

Athens-Clarke County Courthouse
325 East Washington Street
Athens, Georgia 30601



FILED IN OFFICE
CLERK SUPERIOR COURT
CLARKE COUNTY, GEORGIA

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CLARKE COUNTY, GEORGIA

Oconee County Courthouse
23 N Main Street
Watkinsville, Georgia 30677

WESTERN JUDICIAL CIRCUIT
Athens-Clarke and Oconee Counties
Superior Courts

**ORDER DESIGNATING AN ALTERNATIVE COURTHOUSE LOCATION
and PLAN FOR THE SAFE RESUMPTION OF JURY TRIAL PROCEEDINGS**

IN ACCORDANCE WITH the Chief Justice of the Supreme Court of Georgia's Eighth Order¹ Extending Declaration of Statewide Judicial Emergency dated November 9, 2020 and the Guidance for Resuming Jury Trials², The Western Judicial Circuit, comprised of Athens-Clarke and Oconee Counties, established committees for each county tasked with developing locally tailored plans for resuming jury trial proceedings, hereinafter referred to as "Plan." The Committees, consisting of members from the judiciary, Department of Public Health, and local county government officials, met to collaboratively discuss the best approach to safely resume grand jury proceedings and jury trials.

Purpose: The purpose of this Order is to outline the Western Judicial Circuit's Plan on how to safely resume jury selection and jury trial proceedings. The Plan provides guidelines for managing courthouse operations at an alternative location, as stated under OCGA §§ 38-3-61, in a manner consistent with the latest statewide judicial order, Guidance on Resuming Jury Trials, and the Georgia Court Reopening Guide³. Jury selection and jury trials will be subject to the provisions of the Western Judicial Circuit Second Standing Order for Court Procedures During COVID-19 Judicial Emergency.

Alternative location: On October 13, 2020, the Committee found that the Athens-Clarke County Courthouse provided some social distancing challenges for jury selection to safely resume and that some jury trials could be conducted in certain courtrooms in the Courthouse. For Oconee County, the Committee found the Oconee County Courthouse suitable to conduct jury trial proceedings but inadequate for jury selection. Under OCGA §§ 38-3-61, the Chief Judge may designate another facility which is reasonably accessible and appropriate for the conduct of court business, in the event the circumstances underlying the judicial emergency make access to the courthouse impractical.

In order to reduce the number of persons in the courthouse and prevent further disruption of non-jury events occurring at the Athens-Clarke County Courthouse, the Committee, chaired by the Chief Judge, selected the Classic Center, located at 300 North Thomas Street, Athens,

¹ https://www.gasupreme.us/wp-content/uploads/2020/11/Eighth-Order-Extending-Declaration-of-Statewide-Judicial-Emergency_As-Issued.pdf

² https://georgiacourts.gov/wp-content/uploads/2020/09/Guidance-for-Resuming-Jury-Trials_As-Issued.pdf

³ <https://georgiacourts.gov/wp-content/uploads/2020/06/Georgia-Court-Reopening-Guide-FINAL.pdf>

Georgia 30601, as an alternate location for jury selection and jury trial proceedings to be conducted during the COVID-19 pandemic. Most jury trial proceedings will occur at the Classic Center when the Courthouse is not able to accommodate for social distancing and ensuring the health and safety of all individuals involved in these proceedings.

A separate section of the Classic Center will be reserved specifically for court proceedings to take place without interruption from the general public attending other non-court related functions at the facility. All rooms will be sanitized daily using an atomizer disinfecting spray. At minimum, three (3) bailiffs will be available to offer support during the court proceedings held at the Classic Center. Space will be reserved at the Classic Center for a Jury Assembly Room (JAR), Courtroom, jury deliberation room, and impaneling of the grand jury.

For Oconee County, the Committee identified the Oconee County Civic Center as an alternate location to hold jury selection. The Oconee County Civic Center, located at 2661 Hog Mountain Road, Watkinsville, GA 30677, will function as the jury assembly room for jury selection to take place in a manner consistent with public health guidelines. Jury trials will still occur at the Oconee County Courthouse with appropriate social distancing guidelines.

