

OCONEE JUDICIAL CIRCUIT
GUIDELINES FOR EXPANDING IN-PERSON PROCEEDINGS

Introduction

In response to the COVID-19 pandemic, Chief Justice Harold Melton of the Georgia Supreme Court issued an Order Declaring Statewide Judicial Emergency on March 14, 2020. The courts remained open on a limited basis to perform essential functions and limited proceedings were conducted remotely using video technology. On June 12, 2020, Chief Justice Melton issued the Third Order Extending Declaration of Statewide Judicial Emergency reimposed deadlines and tasked each court with developing and implementing operating guidelines for in-person proceedings designed to protect the health of litigants, lawyers, judges, court personnel, and the public. The Court hereby adopts the Georgia Court Reopening Guide which is attached along with the following Circuit-specific guidelines. As mandated, these guidelines have been developed in compliance with public health guidance and with the requirements of the United States and Georgia Constitutions and applicable statutes and court rules. These guidelines may be amended as new information becomes available from public health authorities or in response to changes to the Declaration of Judicial Emergency issued by the Supreme Court of Georgia. The Circuit calendar for 2020 will not change as a result of the statewide Judicial Emergency and proceedings shall occur virtually or in-person consistent with the Supreme Court of Georgia's Orders and guidelines.

Guidelines

I. Health Screening at Entrances

In addition to regular security screening, bailiffs shall perform a health screening on individuals seeking admittance to the courthouse on days where court proceedings have been scheduled. Bailiffs shall use a no-contact thermometer to record the body temperature of all persons entering the facility. Any person having a body temperature of over 100.4° Fahrenheit will be subject to a secondary temperature screening. If the second temperature reading confirms a body temperature of over 100.4 ° Fahrenheit, the individual shall be denied entry. The bailiff

shall record the name, phone number, and reason for visiting of the individual and contact the presiding judge or office where the individual was going to inform them of the denied entry.

Additionally, bailiffs shall ask a series of screening questions regarding whether entrants have health symptoms consistent with COVID-19 infection, have been tested for COVID-19, have been exposed to COVID-19, have travelled in the past 21 days, serve as a health care provider or first responder, or visited or received treatment in a hospital, nursing home, or other health care facility in the past 30 days. Bailiffs shall use the COVID-19 Screening Questions document provided to record the required information and responses. Individuals answering in the affirmative to any of the screening questions shall be asked to remain socially distanced while the bailiffs informs the presiding judge of the results of the questionnaire. The presiding judge shall make the determination whether or not to deny entry to the individual. Individuals denied entrance who appeared as a party, attorney, or witness shall have his or her case continued. Records of COVID-19 screening shall be retained for a period of 30 days.

II. Facemasks or Coverings

Prior to resuming in-person proceedings, all personnel who work in the court facility shall be provided with Personal Protective Equipment (PPE) in the form of facemasks. All persons entering the courthouse on a day with scheduled court proceedings shall be required to wear a facemask or an equivalent item which covers the nose and mouth. The local county government shall ensure that adequate numbers of disposable face masks shall be available so that any member of the public seeking to enter the courthouse may be provided with one.

Bailiffs shall ensure that facemasks are worn by every individual entering the courthouse. Individuals refusing to wear a facemask shall be denied entry and the presiding judge shall be informed of the refusal. Facemasks are required to be worn at all times within the court facility in public areas and must cover both the nose and mouth.

Witnesses shall remove his or her facemask upon taking the witness box or chair. A ten (10) foot social distancing radius must be maintained around the witness at all times. Individuals speaking during a court proceeding may remove his or her mask with the approval of the presiding judge provided that a ten (10) foot social distancing radius is maintained. Any person approaching the bench shall be required to wear a face mask.

III. Social Distancing

At all times within the courthouse, social distancing shall be observed between individuals who do not reside together. Individuals wearing a facemask shall observe a six (6) foot social distancing radius while individuals not wearing a facemask shall observe a ten (10) foot social distancing radius. Plexiglass shields will be installed around court personnel where room dimensions and layout do not permit adequate social distancing. Signs informing the public of social distancing policy have been prominently displayed in the courthouse. Signs directing the public to the courtroom, bathrooms, and sanitizer stations have been displayed to discourage loitering and congregating in the hallways.

