

**IN THE SUPERIOR COURTS OF APPALACHIAN JUDICIAL CIRCUIT  
STATE OF GEORGIA**

IN RE: COVID-19 Pandemic \*  
\*  
Date: June 30, 2021 \*

**TEMPORARY SAFETY MEASURES REGARDING OPERATIONS  
FOR ALL CLASSES OF COURT**

On March 13, 2020, the undersigned issued an “Order Declaring Judicial Emergency” for the Appalachian Judicial Circuit due to the threat of transmission of Coronavirus/COVID-19. This local order was re-entered or extended each month until finally being permitted to expire on June 30, 2021. On March 14, 2020, the Honorable Harold D. Melton, Chief Justice of the Supreme Court of Georgia, declared a judicial emergency statewide which was re-entered or extended every month. He has now provided notice of his intent to terminate that order on June 30, 2021.

Court operations during the COVID-19 pandemic have been ongoing, albeit with defined limitations and restrictions. These restrictions have included safety measures outlined in each local emergency order, as well as the “Guidelines for Resuming Grand Jury and Jury Trial Proceedings,” adopted by this circuit’s COVID-19 Jury Committee on February 26, 2021, and amended on April 5, 2021.

As the circuit now makes plans to emerge from a state of emergency, any and all previous guidelines are hereby superseded and/or amended by the provisions contained herein.

The COVID-19 disease continues to pose great risk to public health. Therefore, in consultation with other judicial and county officials, as well as the COVID-19 Jury Committee and state and local health officials, the Appalachian Judicial Circuit will continue to take precautions in order to protect the health of litigants, lawyers, judges, court personnel, and the public.

Accordingly, IT IS THE ORDER of the Court:

**I. Stay Home if You Are Sick or Have Been Exposed**

COVID-19 is a respiratory illness that spreads primarily by breathing in air when close to an infected person who is exhaling droplets and particles that contain the virus, or by such droplets contacting

a person's eyes, nose, or mouth. Common symptoms of the disease include fever or chills, cough, shortness of breath, fatigue, aches, loss of taste or smell, sore throat, and runny nose. In order to prevent disease transmission from occurring, no person should come to any judicial facility if they are experiencing such symptoms. Nor should any person come if they have been around anyone they believe may have been positive for COVID-19 in the previous 14 days.

Any person compelled to appear at the courthouse who is nevertheless prohibited from entering by this policy should leave their name, contact information, and reason for appearing with the front door deputies. Additionally, jury division staff within the Clerk of Court's Office shall advise all jurors of this policy prior to the day of their summons, and provide a mechanism for tracking and reporting any juror who indicates that they are unable to appear due to illness or exposure.

## **II. Virtual Proceedings Strongly Encouraged**

All classes of court are encouraged to continue to use remote video technology wherever feasible, as a safer alternative to in-person proceedings. **On June 22, 2021, Chief Justice of the Supreme Court of Georgia, Harold D. Melton, issued an order extending the use of videoconferencing for the next year, until June 30, 2022. A copy of the applicable Supreme Court Orders are attached as Exhibit "A."** Such hearings in this circuit are conducted using either the Zoom, Microsoft Teams or WebEx video platforms, all of which have mobile and desktop software applications available to use free of charge and coordinated by court staff. Courts should give appropriate consideration and deference to the requests of attorneys and parties wishing to appear virtually. Any virtual proceeding that is not open to the public in person shall satisfy constitutional open court requirements by livestream, or by posting notice of the hearing to the circuit's website or within the hearing notice, with instructions given on how to view it.

## **III. Masks are Strongly Encouraged for All Persons**

Current guidance from the Centers for Disease Control and Prevention (CDC) recommends that unvaccinated people wear masks in public settings or wherever they may be around other people. The individual vaccine status of the hundreds of monthly visitors to the courthouses is impossible to know, and

many judicial participants attend under compulsion. Thus, clearly-observable signs **encouraging** the wearing of masks shall be posted at all entrances.

Additionally, judges of all classes of court are authorized at any time to require any and all courtroom participants to wear masks for the duration of any proceeding. This is particularly applicable to Juvenile Court proceedings, where children often appear who are not eligible to be vaccinated or who do not otherwise have opportunity to be vaccinated.

#### **IV. Large Calendars to be Avoided**

While this Order relaxes some social distancing requirements, thereby permitting larger groups of people to attend in person proceedings, all classes of court should avoid any scheduling practice that is likely to result in a large number of participants appearing at the same time. In general, no more than 24 persons should be expected to appear at any one time, which is the maximum capacity of the Jury Assembly Room.

#### **V. Jury Trials**

Jury trials shall continue to follow the “Revised Guidelines for Resuming Grand Jury and Jury Trial Proceedings.” based upon current CDC guidelines and local COVID-19 statistics. Furthermore, a presiding judge should give close attention at the outset of any jury proceeding to ensuring that all jurors are safe, protected, and adequately informed about the precautions taken. *Any presiding judge is authorized to put in place more restrictive measures than are required pursuant to this order.*

This provision will continue to be reviewed as more health information becomes available.

#### **VI. Grand Jury Proceedings.**

The grand jury shall continue to follow the procedures as described in the “Revised Guidelines for Resuming Grand Jury and Jury Trial Proceedings.”

