

Beginning on March 10, 2021, the suspension of jury trials will be lifted across Georgia. Under the latest order, the Chief Judge of each trial court has the discretion to resume jury trials if it can be done safely and in accordance with a final jury trial plan. In developing the plan for the Conasauga Judicial Circuit, we have tried to comply with the Guidance for Resuming Jury Trials as much as is practicable in our circuit, we have examined the status of COVID-19 cases in our area, and have relied on the advice of local health experts as well as CDC guidelines. Our plan incorporates our circuit's order regarding in person court proceeding dated July 7, 2020. We have also attached the new orders allowing the clerks to excuse jurors as well as all other previous orders dating back through May which remain in effect. The materials provided also include a juror questionnaire in order to help with the summons process. This plan is intended to be detailed but also flexible, as we will surely learn more about what works and what needs improvement in order to keep everyone safe and healthy.

Definition of Close Contact for the Purposes of this Plan

Close contact as defined by the Center for Disease Control: For the purposes of COVID-19, close contact is considered to occur when 1) a person is within six feet of someone who has COVID-19 for a total of fifteen minutes or more 2) a person provided at home care to someone who is sick with COVID-19 3) someone had direct physical contact with a person with COVID-19 4) someone shared eating and drinking utensils with someone with COVID-19 5) a person with COVID-19 sneezed, coughed or somehow got respiratory droplets on the other person.

Important Note About Masks

According to the CDC, neck gaiters and face shields are unknown to be effective in stopping the spread. Net Material masks, and masks with exhalation vents are absolutely inappropriate masks. Court Services shall stop any person wearing a neck gaiter, face shield, net material mask, or mask with an exhalation vent and provide them with an appropriate mask.

Jury Summons Procedures

In Whitfield County, jurors will be instructed to gather to be empaneled at the Dalton Trade and Convention Center. Voir dire will take place at that location. All trial jurors will be given a notice for a date and time to report to the Whitfield County Courthouse for trials. In Murray County, jurors will be instructed to report to the sanctuary of First Baptist Church of Chatsworth where they will be empaneled. Jurors will then be escorted to the courthouse by the bailiffs for voir dire. Trials will take place at the Murray County Courthouse. The Court has issued a local order of judicial emergency designating a location outside the courthouse for jurors in Whitfield County and Murray County.

Prior to summoning jurors, court services shall use markers or tape to delineate proper social distancing in the appropriate spaces and all courtrooms to ensure proper social distancing.

The public will be informed via news media and the Court's website setting forth the specific steps the Court in taking to ensure the jurors' safety.

A questionnaire shall be included with each jury summons to identify persons at increased risk for severe illness and those with known or suspected exposure to or symptoms of COVID-19. The questionnaire will include instructions that those individuals should contact the clerk of superior court in their respective counties to be excused from jury duty. The Court has recently entered a new order for each county addressing this issue. Copies of those orders are attached to these procedures.

All empaneling, voir dire, and jury selection will take place at the Dalton Trade and Convention Center in Whitfield County. Jury assembly and empaneling will take place in the sanctuary of the First Baptist Church in Chatsworth, and voir dire and selection will take place in the Murray County Courthouse.

The Arrival of Jurors, Empaneling and Voir Dire

All court personnel shall wear masks when in the presence of jurors. All court personnel shall maintain appropriate social distancing as much as possible. Masks shall be worn properly to cover the nose and mouth. The order of this Court dated July 7, 2020, addresses the proper procedure for all court personnel regarding PPE.

All jurors will be screened at the entrance to the courthouse or alternate location. Screening will include taking each person's temperature and asking the COVID-19 screening questions. All jurors will be informed they must always wear a mask in the alternate jury selecting location and in the courthouse. Jurors who do not have masks will be provided one. Jurors will be instructed they must wear the masks fitted properly over their nose and mouth. Hand sanitizer will be available at various points throughout the courthouse and jury areas.

Court personnel will assist in limiting the number of jurors on elevators to no more than two at time. Appropriately distanced spacing will be marked in the elevators.

Once a juror has selected their seat, either in the alternate jury selecting location or in the courtroom, that shall be their assigned seat.

Depending on the number of potential jurors, the length of the case to be tried, and space considerations, the Court may in its discretion increase the number of alternate jurors.

Trial and Deliberations

In addition to the steps set forth about and those in the Court's order of July 7, 2020, additional procedures will be in place for the protection of jurors and court personnel during trials.

All trial jurors will be provided a plastic bag for their personal use during trial which will include: hand sanitizer, a notepad, pen and instructions in the event they become symptomatic or have close contact with someone with COVID-19 during the course of the trial. Masks and rubber gloves will also be made available to jurors.

Space may be designated in the gallery area for jurors. A separate area will be designated for any members of the public in attendance.

Plexiglass has been installed between the witness and the court reporter so the witness may remove their mask while testifying. This is the only time a witness may remove her/his mask. Due to the proximity to the judge, plexiglass has also been installed in the Murray County Courthouse between the judge and the witness.

Attorneys are to remain at counsel table or the lectern and use the electronic evidence presentation system as much as possible. In the discretion of the court and upon request, counsel may be allowed to remove masks for opening statements and closing arguments. However, in the event this is allowed, counsel must remain at the lectern and not move about the courtroom or approach the jury.

Instead of the usual jury rooms, jurors will use other available rooms with sufficient social distancing space as jury rooms for breaks and deliberations. Chairs will always be properly distanced as measured by court services in advance.

Counsel may confer with clients by notes during trial. If at any point counsel needs to speak with a client, counsel may request to leave the courtroom briefly to do so. Arrangements will be made for a location near the courtroom where the attorney and client may speak privately with proper distancing.

When having bench conferences, judges should be mindful of the CDC definition of close contact and act accordingly. For example, a very brief bench conference may go forward as usual provided everyone wears a mask. Longer bench conferences may require the jury to leave the courtroom so court personnel may speak from a proper distance. If available, the judge may be able to keep the jury in the courtroom and use white noise during the bench conference. The judge must wear a mask during any bench conference.

Like all court personnel, the judge must wear a mask while in the presence of the jury. The judge may remove her/his mask during charge provided there is a proper distance between the judge, jury and all court personnel. This would also apply should the judge give curative charges during the course of the trial. The purpose of mask removal during charge would be for the jury to better hear the charge of the Court.

The jury assembly areas, the courtrooms, and any other areas used by jurors or witnesses shall be cleaned every evening when Court recesses for the day.

Illness or Close Contact with COVID-19 During Trial

If a juror becomes symptomatic for COVID-19 or reports close contact with someone with COVID-19 during trial, that juror must be excused. Based upon information provided by health officials, IF the remaining jurors have worn masks and maintained the recommended distance, they would not be considered close contacts and may continue as jurors. If another jury had unsafe contact with the sick or exposed juror, that juror should be tested and isolated immediately. This same procedure would apply to any court personnel similarly situated.

In the event a juror or court personnel becomes symptomatic or reports close contact with a person with COVID-19 during trial, the county human resources department shall be notified immediately.

Follow-up with Jurors After Trial

The Court Administrators Office will contact all jurors including alternates after trials at intervals of approximately 3 days, 7 days and 15 days. Should any juror report symptoms of COVID-19 or a positive test during that time, the district health office and the county human resources department will be notified for appropriate follow-up with that juror and court personnel.

Jurors will be notified that free COVID-19 testing is available through the district health office with results available in approximately 24 hours. Rapid testing (results in 20 minutes) is available through Physicians Care in Dalton at a cost of \$50. For the test at Physicians Care, the person must be experiencing symptoms and must see a doctor.