

IN THE MUNICIPAL COURT OF DALLAS, PAULDING COUNTY

STATE OF GEORGIA

IN RE: Declaration of Judicial Emergency and
Adoption of Guidelines for Municipal Court Operation

Date: January 12, 2021

**ORDER DECLARING JUDICIAL EMERGENCY AND
ADOPTION OF COUNCIL OF MUNICIPAL COURT JUDGES OF GEORGIA BEST
PRACTICES AND GUIDELINES FOR OPERATION OF MUNICIPAL COURTS
DURING THE COVID-19 RECOVERY**

WHEREAS, the Governor has determined that a Public Health State of Emergency exists in the State of Georgia due to the spread of the Coronavirus/COVID-19, and whereas that state of emergency constitutes a "judicial emergency" pursuant to O.C.G.A. §38-3-60 et seq., see O.C.G.A. §38-3-60(2).

WHEREAS, pursuant to O.C.G.A. §38-3-61, the Honorable Harold D. Melton, Chief Justice of the Supreme Court of Georgia, has ORDERED AND DECLARED a Statewide Judicial Emergency in the State of Georgia. The nature of this emergency is the continued transmission of Coronavirus/COVID-19 throughout the State and the potential infection of those who work in or are required to appear in our Courts.

WHEREAS, the Honorable Chief Justice Harold D. Melton, Georgia Supreme Court has on January 8, 2021 ordered and declared an extension of the Statewide Judicial Emergency until February 7, 2021 at 11:59PM;

WHEREAS, it is necessary and proper to adopt guidelines to ensure public safety and protect the health of the general public, litigants, court personnel, lawyers, and all others with whom the Court comes in contact, in keeping with general public health guidelines and the order of Chief Justice Melton;

NOW THEREFORE, pursuant to O.C.G.A. §38-3-61, The Honorable Judge W. Darrin Keaton of the Municipal Court of Dallas, Paulding County, Georgia, DOES HEREBY DECLARE a Judicial Emergency in the City of Dallas until February 7, 2021 at 11:59PM. This Court shall continue to operate under the restrictions set forth in the initial Georgia Supreme court chief Justice's order Declaring Judicial Emergency of March 14, 2020 as extended on April 6, 2020, as extended on May 11, 2020, as extended on June 12, 2020, as extended on July 10, 2020, as extended August 11, 2020, as extended September 10, 2020, as extended October 10, 2020, as extended November 9, 2020, as extended December 9, 2020, as amended December 22, 2020, as extended January 8, 2021.

This Court shall continue to use and increase the use of technology to conduct remote judicial proceedings as a preferred alternative to in-person proceedings, both to ensure that essential court functions are continued and to conduct non-essential proceedings to limit the backlog of

such matters when the judicial emergency is terminated. The Court may compel the participation of litigants, lawyers, witnesses, and other essential personnel in remote judicial proceedings, including civil non-jury trials and other non-jury adjudicative 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.

In civil, criminal, and juvenile proceedings, parties may expressly consent on the record to remote proceedings not otherwise authorized and affirmatively waive otherwise applicable legal requirements. The Court shall ensure the public's right of access to judicial proceedings and, unless affirmatively waived in the record, a criminal defendant's rights to confrontation and open courtrooms.

This Court may conduct essential and non-essential 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 open courtrooms.

The Court hereby adopts and includes as part of this Order by reference the Best Practices and Guidelines for Operating Municipal Courts During the COVID-19 Recovery. These guidelines were further particularized by the City of Dallas to address how in-court proceedings generally and particular types of proceedings will be conducted to protect the health of litigants, lawyers, judges, court personnel, and the public. These guidelines for the City of Dallas court proceedings are attached hereto as Exhibit "A". The Court further references and shall meet all requirements adopted by the Georgia Supreme Court, specifically, the Georgia Court Reopening Guide, dated June 11, 2020 as amended. This Order and the adopted guidelines shall be prominently posted at courthouse entrances and on court and government websites of the city of Dallas, Georgia to provide advance notice to litigants, lawyers, and the public.

This Judicial Emergency shall terminate on February 7, 2021, at 11:59 p.m., unless otherwise amended. Should the state of emergency extend beyond the period indicated above or should the nature of the emergency otherwise require modification, a determination of available alternative remedies for the conduct of court business will be made as necessary, and a corresponding order will be entered and distributed in accordance with Georgia law.

