



PIEDMONT JUDICIAL CIRCUIT

BANKS COUNTY

GUIDE FOR RESUMING JURY PROCEEDINGS

PHASE 1

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BANKS COUNTY GUIDE FOR RESUMING JURY TRIALS

Pursuant to the Chief Justice of the Georgia Supreme Court's Statewide Declaration of Judicial Emergency entered initially March 14, 2020 and the subsequent extensions thereto, jury trials (and other deadlines and limitations) were suspended. Prior to resuming in-court proceedings as directed by the Georgia Supreme Court's July 10, 2020 Fourth Order Extending Declaration of Statewide Judicial Emergency, this Court developed written guidelines to ensure that in-court proceedings "will be conducted to protect the health of litigants, lawyers, judges, court personnel, and the public."

Recognizing that the broad prohibition on grand jury and jury trials could not continue indefinitely because our judicial system, particularly the criminal justice system, must have some capacity to resolve cases by indictment and trial, the Seventh Order Extending Declaration of Statewide Judicial Emergency dated October 10, 2020 authorized courts to summon trial jurors and to resume jury trials "if that can be done safely and in accordance with a final jury trial plan developed in collaboration with the local committee and incorporated into the court's written operating guidelines for in-person proceedings." This plan is intended to serve as a guideline for conducting jury trials. The Court anticipates that these guidelines for resuming jury trials will be updated and refined once a few jury trials have been conducted and all participants are able to learn from those proceedings.

PHASE 1 – ONE JURY TRIAL AT A TIME

Banks County shall prioritize scheduling criminal cases. Criminal cases involving one defendant, few lay and no out of town witnesses, straightforward evidentiary issues, and limited physical evidence that may need to be handled by the jury shall be the tried in this early phase of resuming jury trials. The early experiences with the more straightforward initial criminal cases will assist the court's ability to incorporate more complex criminal actions into the trial schedule.

GENERAL CONSIDERATIONS

Summons

The Clerk shall summon jurors for Superior Court. The following documents will be mailed to all prospective jurors:

- A Summons directing jurors to report to the Banks County Courthouse, with staggered report times. The summons shall also provide a contact person to call or email with health-related questions or concerns.
- A COVID-19 letter from the Court, signed by all the judges, that expresses appreciation for their service, assures them that the court understands their concerns and need for safety, and provides a contact person to call or email with health-related questions or concerns.
- A COVID-19 Questionnaire that includes contact information including: name, address, cell phone number, email, and a series of questions to determine whether they are in a

category of persons identified by the CDC as being at increased risk for severe illness from COVID-19.

- An existing Information Form that requests information generally asked by attorneys when selecting a jury.

Excusals and/or Deferrals

Prior to jurors reporting on the date of service, the Court and Clerk's office will work cooperatively to determine whether any prospective juror(s) should be excused or have service deferred due to medical/COVID-19 related concerns. Such deferrals and/or excusals will be solely at the discretion of and upon approval of the assigned judge.

- The COVID-19 Letter and Questionnaire referenced above will instruct prospective jurors to call or email a specific individual with COVID-19 related questions and /or excusal/deferral for COVID-19 related reasons. The Questionnaire will inform prospective jurors that in order to be considered for deferral or excusal, the form must be returned five (5) days prior to their date of service.
- The Clerk of Superior Court will receive phone calls, emails, and questions related to COVID-19 concerns and jury service. He/She shall be available by phone and email on the day of reporting so that prospective jurors who wake up feeling ill can receive instructions before coming to the courthouse.

Check In

On the morning of service, jurors will encounter the following safety precautions

- Staggered Reporting Times; because of potential for bottleneck at security, juror summons will include staggered report times.
- Health Screenings: every individual entering the courthouse shall be screened for illness and COVID-19 exposure. Any prospective juror prohibited from entering the courthouse on the date of service will be instructed to fill out an information form that includes their name, address, phone number, email address. That form will be given to the Clerk of Superior Court so that individual's service can be deferred. Individuals shall be screened to determine:
 - Whether said individual currently has a temperature exceeding 100.4°F; and
 - Whether said individual is experiencing (or has experienced) any typical symptoms of COVID-19 (as outlined by the CDC to include: fever, chills, coughing, shortness of breath or difficulty breathing, muscle pain, sore throat, new loss of taste or smell) in the ten (10) day period prior to visiting the courthouse; and
 - Whether said individual has been diagnosed with COVID-19 OR exposed to (meaning close contact within six (6) feet for a period of fifteen (15) minutes or longer) an individual diagnosed with COVID-19 within the last fourteen (14) days prior to visiting the courthouse.

