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Superior Courts
ALAPAHA JUDICIAL CIRCUIT
ATKINSON, BERRIEN, CLINCH, COOK AND LANIER COUNTIES

AMENDED ORDER ESTABLISHING GUIDELINES FOR IN PERSON

COURT PROCEEDINGS:

Preface.

On March 9, 2021, the Honorable Chief Justice Harold D. Melton of the Supreme Court of Georgia issued the Twelfth Order Extending the Declaration of Statewide Judicial Emergency addressing continuation of essential court functions and the re-opening of non-essential court services. The order further stated that with written guidelines in place, which conform to CDC and Georgia Department of Health restrictions, courts may begin to resume functions in a manner that protects public health.

Based upon the authority granted to the Superior Court of the Alapaha Judicial Circuit, this set of guidelines is created to further clarify directions under which the court will resume functions. New guidelines are developing daily in these uncertain times; therefore, this Order may be amended to reflect further guidance or changes created by the Supreme Court of Georgia or the CDC.

1. Courthouse and Courtroom Admittance.

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CLERK OF SUPERIOR COURTS

Hearings and non-essential court functions will resume on June 1st, 2020, with the following guidelines applicable to the courthouse and courtroom procedure.

Other constitutional officers, Magistrate and Probate Judges, and other occupants such as tax assessors, elections office, county commissioners, and other governmental entities that maintain office space in the courthouse should develop occupancy guidelines consistent with public health guidelines, courthouse safety plans and other relevant factors. Admittance to the courthouse will be in the discretion of the Sheriff of each county, consistent with public health guidelines, courthouse safety plan, the guidelines established by varying occupants of each courthouse, and other relevant factors in the discretion of each Sheriff.

The term "Courtroom" shall include, but not be limited to, the common areas of the courthouse immediately adjacent to a courtroom, jury rooms, jury assembly rooms, witness sequestration rooms, judge's chambers, law libraries attendant to the courtroom, attorney lounges attendant to the courtroom, hallways, corridors, and any other rooms regularly used when court is in session.

The number inside the court room shall not exceed the number that can be admitted safely within social distancing and public health guideline restrictions. To accomplish this goal, and in compliance with the Twelfth Extension, the Court will continue using staggered scheduling for calendars. The court is aware that due to physical attributes of some facilities, the enactment of these standards may differ in some facilities more than others. The goal of this order is to protect the public's right to an open forum, while maintaining public health standards. In furtherance of this goal, the Sheriff or his designee shall be responsible for the implementation of these guidelines and shall seat visitors to the courtroom within appropriate standards. The Sheriff or his designee shall place a marker designating where a person may be seated in accordance with social distancing guidelines. A person may be seated only on a marker. However, if persons in the visitor section reside in the same household, they may be allowed to sit together. Then, the next visitor must be seated on a marker at an appropriate social distance. Once the visitor section is fully occupied using such social distancing

guidelines, then no additional persons may enter the courtroom.¹ If an attorney is not engaged in a hearing in progress, she or he shall sit in the visitor section of the courtroom, or may remain outside the courtroom awaiting the calling of her or his case for trial/hearing.

In the front of courtroom, where the hearing/trial is conducted, all persons, including but not limited to the judge, court reporter, clerk, and attorneys and her or his client shall exercise social distancing guidelines. If an attorney and client need closer contact for confidential matters the attorney can make arrangements for said matters including a request to be excused from the courtroom for such contact. Sequestered witnesses shall observe social distancing guidelines, and the Sheriff is ordered to find sufficient rooms to sequester witnesses while maintaining social distancing guidelines. Furthermore, while court is in session, the Sheriff shall assure that social distancing is being followed by all persons in the courtroom, as the term courtroom is defined above.

2. Health Screening.

When court hearings are scheduled, a Health Screening shall be conducted on each person entering the courthouse. The Sheriff or his designee shall conduct a health screening using the tool provided as Exhibit A to this order. The Sheriffs of each county shall make best efforts to use a no-contact thermometer to take the temperature of those entering the courthouse. If one cannot be procured, then the Sheriff will not take the temperature of each person entering, but will still complete the attached tool for each person. Should any of the questions be answered in the affirmative, then such person shall not be allowed to enter the courthouse. If the person who is not allowed to enter the courthouse is a litigant or witness in a case scheduled, then the Sheriff shall immediately notify the court (presiding judge or staff) of the person not to be admitted. If a person is seeking to enter the

¹ Each court is encouraged, but not mandated, to provide an overflow room where the proceedings may be watched via a live video feed. The court is aware that based upon the physical attributes of some facilities, this may be easily accomplished, and that based upon the physical limitations of some facilities, this may be more difficult, if not impossible to accomplish. In criminal proceedings, the constitutional right of the Defendant to an open proceeding shall not be abridged, and the application of these guidelines shall not be construed to in any way limit this constitutional right. Furthermore, in all proceedings, the goal is to provide an open forum for public viewing, while at the same time attempting to provide a safer environment based upon existing public health guidelines, and these guidelines shall be interpreted and implemented consistent with such goals.

courthouse for reasons other than court attendance, the Sheriff shall contact the office the person requests for further instructions.