Furthermore, jury selection and jury trials held at the Classic Center and the Oconee County Civic Center will be subject to the provisions of the Western Judicial Circuit Second Standing Order for Court Procedures During COVID-19 Judicial Emergency dated July 14, 2020, which include safety guidelines consistent with public health guidance, including screening procedures, face mask requirements, and social distancing protocols (Exhibit A). The addition of an overflow room or the livestreaming of hearings may be considered on a case-by-case basis to ensure CDC guidelines for occupancy. As circumstances may allow, each judge shall have the right to conduct a jury trial at the Athens-Clarke County Courthouse so long as CDC guidelines and the Guidelines on Resuming Jury Trials are met.

Security Screening: Sheriff's Deputies for each county will be stationed outside the entrance to the Classic Center and the Oconee County Civic Center. All individuals participating in the court proceedings including prospective jurors, Courthouse staff, and judges will be screened, prior to entry, by the Sheriff's Deputies for cough, fever, and recent exposure to COVID-19.

Hand sanitizer, disinfectant wipes, and disposable masks will be made accessible to all persons. In order to not impede the security screening process, it will be indicated on the jury summons for jurors to leave any unnecessary belongings in their vehicle or at home in order to minimize surfaces for possible infection and to reduce any delays in getting through the security screening.

Juror Summons: The Clerk of Courts will send out the summons by mail no less than 30 days in advance of their day of service. The Clerk of Courts will include the following with the summons:

- A Summons notifying jurors of special directions on the time and where to report, as well as highlighting the use of the Classic Center/Oconee County Civic Center as a safer alternative for jury selection and jury trials. It will also provide a

contact number for the Jury Clerk for prospective jurors to call with health-related questions or concerns.

- Information on the security screening process and the precautionary measures to be taken by all jurors and court personnel.
- A link to view the PSA and a health and safety video on the safety measures being taken to ensure their health and safety.
- For Athens-Clarke County, Jurors will be encouraged to complete their jury qualification questionnaire online using the eJuror Program prior to arriving for jury duty. A link to complete the online questionnaire will be provided in the summons. The Questionnaire will include their contact information (name, address, cell phone number, and email) and a series of questions to determine whether they are in a category of persons identified by the CDC as being at an increased risk for severe illness from COVID-19. On the day of service, all jurors will check-in with the Clerk of Courts before reporting to the JAR. Prospective jurors who were unable to complete the online questionnaire in advance will be able to complete the questionnaire on site at one of the kiosk stations.

Check-In: On the morning of service, jurors will encounter the following safety precautions at the Classic Center/Oconee County Civic Center security screening checkpoint:

- The arrival of Jurors will be staggered based on the summons number assigned.
- Everyone entering the Classic Center/Oconee Civic Center for jury duty and any jury trial proceedings will be screened for illness and COVID-19 exposure. Any prospective juror prohibited from entering on the date of their service will be instructed to fill out an information form that includes their name, address, phone number, and juror number. The form will be given to the Clerk of Courts so that service can be deferred.
 - If any juror reports having been diagnosed with COVID-19 in the previous 14 days, or in contact over the previous 14 days with someone who has been diagnosed with COVID-19, or that they are concerned they may have been exposed or infected, they will not be permitted to enter.
 - If any juror reports having experienced a persistent cough, difficulty breathing or fever above 100.4 degrees within the previous three days, they will not be permitted to enter.
- All jurors are required to wear masks upon entering the building, and they must remain in proper position over nose and mouth, unless instructed by a judge to remove them. Any jurors that arrive without a mask will be provided one at the security screening.
- Hand sanitizer will be made readily accessible.
- Once jurors complete the security screening, they will check-in with the Clerk of Courts.
- Jurors will report to the JAR at the Classic Center/Oconee County Civic Center once checked-in. Seating will be set up for jurors, with chairs placed 6 feet apart.

- After all jurors are checked-in and seated, the Clerk will notify the assigned judge to come to the JAR.
- Court personnel will use transparent face shields or clear masks to accommodate hearing-impaired or language-challenged jurors.

Excusals and/or Deferrals: Prior to jurors reporting on the date of their service, the court and Clerk's office will work cooperatively to determine whether any prospective juror should be excused or have their service deferred due to medical concerns.

- Jurors will be excused on having answered yes to any of the statutory exemptions included on the form.
- The Summons and Questionnaire will instruct prospective jurors to call the Jury Clerk if they have COVID-19 related questions and/or are seeking an excusal for COVID-19 related reasons.
- They will also instruct prospective jurors that in order to be considered for a deferral or excusal, the form must be returned seven (7) days prior to their date of service.
- The Jury Clerk will receive the phone call, answer any questions and vet the request before sending the person's contact information to the assigned judge's office.
- The Jury Clerk will be available by phone on the day of the reporting as well, so that prospective jurors who wake up feeling ill can receive instructions before reporting for duty.

