

IN THE MUNICIPAL COURT FOR THE CITY OF ST. MARYS  
STATE OF GEORGIA

AMENDED ORDER ESTABLISHING GUIDELINES FOR IN PERSON COURT  
PROCEEDINGS ST. MARYS MUNICIPAL COURT

On May 11, 2020, the Honorable Chief Justice Harold D. Melton of the Supreme Court of Georgia issued the Second Order Extending Declaration of Statewide Judicial Emergency addressing continuation of essential court services and the re-opening of non-essential court services. This Court issued an Order Establishing Guidelines for In Person Court Proceedings to allow, consistent with public health guidance, applicable statutes and court rules, and Constitutional requirements, in person judicial proceedings.

Since the entry of the previous Order by this Court, Chief Justice Melton has issued two orders extending the Statewide Judicial Emergency (Third and Fourth Extension Orders). On July 10, 2020, Chief Justice Melton issued the Fourth Order Extending Declaration of Statewide Judicial Emergency, effective July 12, 2020 at 11:59 p.m. (the “Fourth Order”<sup>1</sup>). In response thereto, this Court issues this Amended Order Establishing Guidelines for In Person Court Proceedings.

Based upon the authority granted to the Municipal Court of the City of St. Marys, in the exercise of judicial discretion, the court issues the following amended order establishing guidelines to protect the health of litigants, lawyers, judges, court personnel, and the public (hereafter referred to as the “Guidelines”) for in-person court proceedings.

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<sup>1</sup> The Fourth Order can be found at <https://www.gasupreme.us/wp-content/uploads/2020/07/4th-SJEO-FINAL.pdf>

1.

The health of each litigant, lawyer, judge, court personnel, and the public is first and foremost the responsibility of each person. The court cannot guarantee, nor does it attempt to guarantee, that strict adherence to the guidelines will prevent the contraction or spreading of any infectious disease, including but not limited to COVID-19. If any person has an objection to attendance or participation in an in person court proceeding, then such objection shall be made known to the court at least three days prior to the scheduled court proceeding, or as soon as is practicable, and shall accompany such objection with a proposed reasonable accommodation to such attendance. The court will consider the request, and in its discretion, will rule as to which accommodation, if any, is appropriate.

2. Persons Admitted to the Courthouse and Courtroom

A. Courthouse.

The building which is used as the courthouse for the City of St. Marys Municipal Court is City Hall. On days and at times when court is in session, facemasks shall be worn by all who enter the courthouse. This includes, but is not limited to, judges, clerks, probation officers, law enforcement officers, attorneys, and defendants. Facemasks may be removed upon exiting the courthouse. The City Council for the City of St. Marys has developed guidelines for admittance to City Hall. On days and at times when court is not in session, admittance to the courthouse/City Hall will be in the discretion of the City Council, Mayor, and/or their designee. Notwithstanding the foregoing, nothing in the guidelines for admittance to the courthouse shall abridge the right of the public to have access to judicial proceedings and a criminal defendant's rights to confrontation and open courtrooms.

B. Courtroom

The term “Courtroom” shall include, but not be limited to, the common areas of the courthouse immediately adjacent to a courtroom, witness sequestration rooms, judge’s chambers, and any other room regularly used when court is in session.

On days and at times when court is in session, facemasks shall be worn by all who enter the Courtroom. This includes, but is not limited to, judges, clerks, probation officers, law enforcement officers, attorneys, and defendants. The City Council for the City of St. Marys has developed guidelines for admittance to City Hall. On days and at times when court is not in session, admittance to the Courtroom/City Hall will be in the discretion of the City Council, Mayor, and/or their designee.

Admittance to the Courtroom shall be governed by public health guidelines, specifically but not by way of limitation, social distancing guidelines. In each Courtroom, the number of persons allowed shall not exceed the number that can be admitted in the visitor section of the courtroom while exercising social distancing guidelines. Seating in the Courtroom shall be arranged such that each seat shall have at least six (6’) feet of distance from any other seat or person when measured in each direction, and persons admitted to the Courtroom will adhere to social distancing guidelines.

