

REVISED ORDER SETTING GUIDELINES FOR THE RESUMPTION OF JURY TRIALS
 SUPERIOR COURT OF HARALSON and POLK COUNTIES GEORGIA
 TALLAPOOSA JUDICIAL CIRCUIT

FILED & RECORDED
 CLERK OF SUPERIOR COURT
 HARALSON COUNTY
 2021 APR 13 AM 9:32

The Chief Judge of the Superior Courts of the Tallapoosa Judicial Circuit has convened a local committee of stakeholders to assist in developing the following plan to resume jury operations in Haralson and Polk Counties. The following stakeholders assisted in the preparation and/or implementation of this plan:

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| Superior Court Judge Mark Murphy | District Attorney Jack Browning |
| Captain Wade Williams for Sheriff Eddie Mixon | Haralson Clerk of Court Becky Abbot |
| New Sheriff Stacy Williams | New Clerk of Court Amy Muse |
| Captain Jamie Kirby for Sheriff Johnny Moats | Polk Commissioner Scotty Tillery |
| Polk Clerk of Court Stacie Baines | Attorney Tim Taylor |
| Haralson Commissioner David Tarpley | Attorney Jack Witcher |
| Tallapoosa Circuit Bar President Ryan Farmer | DPH Nurse Manager Malindy Ely |
| Circuit Public Defender David L. Smith | Attorney Bill Lundy |
| Attorney Karen Wilkes | Attorney Ryan Remsen |
| Attorney Alison Karch | |

FILED & RECORDED
 CLERK OF SUPERIOR COURT
 POLK COUNTY
 2021 APR 13 AM 11:19

Communicating Safety to the Public

The general public must be given reasonable assurances regarding public health issues in the courthouse. The public must be confident that risks have been mitigated and that their safety is of paramount importance. This assurance is best conveyed when all of the factors that jurors experience are taken into consideration.

Courtrooms Facilities and Buildings Governed by this Order

This order governs the procedure for conducting jury trials in the Tallapoosa Circuit, which includes Polk and Haralson Counties. The court buildings and facilities in each county have different space limitations and other challenges, and the provisions of this order have taken these differences into account. For Polk County, only the large courtroom in the main courthouse will be utilized for jury assembly, jury selection and jury trials as set forth in this order. The small courtroom downstairs in the main courthouse will be used as the jury deliberation room. For Haralson County, only the large courtroom will be utilized for jury assembly, jury selection and jury trials, and the small courtroom will be used as the jury deliberation room.

1. Vulnerable Populations

Individuals who are over age 65 and individuals with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune system are compromised such as by chemotherapy for cancer or other conditions

requiring such therapy are considered to be vulnerable populations. Court notices requiring the attendance of those considered to be vulnerable populations will be provided information on the summons on how to contact the Clerk of Court for further guidance regarding their attendance.

2. Social Distancing

- a. All persons not from the same household who are permitted in the court building will be required to maintain adequate social distancing of at least 6 feet.
- b. Each restroom has been evaluated to determine the appropriate capacity to ensure social distancing and the maximum capacity has been posted on each restroom door.
- c. The maximum number of persons permitted in the gallery of each courtroom has been determined by security. The maximum capacity of the courtroom(s) will be monitored and enforced by court staff.
- d. The courtrooms have been marked to identify appropriate social distancing in the seating.

3. Hygiene

- a. Hand sanitizer dispensers have been placed at numerous locations around the courthouse for use by staff and the general public. Signage encourages both hand washing and the use of hand sanitizer.
- b. Signs have been posted throughout the courthouse to remind occupants to maintain good hygiene.
- c. HVAC system-Haralson County has cleaned the duct work and treated it for allergens and bacteria. The air filters are changed regularly. Polk County courtroom windows will be opened to allow fresh air flow. The air filters are changed monthly.

