

**IN THE MUNICIPAL COURT OF DAWSONVILLE  
STATE OF GEORGIA**

**IN RE: Declaration of Judicial Emergency** )  
**and Adoption of Guidelines for Municipal** )  
**Court Operation** )  
 ) **Administrative Order: 2021-0001**  
**Date: February 4, 2021** )  
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**ORDER DECLARING JUDICIAL EMERGENCY AND ADOPTION OF COUNCIL OF  
MUNICIPAL COURT JUDGES OF GEOGIA'S 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 sec. 38-3-60 et seq.

WHEREAS, pursuant to O.C.G.A. sec. 38-3-61, the Honorable Harold D. Melton, Chief Justice of the Supreme Court of Georgia, ORDERED AND DECLARED A Statewide Judicial Emergency in the State of Georgia on March 14, 2020. The nature of this emergency is the continued transmission of the 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, of the Georgia Supreme Court has, over the course of time, modified and extended the order declaring a Statewide Judicial Emergency, most recently on January 8, 2021;

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 whom the court comes in contact, in keeping with the general public health guidelines and the Order to Chief Justice Melton;

AND WHEREAS, the Municipal Court of the City of Dawsonville has not had occasion to meet pursuant either to regular call or special setting since the start of the COVID-19/Coronavirus pandemic, but it appears there may be an occasion for the said Court to convene in the coming weeks or months;

NOW THEREFORE, pursuant to O.C.G.A. sec. 38-3-61, The Honorable Chief Judge Ronald D. Reemsnyder of the Municipal Court of the City of Dawsonville, Dawson County, Georgia, DOES HEREBY declare a Judicial Emergency in the City of Dawsonville until April 16,2021 at 11:59 PM, and it is further ordered as follows:

This Court shall continue to operate under the restrictions set forth in the Orders of the Chief Justice of the Georgia Supreme Court as the same may be amended from time to time for so long as they are in effect.

#### Remote/Virtual Proceedings:

- This Court shall use 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, if any, when the judicial emergency is terminated.
- The Court shall utilize the accounts and services of the City of Dawsonville, including its “Go to Meeting” account which provides for free public participation and access to the judicial system in a remote fashion.
- In the event that remote judicial proceedings are to be utilized, the Clerk of the Dawsonville Municipal Court shall schedule the “hearing” or “trial” using the selected technology, shall send notice to all litigants for the trial or their counsel of record, and shall make a link available to all such litigants or counsel of record for the purpose of securing the attendance of witnesses or the presence of a Court Reporter.
- Separate virtual “rooms” can be used for the purpose of sequestration.
- The proceedings shall be recorded using the technology utilized for the hearing or trial regardless of whether there is a Court Reporter.
- Counsel or Litigants shall be responsible for familiarizing themselves with the technology in advance of the hearing or trial, including the manner in which to “share screen” for the presentation of exhibits.
- The Court 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 shall, however, 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 court 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 on the record, a criminal defendant's rights to confrontation and open courtrooms.

#### In-Person Proceedings

- 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 to access to judicial proceedings and a criminal defendant's rights to confrontation and open courtrooms.

- Any in-person judicial proceedings shall require that participants wear masks at any time when not speaking, and preferably at all times (including while speaking).
- To the greatest extent possible social distancing of at least six feet between persons shall be maintained in the courtroom.
- Between matters any tables, chairs, witness stands, and lecterns shall be disinfected prior to use by participants in the next proceeding.

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, as may be amended from time to time. These guidelines 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 were adopted and published by the Council of Municipal Court Judges of Georgia and are attached hereto as Exhibit "A". This Order and the adopted guidelines shall be prominently posted at the Dawsonville Municipal Complex to provide advance notice to participants in any trials, lawyers, and the public.

Filings may continue to be made in person at the Dawsonville Municipal Complex, via U.S. Mail, or via Statutory Overnight Delivery. The Dawsonville Municipal Court has not adopted an e-filing system.

Should the state of emergency extend beyond the period indicated above or should the nature of the emergency otherwise require modification or extension, 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.

IT IS FURTHER ORDERED that the Clerk of the Dawsonville Municipal Court shall immediately notify and serve the Chief Justice of the Georgia 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](mailto:barnest@gasupreme.us).

IT IS FURTHER ORDERED, that the Clerk of the Dawsonville Municipal Court shall immediately notify all litigants in the Dawsonville Municipal Court of this Order.

IT IS SO ORDERED, this <sup>15<sup>th</sup></sup> of February 2021.

