



SOUTHWESTERN JUDICIAL CIRCUIT

LEE COUNTY GUIDE FOR RESUMING JURY PROCEEDINGS

March 11, 2021

COMMITTEE MEMBERS:

Hon. Chief Judge R. Rucker Smith, Superior Court Judge, Chair
Lewis Lamb, District Attorney
Patrick Eidson, Local Attorney Designated by Bar Association
David Winheim, Circuit Public Defender
Sara Clark, Clerk Superior Court
Sheriff Reggie Rachals, Lee County Sheriff's Office
Debra Gibson, Court Administrator
Billy Mathis, Chairman of County Commissioners

By Order entered September 10, 2020, Chief Supreme Court Judge Harold Melton, in his Sixth Order Extending Statewide Judicial Order, directed the Chief Judge of each Judicial Circuit to convene for each county in their circuit, a local committee of judicial system participants to develop a plan for safely resuming jury trials in the county, as further specified in the "Guidance for Local Committees on Resuming Jury Trials". That Order directed that court operating guidelines for in-person proceedings incorporating final jury trial plans shall be submitted to the Administrative Office of the Courts (AOC) as soon as possible and before the jury trial process begins.

These plans seek to apply previously adopted "COVID-19 Safe Operating Guidelines" to the specific context of jury proceedings.

The Committee met as a whole on February 23, 2021. This report was adopted by consent of all committee members.

GENERAL CONSIDERATIONS

Summoning the Jury Pool

When jurors are initially summoned, the Clerk will create a Summons Packet that will be mailed to prospective jurors as follows:

- ☐ The Summons shall direct jurors to report to The Bindery at Oakland Library at the appointed day and time. It will also provide contact information for jurors to call with health-related questions or concerns.
- ☐ The Summons Packet will contain information expressing the Court's appreciation for the jurors' service, assuring those jurors of the Court's concerns for their safety, informing those jurors in summary form of the steps that will be taken to protect them while serving as jurors.
- ☐ The Summons Packet may contain a questionnaire asking for the jurors' contact information (name, address, cell phone number, and email), other questions designed to reduce the time required by jury selection, 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.
- ☐ Jurors may be sent an Excusal Request Form that temporarily waives the requirement that it be notarized before submission.

JAA and Courthouse Physical Space Preparation

- In addition to the on-going extra-ordinary sanitizing and cleaning of the interior space of the JAA and the Lee County Courthouse, prior to the arrival of summoned jurors, those areas that jurors will come in contact with, will be sanitized and cleaned adequately.
- HVAC and air handling components – The courthouse HVAC and air handling system will be monitored by facilities maintenance. The filters will be checked and changed regularly based on current recommended intervals.
- Automatic Hand Sanitizing Stations – Automatic no touch hand sanitizer dispensers will be available prior to and after security check-in, as well as throughout the courthouse and outside the courtrooms.
- Protocols for Masks and Face Coverings – All entrants of the courthouse shall be required to wear masks or other face coverings to entering these buildings. Masks and face coverings must remain in proper position over nose and mouth, unless otherwise instructed by the judge to remove them. Any person that arrives without a mask will be provided one at the checkpoint. Any visitor that refuses to wear a mask will be prohibited from entering. Signs outside the courthouse shall inform entrants of mask and face covering requirements.
- Protocols for Social Distancing – Outside and inside the courthouse, signs and notices will be posted in prominent places to remind visitors to socially distance. Proper socially distanced seating will be clearly delineated.

Security at Check-In At The JAA

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

- ☐ Health Screenings. Everyone entering the JAA or the courthouse will be screened for illness and COVID-19 exposure and will sign in with their name, address, and phone number for the purpose of contact tracing.
- ☐ If any prospective 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 and will be instructed to report to an area designated for isolation and the trial judge and the Superior Court Clerk will be immediately notified to consider releasing the prospective juror from service.
- ☐ If any prospective 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 and will be instructed to report to an area designated for isolation and the trial judge and the Superior Court Clerk will be immediately notified to consider releasing the prospective juror from service.
- ☐ Social Distancing – The Jury Assembly Area (JAA) will have seats that will be properly marked for social distancing.
- ☐ Physical Barriers – The Superior Court Clerk and the Sheriff's office along with their staff will check in jurors at the JAA and the courthouse, utilizing signage and barriers to keep a distance of 6 ft between jurors and also requiring the wearing of masks or face coverings.
- ☐ Clear Masks/Face shields – If available, court personnel have use of transparent face shields or clear masks to accommodate hearing-impaired or language-challenged jurors.
- ☐ Nightly Deep Cleaning – Building Maintenance will sanitize the JAA and other publicly used areas each evening.

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. Any deferral or excusal will be solely at the discretion of and upon approval of the assigned judge and/or the Superior Court Clerk.

