



PIEDMONT JUDICIAL CIRCUIT

JACKSON COUNTY

GUIDE FOR RESUMING JURY PROCEEDINGS

PHASE 1

Committee Members:

Chief Judge Joseph Booth, Co-Chair
Currie Mingledorff, Superior Court Judge, Co-Chair
Piedmont Judicial Circuit District Attorney, Bradley Smith
Piedmont Judicial Circuit Chief Assistant District Attorney, Sarah Griffie
Piedmont Judicial Circuit Assistant District Attorney, Gregory Wagner
Piedmont Judicial Circuit Public Defender, Donna Seagraves
Jackson County Clerk of Court, Camie Thomas
Jackson County State Court Judge, Robert Alexander
Jackson County State Court Solicitor, Gabriel Bradford
Jackson County State Court Assistant Solicitor, Barbara Quilliams
Piedmont Bar Association President, Erin Dekle
Jackson County Sheriff, Janis Mangum
Jackson County Deputy Sheriff, Chris Smith
Piedmont Judicial Circuit Trial Court Administrator, Steven Nevels
T.J. BeMent, District Court Administrator, Tenth Judicial Administrative District
Jackson County IT Official, Justin King
Jackson County Health Department Representative, Sarah Peck (for Dr. Stephen Goggans)
Bentley-Robinson Reporting, Michelle Goodyear
Jackson County Manager, Kevin Poe

JACKSON 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

Jackson 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. As State Court encompasses a smaller jury (and thus a smaller jury pool), trials in State Court will likely require the use of less courthouse space. Modifications may be made to this plan as determined by the State Court Judge, provided that the modifications adhere to public health guidance and safeguards. 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 150 total jurors for Superior Court and 75 jurors for State Court. The following documents will be mailed to all prospective jurors:

- A Summons directing jurors to report to the Jackson 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 and information about deferrals or excusals.
- A 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.

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 Clerk of Court shall compile all juror questionnaires with affirmative responses to questions indicating an increased risk for COVID-19 and shall also keep a log of all potential jurors who called in with COVID-19 related concerns. The Clerk's office shall coordinate with the Presiding Judge in order to make arrangements for hearing requests for deferral/excusal.

- The COVID-19 Letter and Questionnaire referenced above will instruct prospective jurors to call (706-387-6251 or 706-387-6258) or email (ajreynolds@jacksoncountygov.com or jnhall@jacksoncountygov.com) with COVID-19 related questions and /or excusal/deferral for COVID-19 related reasons.
- April Reynolds and Nikki Hall (contact information above) will receive phone calls, emails, and questions related to COVID-19 concerns and jury service. They 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; in order to prevent a large number of jurors from appearing at the courthouse at the same time, 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's office 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; Courtrooms 1 and 2 have a capacity of twenty-five (25) individuals, inclusive of court staff. Courtroom 3 has a capacity of twenty (20) individuals inclusive of court staff. Hearing Rooms 1 and 2 have a capacity of ten (10) individuals inclusive of court staff. Jurors shall be appropriately socially distanced in the courtroom and shall sit at designated markers. To the extent possible, courthouse employees and staff shall also socially distance while in the courtroom.
 - Controlled check in: jurors will check in at a table located just outside the entry to the Courthouse at which time they will provide information to the Clerk’s Office. Social distancing markers will be placed on the sidewalk at the check in line. Members of the Clerk’s office will sit at the table to check arriving jurors in using the Wait While application. After receiving instructions through Wait While, jurors will return to their cars until summoned to enter the courthouse. In the event an individual does not have access to a smart phone or means for accessing the Wait While application, a specific area within the courthouse will be designated for those individuals to await instructions.
 - 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. The Presiding Judge may permit a witness to remove his/her face covering while testifying provided that social distancing is observed.

Impaneling Process & Jury Selection

The objective is to qualify 48 jurors for Superior Court, and 24 jurors for State Court. In order to comply with courtroom capacities, jurors shall be divided into panels of twelve. These procedures can be modified by the Judge and Clerk's office, with appropriate communication to the jurors.