Impaneling Process: The Clerk will summon a sufficient number of jurors to account for a higher percentage of excusal. Jurors will report to the Classic Center/Oconee County Civic Center on a staggered basis on each Monday of a jury trial week.

After securing the needed number of qualified jurors, all other jurors will be released with instructions to call the jury call-in number after 6:00 p.m. for further directions. The qualified panel of jurors will be seated in the JAR. Non-qualified jurors may be immediately excused by the Clerk and their service concluded. If a juror is excused from the panel of qualified jurors, the Clerk will call in the next additional juror. At least 3 bailiffs will provide support for the Clerk of Courts in all of the procedures outlined.

Voir Dire: Voir Dire will be conducted with jurors in panels of 12. After the juror is questioned, the mic will be wiped and disinfected by a bailiff before being passed to the next juror (or disposable covers used).

Attorneys will be provided with disinfectant wipes and will be responsible for wiping down the podium, and anything else they touched, before returning to their table. They will also be asked to wipe down their table at the end of the day.

Jury Deliberation Room: There will be space designated at the Classic Center for a Jury Deliberation Room. The following safety precautions will be implemented during jury trial proceedings:

- Bailiffs will provide a supply table with extra disposable masks, hand sanitizer, paper towels, gloves, tissues, juror pads and pencils, bottled water, and disinfecting spray.
- Jurors should keep up with their own items, so as to prevent sharing.
- Jurors will be permitted to leave at lunchtime and return.
- Jurors will be reminded to abide by social distancing guidelines while consuming food.
- A restroom at the Classic Center will be designated for Jurors.
- Jury rooms will be cleaned and disinfected nightly.

General Protocols: Due to space and security staff limitations, trials will be conducted one at a time at the Classic Center and the Oconee County Courthouse. The judge is to 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. Judges, court staff, bailiffs, lawyers, and jurors will all wear masks during the trial unless otherwise instructed by the judge. Judges, attorneys, and jurors may be permitted to remove their masks while speaking. Witnesses may testify without a mask, from a witness stand that is six feet away from other persons.

In the event that a juror or court personnel develop symptoms during the jury trial process, the Clerk will collect from each juror the best contact number and email address for use if the Court needs to contact jurors during any evening recess. If events develop that cause the trial to be discontinued, the Clerk will notify each juror using the eJuror system which allows for a group message to be sent out.

This Plan to Resume Jury Trials shall be published on the Athens-Clarke and Oconee County government websites. A copy of this Plan shall be posted in the Athens-Clarke and Oconee County Courthouses. The committee has had the opportunity to review the Guidance for Resuming Jury Trials and has adopted such recommendations into the Plan to Resume Jury Trials where practical. This Plan represents the collaborative effort of the Western Judicial Circuit Local Committee on Resuming Jury Trials. The Plan was tailored to meet the individual needs, characteristics, and available facilities of each county within the circuit.

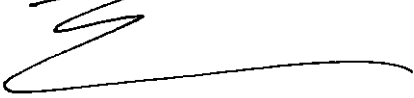
The Committee is comprised of the following stakeholders:

- Hon. Eric Norris, Chief Superior Court Judge, Chair
- Hon. Lawton Stephens, Superior Court Judge
- Hon. Patrick Haggard, Superior Court Judge
- Hon. Lisa Lott, Superior Court Judge
- Deborah Gonzalez, District Attorney
- John Donnelly, Circuit Public Defender
- Beverly Logan, ACC Clerk of Superior/State Court
- Sheriff John Q. Williams, ACC Sheriff's Office
- Captain John Johnson, ACC Sheriff's Office
- Lieutenant Jimps Cole, ACC Sheriff's Office
- Walker McNiff, Staff Attorney