4. Screening

- a. When individuals attempt to enter the court building courthouse security will ask the individuals if they are feeling feverish; have a cough, shortness of breath, or difficulty breathing; whether they have traveled to a high risk area; or have been in close contact with a person who is confirmed to have COVID-19. Security will notify the presiding judge of any individuals who indicate yes to two or more of these questions. The presiding judge will follow CDC guidelines when determining what actions to take.
- b. For all individuals entering; the courthouse security will use an infrared thermometer to determine the temperature of the individual. Security will notify the presiding judge of any individuals whose temperature equal or exceeds 100.4°F.
- c. In the event of a positive COVID-19 diagnosis of a juror, defendant, attorney, witness, court personnel, or judge, the presiding judge will inform jurors that a positive COVID-19 has been reported and that this information has been provided to the Director of the Regional Public Health Department.
- d. Once notified of a possible COVID-19 exposure, the judge will take appropriate action including, but not limited to, a review of the legal options for the trial with

the attorneys and conduct individual voir dire with each juror to determine their ability to fairly and impartially continue with the trial.

5. Face Coverings

- a. The Court recognizes that masks and face coverings are an inconvenient and uncomfortable matter. However, it needs to be emphasized that you wear a mask for the protection, not of yourself, but for the protection of the persons with whom you come in contact. There will be vulnerable individuals at the courthouses, and you can be carrying the COVID-19 virus although you are not showing symptoms.
- b. All individuals entering the court building will be required to wear face coverings properly at all time, covering the nose and mouth.
- c. Individuals will be encouraged to bring face coverings with them, but if the individual does not have a face covering, a disposable face mask will be provided.

6. Cleaning

- a. The common area(s) of the courthouse will be cleaned on a regular schedule.
- b. The courtroom(s) shall be cleaned after each use.

Direct Communication with Prospective Jurors:

The court will provide a document to prospective jurors along with the summons explaining the steps that the Court is taking to mitigate COVID-19 risks. See attachment A.

The Court will provide a call-in number where prospective jurors can call in and report that they are symptomatic so that they do not report in person for service.

Space Preparation:

1. Courtrooms: A space plan has been created for each courtroom designated in this order to allow for social distancing.
2. Reconfiguration: The space plan includes installation of mitigation strategies, including but not limited to plexiglass partitions or face shields.

Trial Jury Operations:

1. Juror Summons and Arrival

- a. Jurors will be summoned only for a specific week consistent with the Court's normal operating procedure.
- b. The court will stagger times for jurors to arrive allowing for the assembly of smaller groups and to permit social distancing
- c. Prospective jurors will be directed to the large courtroom designated in this order for each county. Once in the courtroom, each juror will be checked in by the Clerk's office.
- d. Once checked in, each juror will be assigned a seat for orientation
- e. For the health of the jurors and the Court staff the Court will provide pencils and the jurors will be instructed to keep all personal items separated from other jurors.

2. Jury Service Staff Interaction

- a. Jurors will be instructed to self-report to the Clerk's office any symptoms they may have every day upon arrival and throughout the day until their jury service is

completed. This is in addition to the screening questions asked upon entry to the courthouse.

- b. Staff will be trained to limit contact with jurors and documents that jurors have handled. For example, jurors will be asked to hold up documentation (summons and driver license) for scanning and review.
- c. Juror orientation will include a review of the steps the Court is taking to increase juror safety. Jurors will be reminded of the steps they must take for their enhanced safety, including frequent hand washing, and social distancing.
- d. Seats will be marked in jury assembly to designate where jurors are permitted to sit enabling the Court to have proper social distancing in the jury assembly room.
- e. At least two bailiffs will be scheduled to provide support in all of the procedures outlined.
- f. At least two Sheriff's deputies will provide security and support in all of the procedures outlined.