- Face Coverings: all individuals shall be required to wear a face covering upon entry to the courthouse and throughout the duration of their time in the courthouse. All face coverings must be properly worn – covering the individual’s nose and mouth (unless instructed or approved by the judge to remove the face covering). All courthouse deputies, bailiffs, and other staff will remain vigilant and politely ask anybody in the courthouse seen without a mask (or improperly wearing a mask) to properly secure their mask. Any individual who arrives to the courthouse without a mask will be provided one.
- Social Distancing: Each courtroom has capacity restrictions; Courtroom 1 has a capacity of 25 individuals and Courtroom 2 has a capacity of 25 individuals, inclusive of court staff.
- Controlled check in: jurors will check in at a table located near the Courthouse entrance at which time they will provide information to the clerk’s office.
- Clear Masks/Face Shields: transparent face shields or clear masks may be worn by individuals who need an accommodation for language or hearing impairments. Witnesses, defendants, and any other individuals whose credibility is to be determined, may wear a transparent face shield or clear mask.

Impaneling Process & Jury Selection

The objective is to qualify 12-14 jurors for Superior Court. In order to comply with courtroom capacities, jurors shall be divided into panels of twelve.

- Jurors numbered 1 through 12 will be checked in at 9:00 am. Once the first 12 prospective jurors have been checked in and have provided their information, the first 12 prospective jurors will be seated. The next 12 will be waiting for qualifying. The remainder will wait for a message from the Clerk’s office before entering the Courthouse.
- Jury Selection (voir dire) will take place in separate panels of twelve individuals due to the limited courtroom capacities. The circumstances for each individual case may not lend themselves to the times described above, and jury selection may take several days. These procedures can be modified by the Judge and Clerk’s office, with appropriate communication to the jurors.
- Individual voir dire shall be conducted immediately following general questions.
- Any motions to excuse potential jurors for cause shall be made upon the conclusion of questioning of the particular panel of prospective jurors.
- The number of alternates and plan for alternates to be separated from remainder of jury while deliberation occurs shall be addressed on a case-by-case basis.

TRIAL

General Protocols

The judge will 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.

- As specified above, masks are generally required.
 - Court staff, bailiffs, lawyers, and jurors will all wear masks during the trial unless otherwise instructed by the judge. Defendants may be provided a clear mask or face shield.
 - Attorneys, jurors, and witnesses, may be permitted to remove their masks while speaking – provided that they maintain an appropriate social distance from others at all times.
 - In order for jurors to make necessary credibility determinations, witnesses will testify without a mask or may wear a transparent face shield while testifying.
 - Any individual’s refusal to properly wear a face covering will be brought to the attention of the presiding judge.
- Due to difficulty guiding the jurors throughout the courthouse, it is anticipated that trials will necessitate the use of additional bailiffs (in addition to courthouse security deputies).
- A courtroom will serve as the “jury deliberation room.”
- The presiding judge will provide jurors with a point of contact if potentially exposed to COVID-19 or experiencing symptoms of COVID-19. Such jurors should not be required to report.
- Any potential juror who does not pass the temperature check or COVID-19 screening questions will be brought to the Judge’s attention immediately and shall not be admitted to the courthouse. Court security shall keep a list of those individuals refused entry, and provide same to the Court at the conclusion of each day.
- A room in the courthouse (to be determined) may be used for sequestered witnesses. If the number of sequestered witnesses exceeds the capacities of those rooms, the Court will make other arrangements and reserve other spaces in the courthouse.
- Handling “sidebar” conversations – jurors shall be escorted to their deliberation room so that the Court can conduct these matters outside the presence of the jury while maintaining appropriate social distances between the judge, staff, attorneys, and parties.

Courtroom Layout

The traditional courtroom “gallery” will be converted into the jury box. Jurors will be placed in seats marked every six (6) feet in order to comply with social distancing requirements. Jurors shall be assigned a seat whereby they will sit for the duration of the trial.

- Court Staff/Personnel
 - Witnesses shall testify from the jury box.