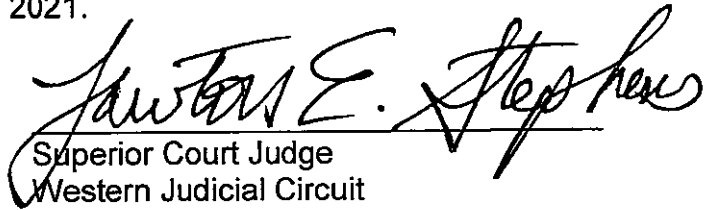
- T.J. BeMent, District Court Administrator
- Elisa Zarate, ACC Court Administrator
- Mary Stallings, Georgia Department of Public Health
- Andrea Kerr, Georgia Department of Public Health,
- Kelly Girtz, ACC Mayor
- Blaine Williams, ACC Manager
- Travis Cooper, ACC Information Technology Director
- John Daniell, OC Chairman
- James Hale, OC Sheriff
- Dr. Paul Buczynsky
- Angela Elder-Johnson, OC Clerk of Superior Court
- Mr. Morris Wiltshire, Attorney
- Paula Nezda- OC Information Technology Director

Inherent Power: Nothing in this proposed plan shall be construed to limit the inherent power of the court. Each assigned judge may direct and control their respective cases and those persons before them in their courtroom as they deem necessary for the administration of justice. This order shall be in effect until further modification, extension or termination.

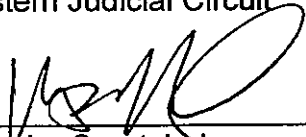
~~SO ORDERED~~, this 22nd day of February, 2021.



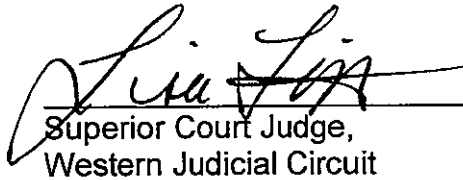
 Chief Judge, Superior Court
 Western Judicial Circuit



 Superior Court Judge
 Western Judicial Circuit



 Superior Court Judge,
 Western Judicial Circuit



 Superior Court Judge,
 Western Judicial Circuit

EXHIBIT A

Athens-Clarke County Courthouse
325 East Washington Street
Athens, Georgia 30601



Filed in Open
COURT 7/14/2020
EC Norris
Superior Court
Oconee County Courthouse
23 N Main Street
Watkinsville, Georgia 30677

WESTERN JUDICIAL CIRCUIT

Superior Court
Chief Judge Eric W. Norris
Judge Lawton E. Stephens
Judge H. Patrick Fuggard
Judge Lisa Lott

Clarke County State Court
Chief Judge Esthelyn N. Simpson
Judge Charles E. Auslander, III

Clarke County Magistrate Court
Chief Judge Patricia Barron
Judge Benjamin R. Muckin
Judge Toni Craven Pomeroy

Juvenile Court
Chief Judge Robin W. Shearer
Judge Amanda Trimble

Athens-Clarke County Municipal Court
Judge Ryan Hope

Oconee County Magistrate Court
Chief Judge Richard Connelly
Judge Samuel Barth

Clarke County Probate Court
Judge Susan P. Tate

Oconee County Probate Court
Judge David Anglin

SECOND STANDING ORDER FOR COURT PROCEDURES DURING COVID-19 JUDICIAL EMERGENCY

IN ACCORDANCE WITH the Fourth Order Extending Declaration of Statewide Judicial Emergency entered on July 12, 2020, by the Supreme Court of Georgia, the Judges of the Juvenile, Magistrate, Municipal, Probate, State, and Superior Courts of the Western Judicial Circuit adopt the following guidelines for court proceedings:

Purpose: The purpose of this Standing Order is to provide for the health and safety of all persons attending court or working in the Courthouse while providing for public access to judicial proceedings and protecting a criminal defendant's rights to confrontation and open courtrooms.

Definitions: "Face mask" means a covering of the mouth and nose but not the rest of the face. "Courthouse" means the Clarke County Courthouse, located at 325 East Washington Street, Athens, GA 30601, and the Oconee County Courthouse, located at 23 North Main Street, Watkinsville, GA 30677. "Probation Office" means Athens-Clarke County Probation Services, located at 110 Bray Street, Athens, GA 30601. "Public area" means all parts of the Courthouse or Probation Office not reserved for staff.

Instructions for individuals who have, have been exposed to, or are especially vulnerable to, COVID-19:

Persons who have been diagnosed with COVID-19, who have been exposed to COVID-19 within the last 14 days, or who are experiencing fever, cough or other symptoms¹ of COVID-19, SHALL NOT enter the Courthouse or Probation Office.