#### **VII. Other Basic Measures**

Other preventative measures should continue to be taken by all classes of court, including but not limited to:

- Making hand sanitizer stations widely available;

- Temperatures will be taken outside the door of each courtroom and jury assembly room. No one will be allowed to enter the courtrooms and jury assembly rooms with a temperature higher than 100.4 degrees.
- Disinfecting high-volume public areas daily, which can be arranged through county maintenance personnel;
- Displaying signs in the restrooms encouraging good hygiene and the washing of hands;
- Requiring sick or exposed employees to take time off or work remotely.

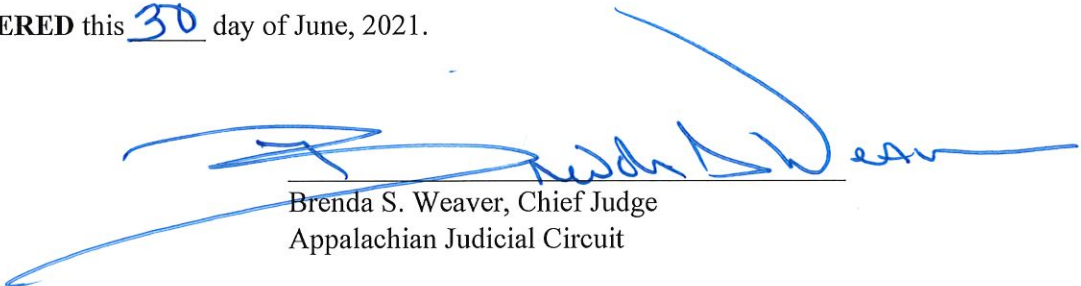
**VIII. Duration**

The terms of this Order shall terminate on October 31, 2021, at 11:59 p.m., unless otherwise extended, rescinded, amended, or superseded.

IT IS FURTHER ORDERED that the Sheriffs of each county shall post this Order on their public notification site and in the courthouses;

IT IS FURTHER ORDERED that the undersigned shall immediately notify and serve a copy of the order on the judges and clerks of all courts sitting within the jurisdictions affected.

IT IS SO ORDERED this <sup>+</sup>30 day of June, 2021.



Brenda S. Weaver, Chief Judge  
Appalachian Judicial Circuit



# SUPREME COURT OF GEORGIA

**FILED**  
**Administrative Minutes**  
**June 22, 2021**  
Thérèse S. Barnes  
Clerk/Court Executive  
**SUPREME COURT OF GEORGIA**  
*Thérèse S. Barnes*

The Honorable Supreme Court met pursuant to adjournment.  
The following order was passed:

## IN RE: EXTENDING AND CLARIFYING TEMPORARY AMENDMENTS TO VIDEO CONFERENCING RULES FOR THE SUPERIOR, JUVENILE, MAGISTRATE, MUNICIPAL, AND PROBATE COURTS.

On March 27, 30, and 31 of 2020, this Court issued orders temporarily clarifying and amending video conferencing rules of the Superior Courts, Juvenile Courts, Magistrate Courts, Municipal Courts, and Probate Courts. Those temporary amendments are set to expire with the expiration of Chief Justice Melton's Order Declaring Statewide Judicial Emergency. Those temporary amendments are hereby extended and shall remain in effect through June 30, 2022.

In addition, those rules as temporarily clarified and amended are hereby additionally clarified to allow any proceeding not otherwise allowed to be conducted by video conference so long as the judge and all the parties consent, and public access is ensured as required in said rules.

**SUPREME COURT OF THE STATE OF GEORGIA**  
Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.



*Thérèse S. Barnes*, Clerk



## SUPREME COURT OF GEORGIA

March 27, 2020

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

### IN RE: SUPERIOR COURT RULES

For the duration of the statewide judicial emergency declared by the Chief Justice and any modifications and extensions thereof, the following provisions of the Uniform Superior Court Rules are hereby clarified and/or amended as follows:

Uniform Superior Court Rule 9.1, which provides for the use of telephone conferences in pre-trial and post-trial proceedings in civil cases, also provides for the use of video conferences to the extent it provides for telephone conferences. All such conferences shall comply with applicable constitutional requirements.

Uniform Superior Court Rule 9.2 (C) is hereby waived to the extent that it imposes notice requirements beyond those ordinarily required by law or rule for proceedings conducted in-person.

Uniform Superior Court Rule 9.2 (E) (4) is hereby waived to the extent that it requires that the public have access to the location at which a judge is presiding over a video conference, provided that:

(a) Notice shall be given to the parties and the public that a proceeding will occur wholly by remote video conference;

1. Such notice may be given by a website posting or similar means.

2. In the event a court provides public access to a livestream of all proceedings to which the right of open courts applies, the livestream may constitute such notice, provided that notice of the livestream itself is provided through the websites of one or more of the following: the court; the clerk of court; the Council of Superior Court Judges; and the local bar association(s), if any.

(b) If a party or a member of the public objects to the remote proceeding, the court shall sustain or overrule such objection prior to conducting the proceeding; and

(c) The public shall be given an opportunity to view the remote video conference, such as by joining the video conference (although unable to participate), through a livestream, or through substantially similar means.

**SUPREME COURT OF THE STATE OF GEORGIA**  
Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

 , Clerk