- The existing Excusal Form will be modified to temporarily waive the requirement that it be notarized before submission.

The Summons Packet to be mailed to the prospective jurors will instruct prospective jurors to call a phone number 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 10 days prior to their date of service.

- The Lee County Superior Court Clerk's Office will receive phone calls, answer any questions and vet any request before sending the person's contact information to the assigned judge's office.
- Staff 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* coming to the courthouse.

The Clerk will summon approximately 120 prospective jurors.

- Seating of the jury pool
All prospective jurors that make up the jury pool will be seated in an appropriate area of the JAA where the jurors can social distance.
- Morning Check-In
 - After all jurors are checked-in, The Superior Court Clerk will notify the assigned judge.
 - Non-qualified jurors will be excused and their service concluded.
 - Remaining jurors will be sworn in and given further instructions from the Clerk.

- An appropriate number of Sheriff's deputies and bailiffs will provide support in all of the procedures outlined.

Jury Selection

After the remaining qualified jurors have been sworn in, and after instructions from the Clerk, the qualified jurors will transport themselves from the JAA to the Lee County Courthouse for jury selection.

Upon arriving at the courthouse, the jury will be met by bailiffs and/or sheriff's deputies that will instruct them to report to the Superior Court courtroom to be seated in a social distanced manner in the designated area and await further instructions from the court.

Jury Selection (voir dire) will take place in the Lee County Courthouse in the Superior Court courtroom. However, procedures may be modified by the Judge and the clerk's office, with appropriate communication to the jurors.

OCCA § 15-12-131 requires that the court place a panel of 12 in the jury box "upon the request of either party." The jury box, under this plan, will be a part the traditional gallery.

Once the Jury has been chosen by voir dire, the prospective jurors that were not chosen to serve on the jury will be given further instructions by the Court or the Superior Court Clerk.

Jurors selected will be seated in the "jury box" and given further instructions for service.

Courtroom Layout

The courtroom gallery will be converted into the jury box, and jurors placed at seats marked every 6 feet in order to comply with social distancing requirements.

- Court Personnel will be stationed in accordance with CDC guidelines.
- The court reporter will be located in an area of the court that allows the court reporter to see and hear any participant of the trial that is speaking.
- Witnesses will be placed in the witness box, the traditional jury box or any other place the court feels necessary for the jury and participants to be able to see and hear the witness without impediment.
- Tables will be arranged so that the jury will be able to see and hear the prosecution and defense attorneys.
- Witnesses will be positioned such that counsel, the parties, and Jurors will be able to see and hear the witness. Jurors will be instructed to let the Judge know if they are having any difficulty hearing or seeing.
- Attorneys will be asked to speak so that everyone in the courtroom is able to hear the proceedings. If available, attorneys will use wireless microphones that can be attached in a way as to not require them to hold the microphone. If not available, all participants will use wired microphones to ensure that the jury will be able to hear the proceedings.

TRIAL

General Protocols

The assigned trial 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.

- ☐ Masks are required unless otherwise ordered by the Court. In all instances CDC guidelines will be followed.
- ☐ Judges, court staff, bailiffs, lawyers, and jurors will all wear masks during the trial unless otherwise instructed by the judge.
- ☐ At the sole discretion and judgment of the presiding judge, the judge, trial participants and jurors may be permitted to remove their masks while speaking.
- ☐ The judge shall provide jurors with a point of contact if potentially exposed to COVID-19 or experiencing symptoms of COVID-19. They should not be required to report.
- ☐ Any juror who does not pass the temperature check or COVID screening questions will be brought to the Judge's attention immediately and given further instructions.

Presentation and Handling of Evidence

Courtroom evidence should be displayed to the jurors in a digital format whenever possible, making use of appropriately sized television monitors to be able to be seen by participants.

- Witnesses will testify wearing a clear face mask.
- The lectern will be easily moved in the event trial participants are unable to see and hear. Attorneys will be asked to display PDFs, digital photos, and PowerPoint presentations on television monitors or other media mounted in the courtroom. A document camera should also be used display images of any paper document evidence.
- There will be certain items that cannot be displayed in a digital format and the attorneys will be directed to seek guidance from the Court.
- Attorneys will present their case from the lectern and seek permission from the Court before moving freely about the courtroom. Otherwise, they will remain at counsel table and the lectern.
- Attorneys will be provided wipes and will be responsible for wiping down the lectern, 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

Existing jury deliberation rooms will not be utilized due to the space restrictions. Instead, jurors will use the courtroom as a jury deliberation room.