Once the visitor section is fully occupied using such social distancing guidelines, then no additional persons may enter the courtroom.<sup>2</sup> 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.

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<sup>2</sup> 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.

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, they shall request to be excused from the courtroom for such contact. Sequestered witnesses shall observe social distancing guidelines, and the bailiff is ordered to find sufficient rooms to sequester witnesses while maintaining social distancing guidelines. Furthermore, while court is in session, the bailiff shall assure that social distancing is being followed by all persons in the Courtroom, as the term courtroom is defined in 2(B) above.

### 3. Health Screening

Health Screening personnel are not trained medical professionals. If anyone has any questions or concerns about his or her health or potential COVID-19 exposure, then such person should contact his or her personal physician, Georgia Department of Public Health, or other qualified medical professional.

On days and at times when court is in session, Health Screening shall be conducted on each person entering the courthouse. The bailiff or other City personnel shall conduct a health screening on each person entering the courthouse by using the tool provided as Exhibit A to this Order. The screener shall make best efforts to procure sufficient no-contact thermometers for use in measuring the temperature of persons entering the courthouse. If the screener is unable to locate sufficient no-contact thermometers for use by health screening personnel, then the screener shall not be required to take the temperature of those entering the courthouse, but shall ask all questions and document all responses of all persons entering the courthouse on the tool provided on the attached Exhibit A. If any of the questions on the screening tool is answered in the affirmative, then such person shall not be allowed to enter the courthouse. If the person who is not allowed into the

courthouse is a litigant or witness in a case scheduled for an in person hearing, then the bailiff shall immediately notify the presiding judge of the person not so admitted.

#### 4. Social Distancing

Please see paragraph numbered 2 above for social distancing guidelines.

#### 5. Personal Protective Equipment

On days and at times when court is in session, facemasks (paper or cloth) shall be worn by all who enter the courthouse and all who enter the Courtroom. Courthouse personnel shall wear facemasks from the entryway of the courthouse to their respective workplaces, and thereafter at the discretion of their respective supervisors. Persons who are not courthouse personnel shall wear a facemask from the entryway of the courthouse and continuously thereafter until they exit the courthouse.

The court has a limited supply of facemasks for use by court personnel and visitors to a courtroom. If a visitor does not have access to a facemask then he or she shall notify the health screening personnel of such need, and a facemask shall be provided to such visitors for so long as limited supplies last.

Other PPE, such as gloves, may be worn by any person entering the courthouse.

#### 6. Sanitization practices.

City personnel shall ensure that custodial or other personnel are sufficiently trained in the method and manner for sanitizing a Courtroom, as the term Courtroom is defined in paragraph numbered 2 herein. Persons tasked with sanitization practices shall follow guidelines established by the United States Centers for Disease Control (“CDC”), the Georgia Department of Public Health, the county health department, and the provisions of the Georgia Court Reopening Guide, which is attached hereto as Exhibit B.

Courtrooms shall be cleaned and disinfected after each use. To provide as much time after cleaning and disinfecting prior to the next use, such cleaning and disinfecting shall take place as soon after use as is practically and reasonably possible. Certain high traffic areas in the courtroom may need cleaning more often (i.e., between hearings or witnesses) in accordance with public health guidelines.

The court shall supply hand sanitizer for use in the courtroom, which shall be available for use by court personnel and litigants. Writing instruments shall be personal, disposable, or sanitized after each use and before use by another person in the courtroom.

#### 7. Accommodations for high risk individuals.

The following persons are defined as high risk individuals:

- a. Those persons who are 65 years of age or older.
- b. Those persons who live in a nursing home or long-term care facility, including inpatient hospice, assisted living communities, personal care homes, intermediate care homes, community living arrangements, and community integration homes.
- c. Those persons who have chronic lung disease.
- d. Those persons who have moderate or severe asthma.
- e. Those persons who have severe heart disease.
- f. Those persons who are immunocompromised. Many conditions can cause a person to be immunocompromised, including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medication.
- g. Those persons, of any age, with class III or severe obesity.

