

## **Restatement of Guidelines for In-Person Proceedings in the State Court of Bibb County**

For all in-person proceedings, the Court will balance the needs of public safety, the health and safety of victims, witnesses, jurors, and the public, the rights, health, and safety of the parties, and the health and safety of lawyers and Court staff.

1. All in-person proceedings in the State Court of Bibb County are subject to the “Guidelines for Court Proceedings for Courts in the Macon Judicial Circuit.” (Attached as Appendix A).
2. After consultation with officials from the North Central District Health Office and in compliance with their recommendations and the CDC’s guidelines, the Court has implemented numerous measures to protect all who appear in the State Court of Bibb County:
  - All individuals will be screened at the Courthouse entrance as required by the Macon Judicial Circuit Guidelines, including having their temperatures taken.
  - When people arrive on the 5<sup>th</sup> Floor, they will be provided hand sanitizer.
  - Unless there is a plexiglass barrier, everyone on the 5<sup>th</sup> Floor must wear a mask. This includes in the halls and the courtrooms. This includes judges, lawyers, staff, bailiffs, defendants, and all others.
  - All individuals are required to maintain six (6) feet of separation from others, unless they are cohabitants.
  - The number of people permitted in the courtrooms will be regulated for safe distancing, and the courtrooms have assigned seating to maintain social distancing standards. The courtrooms are open to the public; however, defendants are strongly encouraged to attend alone, so that distances can be more easily maintained. Bringing children to Court is particularly discouraged.
3. For “larger groups,” such as criminal arraignments, the calendars will be divided to reduce the number of people present. The largest calendars will be limited to approximately 35 people. If more people appear for a calendar than can be accommodated with social distancing, the extra people will be given a new time to report. The Court will utilize the following procedures, which have been observed and approved by the District Health Office:
  - Defendants will be screened at the Courthouse entrance and provided a facial covering if they do not have one. (See the Macon Judicial Circuit Guidelines.)
  - Unless there is a plexiglass barrier, everyone on the 5<sup>th</sup> Floor will be wearing a mask and maintaining six feet of separation. This includes in the halls and the courtrooms. This includes judges, lawyers, staff, bailiffs, defendants, and all others.
  - When defendants enter the 5<sup>th</sup> Floor, they will be provided hand sanitizer and will be directed to a line for checking in at the window. Single direction flow of traffic and signage will enhance social distancing.
  - From the check-in area, defendants will be directed to: (1) a courtroom, (2) a waiting area if they are meeting an attorney already appointed to their case, or (3) a separate waiting area if they are returning to talk with a prosecutor.
  - If a defendant is present for their arraignment on a new case, they will be directed to one of the courtrooms. The small courtroom can accommodate eight (8) defendants, and the large courtroom can accommodate twenty-seven (27) defendants. If a defendant is not

alone, spacing will be adjusted on his/her pew to maintain social distancing between all non-cohabitants in the courtrooms. Once a person is seated, that seat is their assigned seat in that courtroom. That seat will be sanitized before anyone else is permitted to sit in it. Defendants present for arraignment on a new case will watch a video explaining their rights.

- After watching the video, the defendant will meet with someone from the Solicitor's Office in the unfinished, 3<sup>rd</sup> courtroom space. Desks are equipped with plexiglass shields, and defendants will be wearing masks. Social distancing is still mandatory.
- If a defendant wants a court appointed lawyer, a bailiff will provide an application on a clipboard and a pen. When the application is complete, the bailiff will take it to the Clerk or a designated Deputy Clerk. If approved, the Clerk will assign the case to the next contract defense lawyer. When the lawyer is ready to see the client, the lawyer will call the defendant to leave the courtroom and meet with the lawyer. The lawyers' meeting spaces will be equipped with plexiglass shields, and the client will be wearing a mask. Social distancing is still mandatory.
- If a defendant elects to enter a plea after meeting with a lawyer or after meeting with the Solicitor, the defendant will return to his/her assigned seat in the courtroom and wait for his/her case to be called. The case should be called soon. We will not wait for all cases to be processed. Instead, we will dispose of cases as we go to limit the time the defendant is present.
- In the course of taking the plea, the Judge may sign documents (including the Rights Sheet, the Plea sheet, and all notices) for all parties and lawyers, with the consent of the Solicitor, Defense Counsel, and the Defendant. We want to limit the number of people who exchange paper and to avoid having to provide and/or sanitize pens.
- If a sentence includes new jail time, probation, or a fine, the defendant will be given instructions and directions to report to the Probation Office at 121 Third Street to receive copies of the sentence and additional directions. If a case is dismissed or resolved by the sentence, the defendant will obtain a copy of the dismissal/sentence from the Clerk's Office.
- When court is completed in a courtroom, the seating will be sanitized before the courtroom is used again.

