIAL PROCEDURE

#### A. Jury trial calendar:

- (1) Calendar calls should not be in person. They may be virtual, or a judge may take announcements via email or phone, to be detailed in the order setting calendar call.
- (2) Each judge will create his own trial calendar.
- (3) Trial calendars will be smaller than normal.
- (4) The Court will develop a master calendar so that, at least initially, only one judge at a time is conducting jury trials.
- (5) Orders setting trial will include special instructions, such as a reference to health and safety guidelines and special rules in place due to the pandemic.

#### B. Motions:

- (1) All motions should be heard *prior to* trial week, including motions in limine.
- (2) Any other matter which can be resolved prior to a jury trial week should be so resolved.

#### C. Pretrial conference:

- (1) A pretrial conference should take place in each case prior to trial week.
- (2) Pretrial conferences should be conducted remotely.
- (3) During the conference the Court should:
  - (a) Ensure all parties are aware of special rules and procedures,
  - (b) Handle as many pretrial issues as possible to eliminate delay during trial week,
  - (c) Make sure each side is familiar with courtroom technology,
  - (d) Make sure settlement offers have been exchanged,
  - (d) Remind lawyers to convert evidence to digital format where possible,
  - (e) Remind lawyers to immediately report health/safety developments,
  - (f) Explore whether lawyers can stipulate to the admissibility of any exhibits,
  - (g) Discuss elimination of unnecessary or duplicate exhibits,
  - (h) Inquire as to whether there are health concerns,
  - (i) In civil cases, ask whether lawyers will consent to a 6-person jury, and
  - (j) In civil cases, ask whether lawyers will consent to no alternates and to continue if they lose a juror.

#### D. Training and education for bailiffs and the bar:

- (1) All persons employed in the Courthouse must know that the Court Administrator is to be immediately informed of any health/safety issue. She will, in turn, inform the Chief Judge.
- (2) All Courthouse staff will be reminded of the need to follow the local health and safety guidelines.

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## 2. SUMMONING JURORS

- A. Jurors will receive a letter signed by the judges/or the Clerk explaining the need to resume trials including, e.g., the backlog, the rights of those awaiting trial, etc., the efforts taken to protect juror safety, and an appeal to their sense of duty and the fact that as a community we are in this together.
- B. Jurors will be instructed to confirm attendance by returning a questionnaire in an enclosed self-addressed stamped envelope. This will include:
- (1) A COVID questionnaire to be returned in a self-addressed stamped return envelope (until such time as the Court can institute on-line check-in.) It should be made clear that anyone with COVID positive signs will not be excused, but will at most receive a deferral.
  - (2) A request for contact information.
  - (3) An effort will be made to identify citizens who cannot/will not serve as jurors in advance and before bringing them into the courthouse. The Clerk will include with the Summons a separate Juror Questionnaire, which lists grounds for disqualification, exemption, or deferment. Recipients will be asked to complete and return an Affidavit stating any such grounds.
  - (4) The Clerk will present requests for disqualification/deferment to the presiding judge.
- C. Clerk should summon extra jurors in anticipation of problems.  
Summons should include Paulding COVID guidelines and Order regarding masks.

## 3. JUROR CHECK-IN

- A. The Clerk will communicate with jurors the week before trial week and provide the following information:
- (1) Create juror teams and stagger arrival times.  
Example: for felony trials, 3 panels of 12 could arrive 8:00 AM, 11:00 AM, 1:00 PM.  
Example: for misdemeanor trials, 2 panels of 10 could arrive 8:00 AM, 11:00 AM.  
These times and numbers could be adjusted with time and experience.
  - (2) Depending on the numbers, some jurors will be placed "on-call."
  - (3) This will be a juror's opportunity to advise the Clerk on whether the juror is experiencing COVID symptoms (as stated in the Summons).