- h. Those persons diagnosed with the following underlying medical conditions: diabetes, liver disease, and persons with chronic kidney disease undergoing dialysis.

If any lawyer, party, or witness falls into one of the above categories of high risk individuals, then the lawyer for such party or lawyer who subpoenaed such witness shall notify the court of such condition at least three days prior to the scheduled court proceeding, or as soon as is practicable, and shall accompany such notification with a proposed reasonable accommodation for such lawyer, party, or witness. If a party is self-represented, then such party shall follow the same procedure as an attorney for a party. The court will consider the request, and in its discretion, will rule as to which accommodation is appropriate.

#### 8. Resources.

All individuals should educate themselves about the relative dangers of attending gatherings of people, including in person court proceedings. The CDC, Georgia Department of Public Health, county health department, Georgia Court Reopening Guide, and the Fourth Order are excellent resources for use in such educational process. Each individual is responsible for his or her education in this matter.

#### 9. Implementation.

Except as otherwise specified herein, the City Manager of the City of St. Marys, in the exercise of his discretion, shall be responsible for implementation of these guidelines.

#### 10. Publication and Dissemination of Guidelines.

A copy of this order shall be available at the entrance to the courthouse and at the Clerk of St. Marys Municipal Court's office. Additionally, this order shall be submitted to the Administrative Office of the Courts at <https://georgiacourts.gov/covid-19-court-operating->

[guidelines-form/](#) to be posted at <https://georgiacourts.gov/covid-19-court-operating-guidelines/> as a centralized website available to litigants, lawyers, and the public.

11. Duration

This order shall be effective until termination of the Chief Justice of the Supreme Court of Georgia's Order Declaring Statewide Judicial Emergency as extended.

SO ORDERED on this the 20<sup>th</sup> day of July, 2020.

A handwritten signature in blue ink that reads "J. Patrick Brooks". The signature is written in a cursive style with a horizontal line extending to the right.

J. PATRICK BROOKS, Chief Judge  
St. Marys Municipal Court



# Exhibit A

## Health Screening Tool

(Comprised of 1 page not including this page)

# COVID-19 Screening Questionnaire

**MUST BE WEARING FACE COVERING TO ENTER THE BUILDING**

**1. IN THE PAST 24 HOURS, have you had any of the following symptoms?** Yes / No

- a. Fever
- b. Cough (not due to allergies)
- c. Sore Throat
- d. Shortness of Breath
- e. Loss of smell or taste

If "YES", LEAVE/MAY NOT ENTER  
the building/entry denied

**2. Have you TRAVELED INTERNATIONALLY in the past 14 days?** Yes / No

If "YES", LEAVE/MAY NOT ENTER  
the building/entry denied

**3. Have you had CLOSE PERSONAL CONTACT with anyone who has been diagnosed with COVID-19 in the past 14 days?** Yes / No

If "YES", LEAVE/MAY NOT ENTER  
the building/entry denied

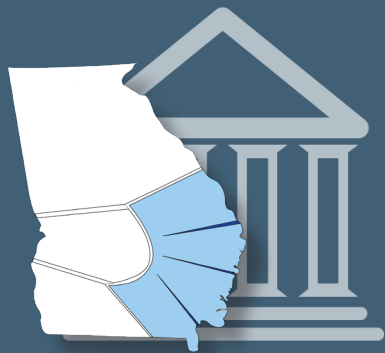
**4. TEMPERATURE CHECK**

- a. If temperature is less than 100°F, allow access. Screening is complete.
- b. If temperature is equal to or higher than 100°F, LEAVE/MAY NOT ENTER the building/entry denied

## Exhibit B

### Georgia Court Reopening Guide

(Comprised of 5 pages not including this page)



# Georgia Court Reopening Guide










Judicial Council Strategic Plan  
Standing Committee

When the courts reopen, certain general practices will need to be followed to ensure the health and safety of both court employees and the public. Due to the wide variety of courts across the State, it is impossible to create a one-size-fits-all COVID-19 policy that will work for both small and larger localities. There are, however, certain general practices that could be applied to all courts and adjusted where necessary to meet the unique needs of each court. The practices presented here are to assist all Georgia courts meet the challenges of resuming operations in the wake of the public health emergency caused by COVID-19.