# **State Court of Bibb County**

## **Pandemic Six-Person Jury Trial Plan<sup>1</sup>**

### **Summons**

1. A limited number of jurors will be summoned for each day of the trial week. In other words, jurors will be summoned for each trial, not for the entire trial week, therefore staggering sessions. (Misdemeanor trials can typically be completed in one day.) The Court expects 20 to 25 potential jurors to be present at one time. This number can be easily accommodated in the courtroom while social distance of six feet is maintained between potential jurors.
2. The Juror Summons will direct the potential jurors to a website for information about jury service. The website includes the Guidelines implemented for all courts at the Bibb County Courthouse, as well as additional information about the protections being taken in State Court for jurors. Information about these precautions will also be sent with the Juror Summons.
3. The website also includes a juror questionnaire to be completed by each juror to expedite voir dire.
4. Potential jurors who contact the Court with a legitimate COVID-19 related request for excusal will be deferred or excused.

### **Arrival for Jury Service**

1. Pursuant to the Guidelines, everyone entering the courthouse will be screened (temperature check and questions) and required to wear a facial covering. Any potential jurors who do not have a facial covering will be provided a mask.
2. Upon arrival on the 5<sup>th</sup> Floor, a bailiff will greet potential jurors and provide hand sanitizer.
3. Potential jurors will check in at a window with a plexiglass barrier. Single direction traffic flow will be utilized to promote social distancing, and spacing is marked on the floor, if there is a line. The flow is directed one-way from the elevators to the check-in and then to the courtroom.
4. The Court has a large courtroom that seats approximately 130 people in normal times. With social distancing of 6 feet in all directions between each potential juror, this courtroom can accommodate 27 potential jurors. Generally, panels of 15 to 17 are used to pick a 6-person jury. Twelve is enough if there are no strikes for cause. Based on the limited number summoned and the likely high rates of excuses and no-shows, the risk of having too few jurors is greater than the risk of too many.
5. Potential jurors will be directed into the large courtroom and will sit in a marked seat on one of the pews. (The pews and other surfaces are cleaned between each use of the courtroom.) This seat is their assigned seat for the duration, until they are selected or dismissed.

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<sup>1</sup> This plan was prepared after representatives of the North Central District Health Office inspected the State Court facilities and provided their guidance on measures which should be taken to protect all participants. This plan follows the recommendations of the North Central District Health Office, the CDC, and the Georgia Court Reopening Guide.

### Voir Dire

1. During voir dire, everyone in the courtroom, except the Defendant in a criminal case, will be required to wear masks. The Defendant will be socially distanced from others.
2. Voir Dire will be conducted with the potential jurors seated throughout the gallery of the courtroom. If there are spectators who cannot be accommodated in the back of the courtroom with appropriate social distancing during voir dire, they will be able to observe on a monitor in another courtroom. During the trial, they will be able to observe from assigned seating in the courtroom.
3. The Court will call the roll of jurors in attendance, so the parties can identify the jurors and prepare a seating chart, if desired.
4. The Court will qualify the jurors. Any who are disqualified will be dismissed and will leave.
5. The parties will be instructed to utilize information from the juror questionnaires so they can focus their questioning of potential jurors. In misdemeanor cases, voir dire generally takes about 20 minutes per side.
6. After voir dire and before the striking of the jury, the potential jurors will be given an opportunity to use the restroom. The number of jurors in the restroom will be limited. Social distancing will continue to be mandatory. Whenever jurors exit or enter the courtroom, a bailiff will offer hand sanitizer.