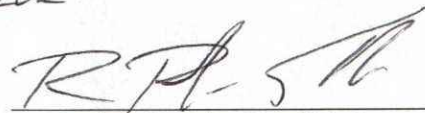
- The Jury Deliberation Room (courtroom) will be arranged so that jurors are socially distanced.
- The bailiff will have a supply table with extra disposable masks, hand sanitizer, paper towels, gloves, tissues, juror pads and pencils, bottled water, and disinfecting spray. Jurors should keep up with their own items, so as to prevent sharing.
- Jurors will be assigned a seat by the bailiffs and should use the same seating area for the duration of the trial.
- Jurors may be permitted to leave at lunchtime and return, at the discretion of the judge, or the judge may decide to bring in meals for the Jurors. Jurors will be permitted to bring in their own food, however there will be no community refrigerator available.
- Jurors with dietary restrictions, or who prefer to bring their own food, should do so in a personal size cooler bag which will remain in the jury room.
- Jurors will abide by social distancing guidelines when consuming food.
- Bailiffs will be stationed outside of each door to the jury room and shall keep the area secure. Bailiffs will escort jurors to the closest restrooms. Jury rooms will be cleaned and disinfected nightly.

Public Viewing Rooms

Due to the jury being seated in a section of the traditional gallery, some of the public may not be able to attend and view the proceedings in person. The "jail benches" may be used to accommodate participants families and the general public.

This order is subject to change based on the current fact and circumstances present at the time of trial at the discretion of the presiding trial judge.

17.5 11th Day of March 2021



R. Rucker Smith, Chief Judge
Lee County Superior Court

A SAFE JURY DUTY EXPERIENCE... IS OUR TOP PRIORITY.

What We're Doing:

Health Screenings

Face Coverings

Social Distancing

Cleaning

Disinfecting

Staggered Report
Times

Smaller Jury Pools

Health Measures at the Lee County Courthouse

The Southwestern Judicial Circuit is dedicated to protecting your health and the health of our employees, visitors, and community. As we begin to resume jury proceedings, our commitment to fighting the spread of COVID-19 has not changed. We are adhering to public health guidelines, modifying check in procedures, reconfiguring courtrooms, and educating you, a prospective juror, about the measures taken. Thank you for your commitment to our community and county.

We thank you for your service and look forward to having you at the Lee County Courthouse!

COVID-19 Juror Questionnaire

Name:	
Phone:	
Email:	
1. Are you over the age of 65?	
2. Do you have any serious underlying medical conditions such as high blood pressure, chronic lung disease, diabetes, severe obesity, severe asthma, severe heart disease, or cancer?	
3. Are you or have you recently undergone chemotherapy or another medical treatment that has caused your immune system to be compromised?	
4. Do you live with or care for someone considered to be at an increased risk of severe illness from COVID-19? Anyone who would answer "yes" to questions 1-3 above might be at increased risk.	
5. Are you requesting to defer your jury service to a later date because of answering "yes" to any of the above questions?	

Additionally, on the day of service, you will be screened at the courthouse entrance and asked the following questions:

1. Have you been diagnosed with COVID-19, or been in contact over the last 14 days with anyone who has been diagnosed with COVID-19, or been concerned for any reason that you may have been exposed or infected with COVID-19?
2. Are you currently experiencing any cough, difficulty breathing, or fever above 100.4 degrees, or have you experienced any such symptoms in the last three days?

If your answer is yes to either question *on the day of your service*, you should call the Clerk of Courts office immediately to request a deferral. Failing to appear without justifiable cause may place you in contempt of court.

Questions?

Call the Lee County Superior Court Clerk's Office at 229-759-6018.

Juror Questionnaire

PART ONE: TO BE SHARED WITH THE COURT ONLY

Name:

Telephone:

Email Address:

Date of Birth:

1. Have you ever been diagnosed with COVID-19, tested positive for COVID-19, been in contact during the last 14 days with someone who has been diagnosed with or tested positive for COVID-19, or been concerned for any reason that you may have been exposed to or infected with COVID-19? If so, please explain.

2. Have you been asked to self-quarantine by any healthcare provider within the last 14 days? If so, please explain.

3. Have you within the last 14 days been on a cruise, traveled outside the United States, or traveled to any area where a coronavirus quarantine was in effect? If so, please explain.

4. Have you had any of the following symptoms within the last 14 days: fever, chills, cough, shortness of breath, new loss of taste or smell, nausea, vomiting, or diarrhea? If so, please explain.