## Guiding Principles

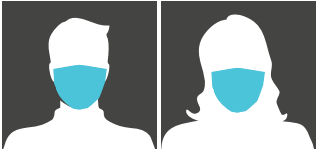
- ✓ Reduce the transmission of COVID-19 among court employees and the public.
- ✓ Maintain healthy court operations and facilities for the public.
- ✓ Maintain a healthy work environment for court employees.
- ✓ Exercise flexibility when applying these guidelines to ensure each litigant receives a fair hearing as required by law.

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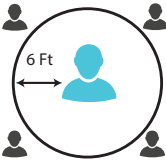


## General Infection Control Measures



members of the public seeking entry who do not have one.

**Require** all employees and the public to wear a mask or face covering when entering the court facility. If possible, provide a mask to employees and



**Limit room capacity** throughout the court facility. Calculate room capacity using the area of a circle with a radius of six feet, which is equal to approximately 113 square feet per person. Use your best judgment to adjust this calculation to the specific layout of each room and to accommodate cohabitating groups sitting together.

- **Provide the public with access** to handwashing and multiple hand sanitizer stations throughout the facility.
- **Provide signage** to direct the public to bathrooms for handwashing and hand sanitizer stations.
- **Request that housekeeping personnel clean and sanitize bathrooms and other areas** more frequently and adequately to control the transmission of COVID-19.
- **Restrooms should be well-stocked** with soap and paper towels at all times.
- **Post signage limiting restroom capacity** to facilitate social distancing.
- **Prohibit the use** of water fountains.
- **Consider physical barriers** like plexiglass to protect court employees and the public.
- **Permit employees and the public to wear their own protective equipment**, including a face covering.
- **Any person not wearing a mask** should remain at least ten feet away from other people.
- **Ventilation system:** Work with public health to evaluate ventilation needs. The CDC recommends

### Maintain Safe Behavioral Practices

- ✓ Frequently wash hands or use alcohol-based (at least 60 percent alcohol) hand sanitizer when soap and water are not available.
- ✓ Wear a mask or other face covering. If wearing a mask would negatively impact a litigant's right to a fair hearing, consider transparent face shields, physical distancing, or other infection control measures in consultation with a public health or medical professional.
- ✓ Avoid touching eyes, nose, and mouth.
- ✓ Stay at least six feet (about two arms' length) from other people.
- ✓ Stay home when sick.
- ✓ Clean and disinfect frequently touched objects and surfaces, including door handles, security bins, countertops, public access computers, and seating throughout the facility.

improving central air filtration to a MERV-13 filter or the highest compatible with the filter rack, as well as sealing the edges of the filter to limit bypass.

- **Locate additional space:** Identify other government facility space to provide more room, e.g., commission meeting rooms, jury assembly rooms, auditoriums, etc.
- **Coordinate your efforts** with the other tenants in your building to ensure uniform practices throughout the facility.
- **Isolate persons who become symptomatic** while in the court facility until they are able to leave and remove others from any rooms they have occupied.
- **Consult a public health or medical professional** if you have questions or need help adapting these guidelines to your unique circumstances.



## Provide Notice to the Public of Increased Health and Safety Measures



**Modify the existing hearing notice** to include that the court has taken certain health and safety measures to limit the transmission of COVID-19.

2 Continued next page

## 2 Provide Notice to the Public of Increased Health and Safety Measures *continued*

**Add information to the existing hearing notice** about how to contact the court to request a continuance in the event that the noticed party:

- ✓ Is currently infected with COVID-19 or in quarantine due to exposure to a person with COVID-19.
- ✓ Is a member of an immune-compromised or medically fragile population (or living in a household with someone who is immune-compromised or medically fragile).
- ✓ Is over age 65.
- ✓ Has small children but does not have child care due to COVID-19.