### **Trial**

1. After the parties exercise their strikes, the Clerk will call the names of the 6 trial jurors. Alternates will not be selected. These trial jurors will remain seated. When selection is complete, the jurors who were not selected will be dismissed.
2. The trial jurors will be taken to the deliberation room. The deliberation room is an unfinished courtroom, which presently is a wide open, carpeted room with wooden chairs which will be socially distanced to accommodate 6 people. Another available deliberation room is a large conference room in the Judges' Chambers.
3. In the courtroom during trial, three jurors will sit on each row of the jury box, with two empty seats between them. The seat they take when they enter the box will be their assigned seat for the duration of their service. Plexiglass barriers have been installed to separate the jurors. No parties, witness, lawyers, or court personnel will be within 6 feet of the jurors. The jurors will wear facial coverings during the trial.
4. Everyone in the courtroom, excluding the defendant in a criminal case, will be required to wear facial coverings during the trial. Witnesses will wear facial coverings, except when they are on the stand testifying. The lawyers will question witnesses from their tables, which will be more than 6 feet from the witness and jurors. Documents will be prepared and exchanged in advance to avoid the need to approach witnesses. Documents will be presented by computer or Elmo on monitors installed for the Judge, the jury, the witness, the parties, and any observers.
5. Separate waiting areas, with space for social distancing, will be available for the State/Plaintiff's witnesses and the Defendant's witnesses.
6. The witness stand and microphone will be cleaned with sanitizing wipes between each witness.
7. The parties will be provided a notepad and pen for communication with counsel. Additionally, the Court will take frequent breaks, and additional breaks upon request, to accommodate attorney-client communication.
8. Hand sanitizer will be provided during all breaks.

### **Deliberations**

The deliberation room is an unfinished courtroom, which presently is a wide open, carpeted room with wooden chairs which will be socially distanced to accommodate 6 people. Another available deliberation room is a large conference room in the Judges' Chambers. Jurors will wear facial coverings during deliberations. They will be provided frequent opportunities to use the restrooms and to sanitize. They will be instructed to maintain social distances during deliberations.

### **COVID Exposure**

The Court will obtain the names, addresses, and phone numbers of all participants in every trial, including parties, lawyers and their support personnel, court staff, jurors, and witnesses. All participants will be instructed to notify the Clerk of Court and the Judge, if:

1. They experience COVID symptoms during the trial or within 7 days after trial;
2. They learn during the trial or within 7 days after the trial that they are positive for COVID; or
3. They have been exposed to a person confirmed to be positive for COVID during the trial or within 7 days before the trial.

During a trial, if a person participating in a trial exhibits COVID symptoms or discloses that they are positive for COVID or that they have recently been exposed to someone who has tested positive, the Court will suspend activities and make a further inquiry into the situation. The Court will decide the appropriate action on a case by case and will not hesitate to declare a mistrial if necessary. The Court will direct the individual to get medical care or testing as appropriate and will notify the District Health Office.

After a trial, if a person who participated in the trial notifies the Court that they are exhibiting COVID symptoms, that they have been confirmed positive for COVID, or that they were exposed to a person with COVID before or during the trial, the Court will make a further inquiry, will consult with health officials, and will make a determination as to who should be notified of potential exposure, if anyone.

## Appendix A

### Re: Guidelines For Court Proceedings For Courts In The Macon Judicial Circuit (In compliance with the Second Order Extending Declaration Of Statewide Judicial Emergency)

As with everything else, the coronavirus has significantly disrupted the judicial system. By order of the Chief Justice of the Supreme Court, court functions have all but ceased for the better part of three months. A Second Order Extending Declaration of Statewide Judicial Emergency has now been issued. That Order extends the prohibition of any jury trials at least until Friday, June 12, 2020 at 11:59pm. While it does allow for the resumption of some non-jury court functions, the restrictions and limitations do not allow anything approaching what we once knew as "normal." Please refer to that Order for information as to the parameters for operation of the courts. To comply with Section Four of the Chief Justice's Order, this memorandum will serve as the written guidelines for proceedings in the Courts of the Macon Judicial Circuit. The operative term is "guidelines." Each judge and each court will necessarily have the leeway to vary the guidelines as particular circumstances dictate.