## 4. MONDAY MORNING OF TRIAL WEEK

- A. Safety precautions at the Courthouse:
- (1) Temperature screening.
  - (2) Face coverings available.
  - (3) Gloves available.
  - (4) Social Distancing in the assembly room.
  - (5) Physical barriers.
  - (6) Juror badges cleaned nightly.
  - (7) Hand sanitizing stations.

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- (8) Ionizers placed in courtrooms.
- (9) Sign in sheet, which may be useful for contact tracing.
- (10) Nightly deep cleaning.
- (11) Modified reporting desk.
- (12) Special security procedures.
- (13) Each juror will be given a bag of supplies as funds and resources permit. If available, these will contain gloves, a mask, a small bottle of sanitizer, wipes, napkins, etc. Among other things, this will allow jurors to personally clean their chairs/immediate surroundings.

B. Jury impaneling process:

- (1) The judge will call for jurors when ready. Jurors will be sent to the courtroom in panels.
- (2) Extra jurors will be released on a one-hour call and instructed that if they are not called in to call the Clerk after 6:00 PM to know whether and/or when to return later in the week.
- (3) Elevators will contain no more than two jurors at a time, or jurors may use the stairs.

C. Voir Dire:

- (1) Only one panel at a time will be in the courtroom.
- (2) At least two alternate jurors are recommended.
- (3) Jurors will be informed that face shields or clear masks, if available, are preferred during voir dire.
- (4) Objections for cause must be made immediately after each panel.
- (5) The jurors will *not* be brought back into the courtroom for silent jury selection.

D. Courtroom Trial Procedure:

Generally:

- (1) Trials should occur in the largest courtroom (#1) on the first floor.
- (2) Face coverings are required for everyone in the courtroom.
- (3) Negative ionizers will be located in courtrooms.
- (4) Plexiglass shield will be installed at the witness stand.
- (5) The proceedings will be live-streamed from Courtroom 1 to the judge's 3<sup>rd</sup> floor courtroom. Once the available seating runs out in Courtroom 1, visitors will be offered the opportunity to observe in the 3<sup>rd</sup> floor courtroom.

Layout:

- (1) Benches will be marked and chairs arranged to compel social distancing (at least 6 feet apart).
- (2) Jurors will not all be in the same box due to social distancing requirements.
- (3) Jurors with vision or hearing problems will be offered the closest seats.

Evidence presentation:

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- (1) Anyone handling physical evidence should use gloves.
  - (2) Lawyers will be encouraged to use digital evidence where possible.
  - (3) Lawyers must present from their table or the lectern. There will be no meandering around courtroom.
  - (4) Lawyers will not approach a witness without permission.
  - (5) Lawyers will use the elmo when possible rather than approaching witnesses.
  - (6) Lawyers using the lectern/elmo should wear gloves.
  - (7) Bench conferences are encouraged over removing jurors from courtroom. All involved must wear a face covering.
- Lawyers should be aware of the location of the court reporter's microphone.  
Expect that bench conferences may take longer.  
Consider white noise or headsets for jurors so they do not overhear bench conferences.

#### RECESSES

- (1) To avoid possible exposure during breaks and the logistical problems of entering and leaving the courthouse, the Court, at its expense, will order in lunch for the jurors. Box lunches encouraged. Buffet-style layouts are prohibited. Jurors with dietary restrictions who wish to bring their own lunch will need to bring their own cooler.
- (2) To avoid crowded doorways and to maintain social distancing, jurors will be allowed to enter and leave the courtroom before others do.

#### DELIBERATIONS

- (1) The Jury Assembly Room will be used for deliberations. Chairs will be arranged 6 feet apart.
- (2) A portable dry erase board will be placed in the room. Each juror will be given his/her own dry erase marker or, if the markers are shared, jurors must use gloves. They will use disposable cloths or paper towels for erasers.
- (3) There will be a sanitizing station in the jury room.
- (4) The Jury Assembly Room will be deep cleaned daily.

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