**Include information about how to request a reasonable and necessary accommodation** in advance of arriving to court, such as an interpreter.

**Post adequate signage** to provide the public with instructions on how to comply with health and safety measures.

**Post signage and floor decals** to direct the flow of foot traffic throughout the court facility.



## 3 Provide Healthy and Safe Access to the Courtroom



### SCREENING

**Establish a process to screen individuals for COVID-19 before entering the court building** and the courtroom.

**Ask a series of questions** to each individual before or upon entry to the building, such as:

- ? Whether or not they have traveled to or from any areas in which COVID-19 is particularly active.
- ? If they have, within the past ten days, experienced symptoms of COVID-19, including: cough, shortness of breath or difficulty breathing, fever above 100.0 degrees, chills, muscle pain, sore throat, headache, or new loss of taste or smell.
- ? If they have been in contact with someone known to have COVID-19 within the last 14 days.
- ? If they have been tested for the virus and the result of such test.
- ? If possible, take the temperature of each individual seeking to enter the building with a no-contact thermometer and deny entry to anyone with a fever of 100.0 degrees or higher. Persons reporting a fever above 100.0 degrees in the past 72 hours should also be denied entry.
- ? Any person denied entry for health reasons should have his or her case continued and be advised to seek medical evaluation and testing.
- ? The following information should be collected from any person denied entry for health reasons: name, contact information, the court he or she was scheduled to attend and why, and the specific reason for denying entry.

### STAGING

**Individuals should not congregate** in common areas while waiting to access the courtroom.

**Design a process to facilitate social distancing** while individuals wait to enter the courtroom, such as:

- ✓ Floor or sidewalk markings to keep individuals six feet apart.
- ✓ Outdoor distancing so individuals can spread out.
- ✓ Waiting in cars.
- ✓ Set up a tent where individuals can wait in compliance with social distancing measures.
- ✓ Call or send a text message when it's time to enter the building.

### FLOW

**Control the route** that people will take through your building to access the courtroom to encourage social distancing, such as:

- ✓ Roping or taping off certain seating areas or hallways.
- ✓ Placing arrows on the floors to direct foot traffic.
- ✓ Requiring people to enter through one door and exit through another.
- ✓ Limiting elevator capacity to facilitate social distancing (e.g., two person maximum) and offering the stairs as an alternative route.





## Maintain a Healthy and Safe Courtroom

**Maintain a six foot distance** in the courtroom between individuals who do not reside together to facilitate adequate social distancing.

### **Limit Courtroom Capacity**

Do not schedule more individuals to arrive at the courtroom (including staff) than the square footage of the courtroom can accommodate to allow for social distancing.

One way to calculate room capacity is to use the area of a circle with a radius of six feet, which is equal to approximately 113 square feet per person.

**Continue to conduct virtual hearings** by video conference or teleconferencing whenever possible.

**Consider providing a live** YouTube, Facebook, Zoom or other link to individuals who want to see what is going on in the courtroom but cannot be present due to room capacity.

**Rotate individuals in and out** of the courtroom as quickly as possible to limit contact.

**Use microphones** capable of picking up audio from a safe distance or clean close proximity microphones after each use. Court employees should wear gloves and hold handheld microphones if used.

**Limit contact** with shared documents and exhibits as much as possible. Present documents and exhibits electronically if possible and appropriate.

**Conduct bench conferences in a room that provides for adequate social distancing** (defendant may need to waive his or her presence if necessary).

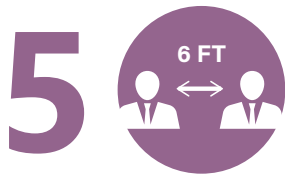
**Disinfect the courtroom** after each proceeding or as frequently as practicable.