**Access:** Anyone coming to the courthouse to attend any court proceeding will be required to submit to a screening at the entrance to the courthouse. The particular area for the screening will be determined by security. This screening will include questions as to whether the person is experiencing fever, shortness of breath, persistent cough or sore throat, or any other symptoms of respiratory infection. The visitor will also be asked questions concerning their travel and possible exposure to COVID-19 within the last fourteen days. As the availability of equipment permits, each person's temperature will be taken using a no-touch thermometer. Should concerns be raised as a result of this screening, the Court will immediately be notified, and a decision will be made as to whether that person will be allowed in the building. If they are not permitted entry, the particular Court/Judge presiding in their proceeding is to be contacted so that the matter can be heard by alternative remote means or continued to a later date.

**Social Distancing:** For all court proceedings, social distancing will be required. Within the courtrooms, there must be a six-foot space between every person. For example, a litigant must sit at one end of the table and his/her counsel at the other end. Members of the public attending the proceeding must sit six feet apart in the gallery; the courtroom will be considered "full" when that distancing has reached its capacity. In the hallway outside of the courtrooms the floor will be marked at six-foot intervals; those in the hallway will be required to abide by this distancing. When capacity has been reached in the hallway, security will help others to a location outside the building to wait until space is available.

**Personal Protective Equipment (PPE):** All persons entering the courthouse for business should wear face masks or face covering. Further, all participants in litigation will be required to wear protective masks in the courtrooms and while in the courthouse. This includes counsel, parties and witnesses. Applicants for weapons carry permits and marriage licenses are also required to

wear face masks or face coverings. Members of the public attending the proceedings are strongly urged to wear masks; if a sufficient number of masks are available to security or to the court, then members of the public will be provided same and required to wear them at all times when in courtroom or the hallway.

**Remote Judicial Proceedings:** All judges will continue to use technology to provide an alternative to in person proceedings. Our preferred methods are Microsoft Teams, Zoom and WebEx (accommodations might be possible for alternative platforms on an availability and cases by case basis). Whether to use these platforms in a pending matter will be within the sole discretion of the judge presiding in that case. Should the decision be made to use this alternative, litigants, lawyers, witnesses and other essential personnel must comply with this decision (See Section Three of the Chief Justice's Order). Of course, to the extent possible, in person proceedings are preferred by all participants; but the circumstances may not allow this luxury. Finally, no proceeding - whether in person or remote - will be conducted if doing so would violate a constitutional right of a litigant.

**Types of Proceedings:** While the most recent Order from the Chief Justice allows in court proceedings, whether to conduct those proceedings - and how - depends on the nature of the event. For example, some hearings involve only the parties and counsel; these are more amenable to being held in person (domestic rules, motions for new trial, pre-trial motions, etc.). Other proceedings traditionally involving a large number of people will - if held in person - be subject to more modifications and restrictions (arraignments, child support, calendar calls, etc.). Each judge will determine whether to hold these proceedings in person, and if so, whether to limit the number of hearings, whether to stagger the times for appearance, etc. Questions as to whether and how a proceeding will be conducted are to be addressed to the judge for that proceeding.

These guidelines will remain in effect at least as long as any Judicial Emergency Order exists. The length and degree of restriction may also depend on what is deemed necessary in the Macon Judicial Circuit and allowed by statute (See O.C.G.A. §§ 38-3-61 and 38-3-62). It is not the intention of any judge of this circuit to impose any restriction for any period of time beyond what is absolutely necessary to ensure the safety of all who enter our courthouses. As do you, we look forward to the day when the administration of justice returns to its normal course. Until then, we will work with all who have business before the court to find a way to provide access and a fair hearing for their concerns.