- The Clerk of Court or their office’s representative may sit in the traditional location beside the judge.
- Court reporter will remain seated at the traditional court report’s station.
- Attorneys will be asked to use their laptops or the courtroom’s technology system to display photos, presentations, videos or other documentary evidence so as to limit the number of documents being passed amongst jurors and parties and to limit the need to approach witnesses to identify evidence.
- With respect to items that cannot be displayed in a digital format, the attorneys shall seek direction from the Court.
- Attorneys can present their case from the podium if they are able to maintain a safe social distance from others in the courtroom. They shall ask permission from the court before moving freely about the courtroom or approaching any witness or opposing party. Otherwise, they will remain at their respective counsel table.

Jury Seating & Deliberations

Due to space restrictions and social distancing requirements, existing jury deliberation rooms shall not be utilized. Instead, jurors will use a courtroom as a jury deliberation room.

- Throughout the course of the trial, jurors shall be seated in the traditional gallery, with a limited number of people per row in order to maintain a safe social distance. They shall be assigned a seat and use the same seat for the duration of the trial.
- A bailiff shall have a supply table with extra masks and sanitization supplies, note pads/paper, writing utensils, and bottled water. Jurors should keep up with their items in order to prevent sharing of these items.
- Bailiffs shall keep the jury deliberation room secure, and escort any juror that needs to use the restroom to the closest available restroom.
- A bailiff shall escort the jurors to and from the courtroom any time the jurors are excused to the jury deliberation room or back into the courtroom.
- An outside space near the second floor secure entrance/parking lot of the courthouse will be designated and “blocked off” for jury breaks. Weather permitting, jurors can be escorted to this space and may remove their masks.

Public Viewing Room

Due to the jury being seated in the traditional gallery of the courtroom, the public will not be able to attend the proceedings in the same courtroom whereby trial is occurring.

- Arrangements will be made for a stream of the proceedings to be available and played in another location so that members of the public can view the trial at the courthouse, the Historic Courthouse or in an adjacent building.
- Seating in the public viewing room will be marked so as to provide six (6) foot distance between seats (attendees from the same household may sit together).
- All individuals in the public viewing room shall properly wear their face covering at all times.

- Regular courtroom rules apply and there shall be no recording of the proceeding in the public viewing room absent a properly filed and granted motion.
- A deputy shall monitor the public viewing room at all times throughout the course of the trial.

Duration


Phase 1 outlined herein shall continue at least until each of the circuit's judges has presided over at least one jury trial, in order to allow the Court to learn from the first jury trials and to adapt and refine its procedures.

Additional Cleaning

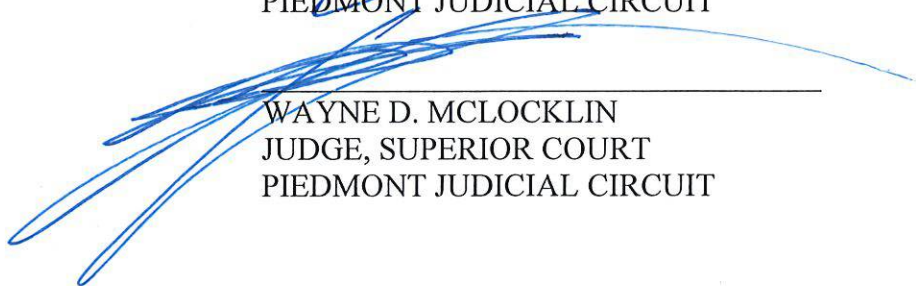
- Hand sanitization stations should be installed at the entrance to every courtroom (whether installed on the wall or a table with sanitizer available).
- Additional sanitizing of the interior of the courtroom during the course of the trial will be necessary. Security personnel will oversee the frequent sanitization of frequently touched surfaces.

In order to comply with the Georgia Supreme Court guidelines, more frequent cleaning of the remainder of the courthouse including frequently used public spaces such as the bathroom, stairwell, lobbies, and elevators will be necessary. Courthouse security will supervise such additional cleaning with support from the janitorial/maintenance staff. This will include but will not be limited to using the electrostatic handheld sanitizing sprayer that has been used previously.

This 26th day of Feb, 2021.



JOSEPH H. BOOTH
CHIEF JUDGE, SUPERIOR COURT
PIEDMONT JUDICIAL CIRCUIT



WAYNE D. MCLOCKLIN
JUDGE, SUPERIOR COURT
PIEDMONT JUDICIAL CIRCUIT