3. Preparing the Courtroom for Jury Selection and Trial

- a. Public health has been consulted on appropriate measures to retrofit the courtroom(s). Some jury boxes have been altered and the courtrooms themselves have been reconfigured.
- b. Markings or tape has been used to delineate proper socially distanced seating in the courtroom.
- c. Courtroom seating is limited and has been prioritized in criminal cases for the defendant(s) immediate family members, victim(s) and their immediate family, and at least some space for members of the general public and the media.
- d. Consideration has been given to ensuring that each juror, party, and counsel can see and hear the proceedings from their places around the courtroom.
- e. Courtrooms will be cleaned between trials, with particular attention to sanitizing the jury seating area, the judge and clerk positions, and party seating areas.
- f. Masks will be properly worn by all individuals in the courtroom.
- g. Witnesses in Polk County will testify without a mask, from behind a plexiglass barrier. Witnesses in Haralson County will be provided a face shield to wear while testifying.
- h. IT has been consulted regarding acoustics and enhanced sightlines.
- i. Due to the configuration of the courtroom(s) sidebars will be discouraged. Instead, the jurors may be removed from the courtroom to allow necessary communication between the judge and litigants. In Polk County, jurors will be secured in the small courtroom downstairs in the main courthouse. In Haralson County, jurors will be secured in the small courtroom.
- j. The Court has implemented a contingency plan in advanced for COVID-19 issues arising during jury selection and trial. The potential jurors will be instructed about the plan at the beginning of jury selection. The plan includes providing jurors with a point of contact if potentially exposed to COVID-19 or experiencing symptoms of COVID-19 during their service.

4. Jury Selection and Trial

- a. Initially, only one trial jury will be selected on any given day to minimize individual movement and interaction within the courthouse and other courts are cancelled. This plan will be reevaluated once the Court has had an opportunity to conduct a sufficient number of trials to ensure the viability of this plan and that public health guidelines are complied with.
- b. The objective is to qualify fourteen (14) jurors for a felony criminal case and a necessary civil case. The total represents twelve (12) jurors plus two (2) alternates.
- c. If necessary the small courtrooms identified in this order will be used for juror overflow.
- d. Prospective jurors will be assigned seats in the courtroom for voir dire.
- e. Counsel will be required to conduct voir dire from their own counsel table instead of the podium.
- f. Specific individual juror follow up questioning will occur immediately after general voir dire.
- g. Challenges for cause may be addressed by the Court immediately as grounds for the challenge arise. This will allow for the prompt excusal of unqualified jurors and defendant(s).
- h. Jurors will be escorted to the restroom(s) by a bailiff.
- i. Jurors in early panels will be released until a time certain to allow for jury selection to continue in smaller groups.
- j. Once all prospective jurors have been through voir dire the trial jury will be struck with the trial to commence the same day, except in the case of a six person jury which may begin immediately.

5. Presentation of Evidence

- a. When it is necessary for jurors to handle physical exhibits, the Court will provide hand sanitizer for use after handling or gloves that are discarded immediately after use to avoid cross-contamination.
- b. To the extent practical all physical evidence will be projected from the ELMO to the big screen located in the courtroom so that personal contact is limited.
- c. To the extent possible all digital evidence will be projected from the projector hanging on the wall/ceiling to avoid inference during trial.
- d. During deliberations, the jurors will be encouraged to take socially distanced turns reviewing exhibits placed on a table rather than handing around the exhibits.
- e. Witnesses will testify behind plexiglass without masks or wear face shields rather than masks so their demeanor can be fully evaluated. The judge will make sure that the jury's view of the proceedings and ability to hear is not obscured.
- f. On each day of trial, parties should confirm that witnesses are not exhibiting COVID-19 symptoms and have not had recent exposure to someone with COVID-19.

6. Attorney Communications with Client

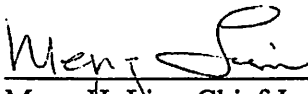
- a. Before trial and then during the proceeding, the defense attorney will be provided confidential and safe access to any detained client to discuss trial proceedings.

- b. Handwritten notes may be shared between the attorney and client, such as tablets or computers, for the attorney and clients to send text messages to one another.
- c. The customary jury room or grand jury room will be provided for the lawyer and client to communicate.