If an individual with a scheduled court date is prohibited from entering the Courthouse for any of the above reasons, the security staff shall contact the specific court for which attendance is mandated

¹ <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>

and inform the court that the individual is unable to attend due to screening criteria. The person who is prohibited from entry should refer to the information posted at the Courthouse entrance and contact the appropriate court and request further instructions regarding future court attendance.

If an individual with a scheduled court date has other health limitations, which make them especially vulnerable to COVID-19 or have other concerns with entering the Courthouse, he or she should refer to the information posted at the Courthouse entrance and should contact the appropriate court to request that their case be rescheduled.

Public Admission to the Courthouse: All members of the public and employees entering a Courthouse within this circuit, shall be screened, prior to entry, by the Sheriff's Offices of each respective courthouse for cough, fever, and recent exposure to COVID-19. A series of questions will be asked of each individual before entry to the Courthouse. A list of the screening questions is included as Exhibit A to this Standing Order. Screening will be conducted in a designated area outside of the Hancock Street public entrance to the courthouse in Athens and the Water Street entrance to the courthouse in Watkinsville. Additionally, the Washington Street public entrance to the courthouse in Athens will be accessible to both the public and employees from 8:00 a.m. until 9:00 a.m. Monday through Friday. Times that the Washington Street entrance is open will be subject to change at the discretion of the Sheriff or his designee based on staffing levels during any period. Each person's temperature will be taken using a no-touch thermometer. Anyone with a temperature of 100.4 or higher will be prohibited entry into the courthouse.

Pursuant to CDC guidance², all employees, general public, and security screening personnel shall be required to wear face masks while in the Courthouse. The Judge for each respective court may make exceptions to the mask policy in accordance with the Confrontation Clause of the Sixth Amendment of the Constitution and for specific witness testimony and preservation of the record. Masks are available at the entrance for individuals who do not have a mask. Hand sanitizer will be available in high use areas along with cleaning supplies.³ Individual offices within each courthouse may implement mandatory wearing of masks due to space and high-volume contact with the public.

For individuals who do not have a court appearance but are accompanying a family member or friend, it is strongly encouraged that they consider not entering the Courthouse. People at higher risk for severe illness⁴ and children⁵ are strongly discouraged from entering the Courthouse unless they are a party to a case.

Everyone in the Courthouse should comply with social distancing recommendations⁶ and keep a six (6) foot distance from other persons as much as possible.

Individuals are strongly encouraged to leave any unnecessary belongings in their vehicle or at home in order to minimize surfaces for possible infection.

Employee Admission to the Courthouse: With social distancing protocols in place, the Courts recognize that security screening will become more challenging with the increase in public access. Therefore, security staff have requested that each department strongly encourage their respective

² <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html>

³ <https://www.cdc.gov/coronavirus/2019-ncov/hcp/hand-hygiene.html>

⁴ <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html>

⁵ <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/children/protect-children.html>

⁶ <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html>

employees to report to work prior to and no later than 8:30 a.m. This will allow all employees to be swiftly screened and in place before the public arrive. It is anticipated that long lines will form, with individuals standing 6 feet apart to wait their respective turn to access the courthouse. There will be indicators that will direct the public where to stand to comply with social distancing protocols. Any employee caught up in the screening line after 8:30 a.m. will have to wait their respective turn and will be subject to the policies and procedures of their respective department.

Admission to Courtrooms: Persons entering courtrooms must comply with directions given by Sheriff's Deputies and/or staff with respect to seating and social distancing. Additionally, absent further direction of the presiding judge in each courtroom, the following capacity limits are established:

| Courtroom | Normal Capacity | Social Distancing Capacity |
|---|------------------------|-----------------------------------|
| Clarke County | | |
| Municipal Courtroom | 78 | 20 |
| Magistrate Hearing Room 1 (2 nd Floor) | 66 | 17 |
| Magistrate Hearing Room 2 (2 nd Floor) | 21 | 5 |
| Juvenile Courtroom (1 st Floor) | 25 | 6 |
| Probate Hearing Room (2 nd Floor) | 14 | 4 |
| State Courtroom (5 th Floor) | 110 | 28 |
| State Hearing Room (4 th Floor) | 20 | 5 |
| Superior Courtroom 1 (3 rd Floor) | 96 | 24 |
| Superior Courtroom 2 (3 rd Floor) | 48 | 12 |
| Superior Courtroom 3 (5 th Floor) | 36 | 9 |
| Oconee County | | |
| Courtroom 1 (3 rd Floor) | 132 | 33 |
| Courtroom 2 (3 rd Floor) | 88 | 22 |
| BOC Chambers (2 nd Floor) | 60 | 15 |
| Grand Jury Hearing Room (2 nd Floor) | 25 | 6 |

In the event that a courtroom is at capacity and an individual who is not a party to the case being heard requests entry, notice shall be given to the presiding judge. Accommodation may be provided to include, but not limited to: entry, viewing remotely, etc.