3. Personal Protective Equipment.

Personal Protective Equipment (“PPE”) is strongly encouraged for all persons who enter the courthouse for court proceedings. PPE, including but not limited to masks (paper or cloth) and gloves, may be worn by all persons entering the courtroom in their discretion. Court Personnel and visitors may be supplied with PPE if they notify the screening individual of such need, for as long as supplies last. Masks and PPE equipment shall be health oriented and may be required to be removed for identification purposes.

4. Objections.

The court cannot guarantee, nor does it attempt to guarantee, that strict adherence to guidelines will prevent the contraction or spreading of COVID or any infectious disease. Admission and attendance in each courtroom shall be governed by public health guidelines, specifically, though not limited to, social distancing practices. If any person has an objection to attendance or participation in an in-person court proceeding, then a written objection must be delivered to the court, and all parties involved, within three days, or as soon as practicable, and shall be accompanied with a proposed reasonable accommodation to insure participation in the proceeding. The object shall be filed with the Clerk of Court. The court will consider the request, and in its discretion, will rule as to which accommodation, if any, is appropriate.

5. Sanitation Practices.

The county commissioners of each county shall ensure that custodial staff or other personnel are sufficiently trained in the method and manner for sanitizing a courtroom, as the term courtroom is defined in this order herein. Person’s tasked with this sanitation process shall follow appropriate guidelines published by the CDC, Georgia Department of Health, and/or county health department.

Courtrooms shall be cleaned and disinfected prior to the next use, and certain high traffic areas in the courtroom may need cleaning more often, in accordance with public health guidelines.

Each county shall provide hand sanitizer for use in the courtroom, which shall be made available for use by court personnel. All persons in the courtroom, including but not limited to the judge, court reporter, clerk, and attorneys and her or his client shall exercise social distancing guidelines. Furthermore, writing instruments shall be personal, disposable or sanitized before use by another person in the courtroom.

6. Past Calendar.

If you had a hearing scheduled on a calendar during March through July 14th that was not handled by a remote call or otherwise resolved, then it is the responsibility of the attorney to reschedule those hearings. The Clerk's office will not be responsible for rescheduling any past hearings.

7. Implementation.

Except as otherwise specified herein, the Sheriff of each county, in the exercise of his discretion, shall be responsible for the full implementation of these guidelines.

8. Publication and Dissemination of Guidelines.

This order and guidelines shall be published at the entrance to each courthouse. A copy of this order shall be available at the Clerk of Superior Court office in each county within the Alapaha Judicial Circuit and shall be posted in each courthouse where public announcements are posted. Furthermore, the Clerk of Court shall email a copy of this order to each attorney who has an office within the respective counties.

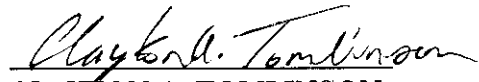
9. Professionalism

In all matters during this challenging time, all lawyers are reminded by the Supreme Court of their obligations of professionalism. Court officials, litigants, and their lawyers should strive to cooperate with the court to dispose of matters promptly, efficiently, and fairly.

10. Duration

This order shall be effective until termination of the Declaration of the Judicial Emergency by the Supreme Court of Georgia.

SO ORDERED on this the 19 day of March, 2021.



CLAYTON A. TOMLINSON

Chief Judge

Alapaha Judicial Circuit

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ATKINSON, BERRIEN, CLINCH, COOK AND LANIER COUNTIES

March 19, 2021

Shawna Hughes, Clerk
Berrien County Superior Court
201 N. Davis Street, Rm. 230
Nashville, GA 31639

BERRIEN COUNTY, GEORGIA
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Shawna C. Hughes
CLERK OF SUPERIOR COURT

Madam Clerk,

As you know, Richard "Dick" Perryman, III was the elected District Attorney in 2020. Since then, Mr. Perryman has been appointed to the position of Superior Court Judge of the Alapaha Circuit. His prior involvement with criminal cases will preclude Judge Perryman from presiding as Judge on criminal cases for some time.

As such, I will preside over criminal and civil matters in Berrien County and Judge Perryman will hear only civil cases until further notice.

Sincerely,

Hon. Clayton A. Tomlinson
Chief Judge