Pursuant to O.C.G.A. §38-3-63: IT IS ORDERED that the Chief of Police for the City of Dallas shall post this Order on his public notification site and in the courthouse, if applicable;

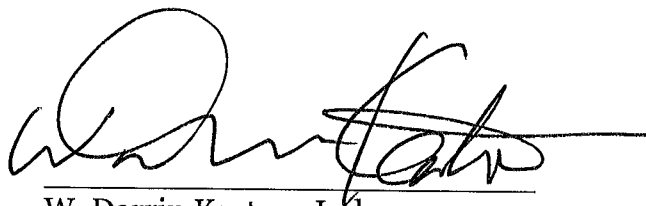
IT IS FURTHER ORDERED that the undersigned shall immediately notify and serve Chief Justice Harold D. Melton of the Supreme Court with a copy of this Order, such service to be accomplished via email to Therese Barnes, the Clerk of the Supreme Court of Georgia, at barnest@gasupreme.us and the Administrative Office of the Courts.

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

the clerks of the Georgia Court of Appeals and the Georgia Supreme Court, such service to be accomplished through reasonable means to assure expeditious receipt; and,

IT IS FURTHER ORDERED that the undersigned shall give notice of the issuance of this Order to the affected parties, counsel for the affected parties, and the public. Notice of the issuance of this Order and a copy thereof shall be published upon the City of Dallas website, and shall be posted prominently upon all entrances to the City of Dallas Court Services office.

IT IS SO ORDERED this 12th day of January, 2021.

A handwritten signature in black ink, appearing to read 'W. Darrin Keaton', written over a horizontal line.

W. Darrin Keaton, Judge
City of Dallas Municipal Court
Paulding County, Georgia



Dallas Municipal Court

Updated Court Procedures in Response to COVID-19

Dear Defendants with upcoming court dates located at 120 Main Street, Dallas, Ga. 30132:

If you have already paid your citation and if your appearance is not mandatory, you do not need to come to court. If you wish to dispute the violation, it is your right to appear in court and that is why you are receiving this notice. For many traffic violations, your appearance is not required.

This is uncharted territory for all of us. We are trying our best to come up with reasonable policies and procedures to protect everyone's health and well-being. Your patience and courtesy are appreciated.

Please contact us to make arrangements if you:

- are a member of an immune-compromised population (or living in a household with someone who is immune-compromised)
- are over the age of 65; or
- if you have small children and do not have child care

If you are not sure whether you must appear for court, please contact the clerk's office at 770-443-8105 or 770-443-8102.

- **No friends, family members, or children may enter the courtroom.** Only the defendant listed on the citation will be allowed to enter the courtroom, with their attorney, if applicable. **Individuals under 21 may be accompanied by one parent/guardian.** If you encounter a child care issue, please contact the clerk's office prior to your court date.
- **Court times are staggered for every 30 minutes.** Please be on time.
- **When you arrive for your arraignment, you will check in at security in the front of the court building.** You will be asked to provide your name and a cell phone number. If there is not enough space in the courtroom, you will be asked to return to your vehicle until space is available. You will be subject to a temperature check and screening questionnaire upon entry.
- **Any defendant who is ill will not be permitted to enter the court.** Please, if you do not feel well stay at home and call the clerk's office to discuss options.
- **Social distancing of at least six (6) feet shall be maintained at all times.** In order to ensure proper social distancing, courtroom seating shall be arranged so that no less than six (6) feet of distance is maintained at all times. Seating in the courtroom shall be limited to 14 people, excluding court personnel.
- **Defendants who are 60 years of age or older** and are not comfortable coming to court due to increased risk may contact the clerk's office prior to your court date.
- While we are taking every precaution possible, **defendants are encouraged to wear a face covering** (mask or cloth) the entire time while inside of the courtroom. Hand sanitizer will be provided. Hard surfaces in the courtroom area will be sanitized before and after each court proceeding.
- **Defendants who require an interpreter** for court proceedings, please contact the clerk's office prior to your court date.

Again, if you have any questions, you may contact Court Services by email ladams@dallas-ga.gov or efowler@dallas-ga.gov or by telephone at 770-443-8105 or 770-443-8102. Please stay safe and we look forward to working with you.

Sincerely,

Clerk and Staff of Dallas Municipal Court