<p>5. Voluntary Response: Do you have any serious underlying medical conditions such as cancer, chronic kidney disease, chronic obstructive pulmonary disease, obesity, serious heart conditions, sickle cell disease, or type 2 diabetes mellitus? If so, please explain.</p>
<p>6. Voluntary Response: Is your immune system compromised for any reason, including a prior organ transplant, chemotherapy, other medical treatment, or any other reason? If so, please explain.</p>
<p>7. Do you live with or care for someone considered to be at an increased risk of severe illness from COVID-19? Anyone who would answer “yes” to questions 1-6 or who is above the age of 65 above might be at increased risk. If so, please explain.</p>
<p>8. Are you a healthcare worker or employed in any other occupation that places you in direct contact with COVID-19 patients or places you at higher risk of possible exposure to COVID-19? If so, please explain.</p>
<p>9. Are you requesting to defer your jury service to a later date because of answering “yes” to any of the above questions?</p>

Additionally, on the day of service, you will be screened at the entrance and asked the following questions:

1. Have you been diagnosed with COVID-19, or been in contact over the last 14 days with anyone who has been diagnosed with COVID-19, or been concerned for any reason that you may have been exposed or infected with COVID-19?
2. Have you had any of the following symptoms within the last 14 days: fever, chills, cough, shortness of breath, new loss of taste or smell, nausea, vomiting, or diarrhea?

If your answer is yes to either question *on the day of your service*, you should call the Lee County Superior Court Clerk’s office immediately to request a deferral. Failing to appear without justifiable cause may place you in contempt of court, so please call with any health concerns you may have.

PART TWO: TO BE SHARED WITH ATTORNEYS FOR THE PURPOSE OF EXPEDITING THE JURY SELECTION PROCESS

Name:

What is your gender?

What is your age?

Do you consider yourself (Circle One): Caucasian African-American Asian Hispanic
American Indian Other

What was the last year of school that you finished? Circle one.

Elementary Junior High High School Vocational/Technical Junior College College
Graduate School Post-Graduate Studies Other

If your education is above high school, list the major area of study and/or degree(s) earned:

Are you currently attending school? If so, what course of study?

Have you ever had any legal education, training, or experience?

While in school, did you attend (Circle One): Public Private Home School

Do you have plans to continue your education? If so, what are those plans?

Have you or any member of your immediate family ever received training or education in any of the sciences, e.g., medicine, physics, engineering, etc.? If so, please explain.

Are you currently employed? If so, please provide the following information:

Your occupation and a brief description of your
job: _____

Name of your employer: _____

Length of time you have been at your current job: _____

Number of hours you work per week: _____

Do you supervise others at your job? Yes or No. If yes, how many? _____

Are you supervised by others? _____

Do you have a second job? Yes or No. If yes, please give the name of your employer:

Have you ever owned or operated a business?

If so, when and what kind of business?

List all jobs, other than your current job, you have had as an adult:

Are you retired?

If so, from where are you retired?

Have you ever served in the military?

If so, what branch, when did you serve, and what was your highest rank?

What is your current marital status (Circle One): Single Married Widowed Separated
Divorced

If you are currently married, how many years?

If you are currently married, where is your spouse employed and what is his/her occupation?

If you are divorced or widowed, what was your spouse's occupation?

Do you have children?

If so, how many and what are their ages?

If you have children that are currently in school, do they attend (Circle One): Public Private
Home School

If your children work, what are their occupations?

Have you or any member of your immediate family ever been employed in law enforcement
or prosecutorial work? (e.g., sheriff's office, police, district attorney, corrections)?

If so, what type of work and for what agency?

Have you or any member of your family ever been employed in the healthcare field?

Have you or any member of your immediate family ever been the victim of a crime?
If so, please give a brief description.

Does any member of your immediate family suffer from any disability, handicap, or other
infirmity?
If so, please explain.

Do you have any physical problems that might interfere with your service as a juror?
If so, please explain.

If you would like to request to be excused based on any health issue, please submit a written request accompanied by a doctor's letter and mail it to Lee County Superior Court Clerk,
100 Leslie Highway, Leesburg, GA 31763

Have you ever been convicted or pled guilty or nolo contendere to a felony charge?
If so, please explain.

If convicted of a felony, were your civil rights restored? If so, when?
Do you have a felony charge pending against you now?

Have you ever been a party to a lawsuit?
If so, please describe the lawsuit and the outcome:

Have you ever had a claim asserted against you?
If so, please describe the claim.

Have you ever asserted a claim against someone for personal injuries or property damage?
If so, please describe the claim you asserted.

Have you testified as a witness in any case?
If so, please state when and where.

Have you ever served on a trial jury?
If so, please answer the following:

Where, when, and how many times?

Did you reach a verdict?

Was your service (Circle One): Civil Criminal Both

List any organizational, religious, civic, community, professional, special interest, or political groups of which you are a member:

List any hobbies, spare-time activities, and outside interests:

List all newspapers, magazines, TV and radio programs, including talk shows, or any computer based media that you regularly rely on for news:

How do you feel about the prospect of serving as a juror?

Questions?

Call the Lee County Superior Court Clerk's Office at 229-759-6018

THANK YOU FOR YOUR SERVICE!