7. Deliberations

- a. The jury will deliberate in the small courtroom downstairs at the main courthouse in Polk and the small courtroom in Haralson so that social distancing can be observed during jury deliberations. Security cameras in those courtrooms will be disabled during the deliberations. The court will instruct jurors to maintain physical distancing and to keep masks on. The court will instruct the foreperson to ensure jurors comply with physical distancing and mask covering requirements and to report to the bailiff if any juror refuses to comply with these instructions.
- b. During deliberations, jurors will be encouraged to take socially distanced turns reviewing exhibits placed on a table rather than handing around exhibits.
- c. No one is permitted to stand outside the doors and overhear jurors during deliberations, as they will presumably be talking louder than usual because of social distancing.
- d. The jury will be directed to knock to tell the bailiffs' waiting outside the deliberation room when they have questions or a verdict.
- e. The jurors will be provided with a supply of single-use notebooks and pens on hand.
- f. Pens and juror notebooks will be disposed of after each trial.

SO ORDERED this 9th day of April, 2021.


 Meng H. Lim, Chief Judge
 Superior Court, Tallapoosa Judicial Circuit

Cc: Superior Court Judge Mark Murphy
 Haralson County Sheriff Stacy Williams
 Haralson Clerk of Court Amy Muse
 Haralson Commissioner David Tarpley
 Tallapoosa Circuit Bar President Ryan Farmer
 Circuit Public Defender David L. Smith
 Attorney Karen Wilkes
 Attorney Alison Karch
 Attorney Tim Taylor

District Attorney Jack Browning
 Polk County Sheriff Johnny Moats
 Polk Clerk of Court Stacie Baines
 Polk Commissioner Scotty Tillery
 DPH Nurse Manager Malindy Ely
 Attorney Bill Lundy
 Attorney Ryan Remsen
 Attorney Jack Witcher

APR 14 2021 10:00 AM
 TALLAPOOSA COUNTY
 CLERK OF COURT
 COURT CLERK

Attachment "A"

**NOTICE TO BE ATTACHED TO ALL SUMMONS AND TO ALL SUBPOENAS
REQUIRING IN-PERSON COURTHOUSE APPEARANCE**

You have been summoned and/or subpoenaed to appear in a matter before the Superior Court in the Tallapoosa Judicial Circuit. The court has taken certain health and safety measures to limit the transmission of COVID-19, as directed by the Georgia Supreme Court.

- All participants must wear a mask or face covering when entering and while inside the court facility.
- Each participant must stay at least 6 feet from all other people for the duration of their visit to the courthouse. Seating has been marked in the courtrooms.
- All participants must submit to pre-entry screening at the courthouse entrance. Including temperature check and health questions (i.e. fever, cough, shortness of breath, ext.)
- Individuals shall not congregate in common areas of the courthouse.
- Prohibit the use of water fountains.
- Limiting elevator capacity to facilitate social distancing.
- Provide the public with access to hand washing and hand sanitizer stations throughout the courthouse.
- Limiting restroom capacity to facilitate social distancing.
- All restrooms must be well-stocked with soap and paper towels at all times.
- Room capacity shall be limited throughout the courthouse facility.
- Use microphones capable of picking up audio from a safe distance or clean close proximity microphones after each use.
- Limiting contact with shared documents, when documents must be passed between individuals, gloves and hand sanitizer should be made available and utilized.
- Disinfect the courtroom after each proceeding or as frequently as practicable.

**MANAGING SUSPECTED EXPOSURE TO COVID-19 BY AND FROM COURT STAFF
AND VISITORS**

- With regard to everyone who works in a court facility, the operating guidelines shall require isolation of any person with known or suspected COVID-19 and quarantine of any person with COVID-19 exposure likely to result in infection, in accordance with the DPH Eighth Amended Administrative Order for Public Health Control Measures.
- When there is reason to believe that anyone who works or visited a court facility has been exposed to COVID-19, DPH or the local health department shall be notified, and notification of person who may have been exposed shall occur as directed by DPH or the local health department.