Dawsonville Municipal Court

  
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Chief Judge Ronald D. Reemsnyder



# Council of Municipal Court Judges

## Council of Municipal Court Judges Best Practices & Guidelines for Operating Municipal Courts During the COVID-19 Recovery

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**District Three**  
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Judge Bill NeSmith

**District Four**  
Judge Michael Nation  
Judge Davis Will

**District Five**  
Judge Tiffany Carter Sellers  
Judge Parag Shah

**District Six**  
Judge J. Kristi Lovelace  
Judge Clayton Davis

**District Seven**  
Judge Robert Cowan  
Judge Nathan Wade

**District Eight**  
Judge Joseph Sumner  
Judge Dexter Wimbish

**District Nine**  
Judge Pamela Boles  
Judge Claude Mason

**District Ten**  
Judge Graham McKinnon  
Judge Ryan S. Hope

With the gradual expansion of services offered by the Courts, certain guidelines will have to be followed in order to ensure the safety of both the Court staff and the public that come in contact with the Courts. Given the diversity of the Municipal Courts, it is impossible to create a one-size-fits-all policy that will suit big city and small city Courts alike. However, there are certain principles that apply across the board. These guidelines and best practices are presented by the Council of Municipal Court Judges in order to help each Court create its own individual policy conducting business during COVID-19 recovery.

We recognize that resources vary widely throughout the State and not all of these best practices will be available in every Court but they should be followed to the extent practicable.

### PERSONNEL/STAFF

- Implement staggered shifts for all possible workers and /or implement teleworking for all possible workers;
- Discourage workers from using other workers' phones, desks, offices, or other work tools and equipment;
- Where possible, stagger workstations to avoid employees standing adjacent to one another or next to each other. Where six (6) feet of separation is not possible, consider spacing options that include other mitigation efforts with increased frequency of cleaning and sanitizing surfaces;
- Require all employees to wear face coverings at all times;
- Consider temperature checks of employees upon entering work each day; and
- Require workers who exhibit signs of illness to not report to work or to seek medical attention.

### NOTIFICATION

The standard notification for hearings for defendants and other witnesses and necessary parties will need to be modified.

At a minimum, in addition to the standard information regarding date, time, and location of the hearing, include information about how to contact the Court to request an automatic 30-60 day continuance in the event that the noticed party:

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

You may want to include information about interpreters or other reasonable and necessary accommodations so that people know how to request an interpreter or other accommodations ahead of time to avoid an unnecessary trip to the building. Consider having a separate calendar for those who need interpreters to avoid additional trips to the Courthouse for the interpreter.

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Individuals who feel uncomfortable leaving their homes during the pendency of the Shelter-in-Place order should be allowed a courtesy reset upon request.

## **COURTROOM MANAGEMENT**

### ***Low-Density Population***

Governor Kemp's Executive Order dated April 23, 2020 provides certain guidelines to ensure the safety of individuals required to be in proximity to one another for business purposes. The Executive Order does not allow for any municipal government to allow gatherings of persons outside their residence who do not reside together, with only limited exceptions.

In order to meet with those exceptions, the following is necessary:

- Maintain a six (6) foot distance between individuals who do not reside together.
- Do not schedule more individuals to arrive at the Courtroom (including staff) than the dimensions of the courtroom can accommodate to allow a six (6) foot distance between the individuals.
- Calculate this by measuring the square footage of the seating area of the room. There should be no more than one defendant for every six (6) square feet of space.
- Consider a maximum of 25 people total per session considering the allowance per the formula.

### ***Staggered Scheduling***

Although it is common practice in most Courtrooms under normal circumstances to have large calendar calls, under these unusual circumstances, stagger the arrival of defendants and other necessary individuals so that there are not a large number of individuals arriving at the same time. For example, if your Courtroom can accommodate twelve (12) people, do not schedule your normal fifty (50) person calendar for 8:30 a.m. Schedule the first 12 for 8:30, the second 12 for 10:00, and so on.

### ***Screening***

Consider having some sort of screening process for individuals before they enter your Courtroom.

- Have a series of questions you ask each individual upon entry to the building, such as:
  - whether or not they have traveled to or from any areas in which COVID-19 is particularly active;
  - if they or anyone in their household have experienced symptoms of COVID-19; or
  - if they have been tested for the virus.
- If possible, their temperature can be taken and anyone with a fever higher than 100.4 degrees should be refused admission and their case continued.

### ***Staging***

Do not allow patrons to congregate in waiting areas or common areas. Design a process to ensure patron separation while waiting to be seated that can include:

- Floor markings;
- Outdoor distancing;
- Waiting in cars; or
- Utilization of tenting.