Defense Counsel in Criminal Cases: With social distancing protocols in mind, defense counsel should make every attempt reasonable to meet with their client(s) prior to the schedule listed below. The Sheriff's Offices should work cooperatively to allow defense counsel to privately meet with their clients in the jail or via remote video while protecting all persons from potential exposure to COVID-19.

Special Court Procedures: Due to the ongoing judicial emergency, the Court is employing special procedures to minimize the risk to everyone's health. To accommodate for social distancing and cleaning, more court sessions are being scheduled but with fewer cases summoned per session. Additionally, seating in the courtroom will be limited to designated seats. Social distancing will be enforced in conferences with staff. All judges will continue to use technology to provide an alternative to in-person proceedings. Participating remotely by video conference may be an option in many courts but may differ from court to court and hearing to hearing. Individuals should contact their specified court ahead of time to find out more details. Handling of paperwork will be kept to a

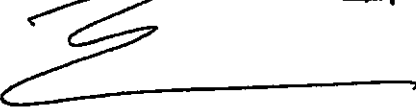
minimum. Court personnel will clean and disinfect areas of the courtroom between users per recommended guidance.⁷

In accordance with the Fourth Order Extending Declaration of Statewide Judicial Emergency, the guidelines for court proceedings shall require isolation of any person with known or suspected COVID-19 and quarantine of any person with COVID-19 exposure likely to result in infection.

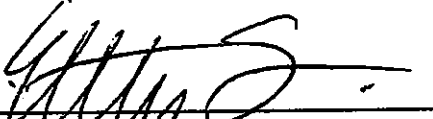
Coordination of Courtroom Needs: As the courthouses begin to return to normal operations, communication will be of utmost importance. In order to ensure that communication remains a priority, a copy of all notices of hearings, calendars and events shall be sent to Court Administration in Athens-Clarke County and the Clerk of Court in Oconee County. The Court Administrator and Clerks of Court will work with courthouse security staff to resolve any issues that may arise from the increased need for courtroom space.

Inherent Power: Nothing in this proposed plan shall be construed to limit the inherent power of the court. Each assigned judge may direct and control their respective cases and those persons before them in their courtroom as they deem necessary for the administration of justice. This order shall be in effect until further modification, extension or termination.

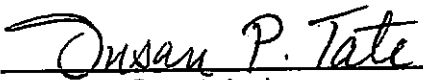
SO ORDERED, this 14 day of July, 2020.



Chief Superior Court Judge
Western Judicial Circuit



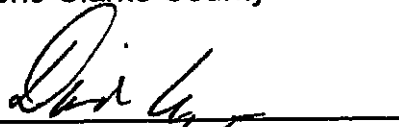
Chief State Court Judge
Athens-Clarke County



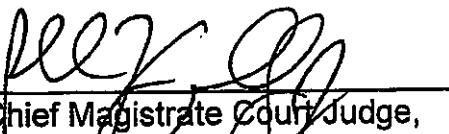
Probate Court Judge,
Athens-Clarke County



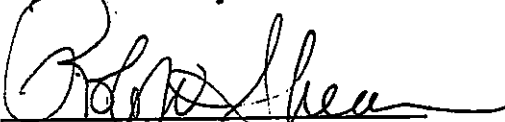
Chief Magistrate Court Judge,
Athens-Clarke County



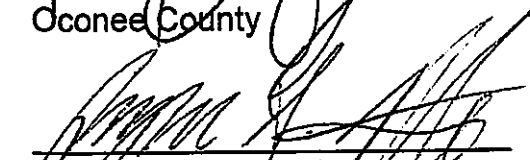
Probate Court Judge,
Oconee County



Chief Magistrate Court Judge,
Oconee County



Chief Juvenile Court Judge
Athens-Clarke County



Municipal Court Judge
Athens-Clarke County

⁷ <https://www.cdc.gov/coronavirus/2019-ncov/community/clean-disinfect/index.html> & <https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html>