- The first 12 prospective jurors will be checked in at 9:00 am. Once the first 12 prospective jurors have been checked in and have provided their information, they will be seated in the courtroom for *voir dire*. Upon complete questioning by counsel for each side, those twelve jurors will be excused until later in the day. The next 12 jurors will be summoned to enter the courthouse and to report to the courtroom via Wait While app.
- *Voir Dire* will take place in separate panels of twelve individuals due to the limited courtroom capacities.
- Individual *voir dire* shall be conducted immediately following general questions. During individual *voir dire*, the pool of prospective jurors shall be escorted to the court room being used as the jury deliberation room, and the prospective juror(s) who need to be questioned individually shall be called into the courtroom for questioning one at a time.
- Any motions to excuse potential jurors for cause shall be made upon the conclusion of questioning of the particular panel of prospective jurors.
- Striking the jury shall take place without bringing the panels back into the courtroom.
- Based upon the circumstances of each case, the Court will determine how many alternate jurors to select.

TRIAL

General Protocols

The Presiding 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.
 - Judges, court staff, bailiffs, lawyers, and jurors will wear masks during the trial unless otherwise instructed by the judge. Defendants may be provided a clear mask or face shield, and the Presiding Judge will address any concerns with defense counsel regarding Defendant wearing a face covering.
 - Judges, 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).

- Due to the inadequate size of the traditional jury deliberation rooms in light of social distancing requirements, a second 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.
- Hearing Rooms 1 and 2 (maximum capacity of 10 individuals) may be used for sequestered witnesses. If the number of sequestered witnesses exceeds the capacities of Hearing Rooms 1 and 2, the Court will make other arrangements and reserve other spaces in the courthouse (such as attorney meeting rooms).
- 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 reporter’s station.

Jury Seating & Deliberations

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

- Jurors will be permitted to bring bottled water and a lunch each day if they desire to avoid leaving the courthouse for lunch.
- An outside space will be provided for jurors to take breaks and remove their face coverings, weather permitting.

Public Viewing

Due to the jury being seated in the traditional gallery of the courtroom, the public may not be able to attend the proceedings in the same courtroom whereby trial is occurring. Considering capacity limitations, if there is enough space and security in the courtroom for members of the public to be adequately separated from the jurors, the public may use the last rows in the gallery to view court proceedings. In the event that the public cannot be seated in the “live” courtroom where trial occurs (or more members of the public desire to view proceedings than the space provided in the last rows of the “live” courtroom allows) the following steps will be taken to provide a public viewing room:

- IT staff will make arrangements for a stream of the proceedings to be available and played in another courtroom so that members of the public can view the trial at the courthouse.
- 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 and shall inform the Presiding Judge immediately if the stream stops working.

Evidence Presentation

In an effort to limit the amount of documentary evidence being passed amongst parties and jurors and to limit the need to approach witnesses to identify evidence, the following steps will be undertaken:

- Attorneys will be asked to use their laptops or the courtroom’s technology system to display photos, presentations, videos or other documentary evidence.
- If items cannot be displayed in a digital format, the attorneys shall seek direction from the Court regarding how present the item.
- 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.

Cleaning/Disinfecting

County janitorial staff shall clean and disinfect all frequently used public spaces including elevators, bathrooms, stairwells, and lobbies throughout the day during the course of the trial. County janitorial staff shall also clean and disinfect all areas used during the course of trial at the conclusion of each day.


As it relates to the sanitization of the interior of the courtroom during the course of trial, bailiffs will assist the Court with sanitizing frequently touched surfaces such as the witness stand, podiums, and gallery seating between panels. Additionally, witnesses may be asked to wipe down the seat and tabletop from which they testify with a wipe and dispose of same in a trashcan located beside the witness stand at the conclusion of their testimony. If any attorney speaks from the podium, he or she may be asked to wipe the podium down when finished speaking.

Hand sanitizing dispensers shall be placed outside the courtroom, inside the jury deliberation room, at the witness stand, and at each counsel table.

To the extent feasible, the air filters for the courthouse should be replaced prior to each jury trial commencing.

Duration

Phase 1 outlined herein shall continue at least until each of the circuit’s judges have 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.



Joseph Booth, Chief Judge
Jackson County
Piedmont Judicial Circuit