## **TYPES OF HEARINGS**

Initial hearings, preliminary hearings, and bond hearings, have long been authorized by statute to be done by video conference. See O.C.G.A. 17-4-47. Consistent with Chief Justice Harold Melton's April 6, 2020 Order Extending Declaration of Statewide Judicial Emergency, the use of video and teleconferencing is

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encouraged □to reduce backlogs when the judicial emergency ends.□ Municipal Court Rule 15.2 also allows for the expanded use of video conferencing to take pleas in criminal cases, conduct probation revocation hearings, and other cases.

Use of conference calls, computer programs such as WebEx, Zoom, Skype, Google, and others are relatively low-technological solutions that are widely available and inexpensive and can be used creatively for all sorts of hearings with the active and informed consent of all parties involved. When doing so, ensure compliance with the recordation required in Municipal Court Rule 26.

If your Court does not already have one, consider instituting a policy which would allow defendants to waive arraignment. When allowing defendants to do so, make sure that the policy ensures the preservation of all constitutional rights protected by the arraignment process.

## **COURTROOM MANAGEMENT**

### ***Protective Equipment***

All courtroom staff should be properly equipped with masks and should be educated on and given the opportunity to wash their hands frequently. Equipment such as telephones and computer keyboards should not be shared.

If possible, handwashing or hand sanitizing stations should be available to both staff and the public. Suggestions include:

- Directing individuals to the sinks in the bathroom
- Separate sanitation stations,
- Frequently placed hand sanitizer dispensers, or
- Providing sanitizing wipes for people to disinfect surfaces they must touch, such as door handles, chair arms, and pens.

Enact policies and procedures to encourage Social Distancing for patrons and employees. Measures may include:

- Protective Plexiglass screens at service counters and at payment windows;
- Decals on the floor or aisles with messaging on Social Distancing;
- Signs throughout the Court giving visuals and information on Social Distancing;
- Allowing anyone who brings their own protective equipment to wear it;
- Providing masks for individuals who do not have their own;
- Allowing each individual who signs a document to retain the pen he or she uses to avoid cross-contamination.
- Disallowing the gathering of large groups in common areas like lobbies and parking lots.

### ***Flow***

Consider the route that people will take through your building and/or Courtroom. Enact policies and procedures that encourage Social Distancing, such as:

- Roping or taping off certain seating areas or hallways;
- Placing arrows on the floors to direct foot traffic; or
- Require people to enter through one door and exit through another.
- Coordinate with other stakeholders located in your building to maximize efficiency of effort.

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## ***Open Courtroom Concerns***

Many individuals bring support persons when they come to Court. While this is normally encouraged in Georgia's open Courtrooms, this may prove difficult when ensuring the low-density population in the Courtroom to provide the necessary social distance safety requires. When possible, allow anyone in the Courtroom who wishes to be there, so long as the low-density population rules and Social Distancing rules are followed. When this is not possible, have a policy in place that limits the constrictions on an open courtroom. Consider having a live YouTube or Facebook or Zoom or other link that you can provide for individuals who want to see what is going on in the Courtroom. Consider rotating individuals in and out as quickly as possible.

## **SIGNAGE**

Place a sign near the entry of the building/Courtroom and in other prominent places that states that individuals who have a fever or other symptoms of COVID-19 shall not enter the Courthouse.

Place a sign in prominent places reminding individuals to wash their hands frequently and to cover their mouths and noses when they cough and sneeze.

Use arrows and tape to direct the flow of foot traffic through the building.

## **SANITATION**

Do your best to keep the Courtroom and the Courthouse sanitized at all times. Use disinfectant wipes and sprays on chairs, benches, tables, and other shared furniture and equipment between uses, including between each Court session.

Request that the bathrooms and other shared facilities be cleaned and sanitized regularly. Check to see that bathrooms are cleaned and well-stocked with soap and paper towels at all times.

Be sure to coordinate with the stakeholder located in the building with your Court to combine efforts.

## **GRANTS**

Many of these measures cost money, which can be hard to come by. There are some grants available, notably some through the [Georgia Emergency Management](#) (email request) and the [Department of Justice](#).

## **CONCLUSION**

This is uncharted territory for all of us, and we are trying our best to come up with reasonable policies that take into account the needs of the Courts and the public while keeping everyone's safety in mind. If you have any further questions or concerns, please do not hesitate to contact the Council or your local district representative.

Sincerely,

*Judge Dale "Bubba" Samuels, President  
Council of Municipal Court Judges*