### **Consider Staggered Scheduling**

Under normal circumstances, it is common to have large calendar calls in many courts where many people report at one time.

To maintain adequate social distancing, stagger the arrival of persons participating in proceedings to ensure that a large number of individuals do not arrive at the same time.

For example, if a courtroom can accommodate twelve people, do not schedule your normal 50 person calendar for 8:30 a.m. Rather, schedule the first group of 12 for 8:30 a.m. and the second group of 12 for 10:00 a.m., etc.



## Healthy and Safe Court Employees

**Implement staggered shifts** for all court employees and implement teleworking for all possible court employees.

**Discourage employees from sharing** phones, desks, offices, surfaces, or other equipment.

**Provide for adequate spacing** between employee workstations to facilitate social distancing.

**Provide a separate entrance** to the court facility for employees, if possible.

**If six feet of separation is not possible**, consider options like plexiglass barriers and frequently disinfecting shared surfaces, such as table tops, door knobs, elevator buttons, pens, security bins, etc.

**Require all employees to wear face coverings** at all times.

**Consider temperature checks** of employees when employees report to work each day with a no-contact thermometer.

**Require employees who exhibit signs of illness** to stay home or seek medical attention.

**Provide courtroom employees with adequate personal protective equipment**, including face coverings.

**Courtroom employees should be trained** on best practices to prevent infection, including frequent hand washing for at least 20 seconds with soap and water.

**Clean and disinfect offices daily** or as frequently as possible.



## Healthy and Safe Jurors and Potential Jurors

**The number of jurors and potential jurors should be limited to the amount a room or facility can accommodate** with social distancing and other infection control measures.

### Potential jurors:

- ✓ Likely to have more conflicts than prior to COVID-19 (e.g., childcare, looking for work, or working in the medical field).
- ✓ Will likely have health concerns about being around a group of strangers.

**Jury selection may take longer** due to social distancing and other infection control measures.

### Jury holding and deliberations:

- ✓ Likely cannot take place in a typical jury room due to size.
- ✓ Use a larger room, such as the courtroom or another large meeting room to facilitate social distancing.
- ✓ Turn off video and audio recording in the room if the jury is deliberating there.
- ✓ Limit jury deliberations to two hours at a time with 15-minute breaks to go outside into fresh air and/or separate from each other. Jurors should not deliberate for more than eight hours per day.

**Provide** individual boxed lunches and bottled water to jurors. Vending machines should be wiped down regularly and have a hand sanitizing station nearby.

**Juror transportation:** If jurors are shuttled to the court facility, provide for proper spacing in transport vehicles and sanitize vehicles after each use. Jurors should stay six feet apart while waiting for the shuttle.

**Require all jurors to wear a mask** or face covering while in the court facility and the juror shuttle, if applicable. If wearing a mask would make it difficult to evaluate the demeanor of jurors or otherwise negatively impact a litigant's right to a fair hearing, consider transparent face shields, physical distancing, or other infection control measures in consultation with a public health or medical professional.



## Healthy and Safe Inmates and Detainees

- ✓ **Use video conferencing** for proceedings whenever possible.
- ✓ **Screen inmates and detainees** for COVID-19 symptoms before transport to court.
- ✓ **Work with law enforcement** to provide for proper spacing in transport vehicles and masks for inmates and detainees during transport. Stagger arrivals and departures to facilitate spacing in transportation vehicles and holding areas.
- ✓ **Sanitize transport vehicles** after use.
- ✓ **Label holding areas** to provide for social distancing.
- ✓ **Sanitize holding areas**, restraints, and other commonly used items after each use.
- ✓ **Make hand sanitizer available** to inmates and detainees.
- ✓ **Require** all inmates and detainees to wear a mask or face covering while in the court facility. If wearing a mask would negatively impact an inmate or detainee's right to a fair hearing, consider transparent face shields, physical distancing, or other infection control measures in consultation with a public health or medical professional.
- ✓ **Ensure** deputies who are required to be in close proximity to inmates and detainees have face coverings and gloves.