A maximum occupancy has been established for each courtroom, bathroom, and elevator in the courthouse. Seats and tables in the courtroom have been marked to accommodate social distancing. The presiding judge has discretion to deviate from the prepared seating arrangement based on the demands of the particular proceeding or to permit cohabitating individuals to be seated together. Attorneys needing to move close to their clients to communicate effectively may do so or may request a recess from the presiding judge to consult with their client in a separate room. The Sheriff and his lawful deputies have the authority to enforce social distancing guidelines throughout the courthouse.

IV. Hand Sanitizer and Hand Washing Stations

The county government shall provide adequate amounts of hand sanitizer for every scheduled court proceeding. Hand sanitizer stations shall be placed throughout the courthouse, but at least at the entrances to the courthouse and to the courtroom and inside the courtroom. Signs directing individuals to hand washing and hand sanitizer stations have been displayed. County officials shall ensure that the bathroom is stocked with soap and paper towels at all times.

V. Ongoing Sanitization

Prior to any scheduled in-person proceeding, the courtroom shall be cleaned and sanitized. The courthouse shall be cleaned and sanitized at regular intervals. The courtroom shall be sanitized between every hearing and during recesses. Seats and tables that were used during the hearing shall be sanitized. Parties and attorneys are encouraged to bring their own pen for use during proceedings. A pen shall be provided by the Court which will be sanitized between hearings. Hand sanitizer will be available in the courtroom for use by attorneys and the parties. Between hearings and during lunch recess, high-traffic areas of the courthouse shall be sanitized. Special attention shall be given to sanitizing door handles, railings, push-button devices, elevator buttons, and arm rests.

VI. Courtroom Maximum Occupancy

Each courtroom has a set maximum occupancy that represents the maximum number of people, inclusive of court personnel, attorneys, parties, and observers, that may be safely permitted inside the courtroom in consideration of social distancing and ventilation concerns. Bailiffs shall track the number of people permitted within the courtroom and inform the judge should the maximum occupancy be reached.

In order to reduce the volume of people in the courthouse at any given time, court proceedings shall be staggered throughout the day. Parties shall be notified of the specific time their case will be called. At no time should the maximum occupancy of the courtroom be exceeded. Parties and attorneys arriving early for their proceedings may be encouraged, but not required, to wait in their vehicles or a designated waiting area for their case to be called.

To the extent that courtrooms cannot be open to accommodate public viewing or the maximum occupancy of the courtroom is reached, best efforts shall be made to live-stream proceedings via the internet or broadcast directly into a public viewing area so that interested observers may see and hear proceedings.

VII. Virtual Proceedings

The presiding judge may continue to utilize virtual participation of proceedings via telephone or video-conference. All proceedings required to be public shall comply with open court requirements by notice posted on the Clerk of Court website, in-person accessibility, and access via hyperlink through the Clerk of Court and Eighth District websites. The presiding judge shall notify the parties of the procedure for the virtual introduction of evidence and documents in advance of the proceedings.

VII. Procedure for Symptomatic Individuals

Should an individual suddenly begin experiencing symptoms consistent with COVID-19, court personnel should immediately clear the public from the room and isolate the symptomatic individual. If the symptomatic individual was in a court proceeding, the proceeding should be recessed. Bailiffs should clear a route out of the courthouse and once the individual can safely exit the building, should be instructed to seek an evaluation by a health care professional. The room which held the symptomatic individual and all surfaces he or she contacted should be thoroughly sanitized before proceedings may resume.

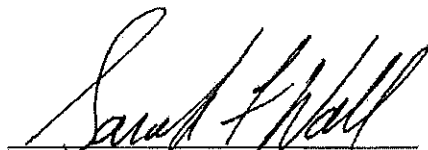
VII. Procedure for Recommencement of Inmate Transfers from County Jail to Courthouse

Criminal proceedings involving incarcerated defendants may resume in the courthouse subject to compliance with these guidelines. The Sheriff shall ensure that all inmates and detainees are transported in a manner consistent with social distancing and shall not transport more inmates than the holding room can accommodate with six (6) foot social distancing measures. Inmates shall be required to wear facemasks provided at all times. The transport vehicle shall be sanitized between each transport.

VIII. Notice and Objections

Notice of these guidelines shall be posted in each courthouse, published on the Clerk of Court website, and shall be distributed to the local bar association. A summary of these guidelines shall be included in all notices to appear in court so that public may be aware of the measures taken to ensure their safety. Additionally, these guidelines will be provided to the Administrative Office of the Courts and posted to the Eighth District website which may be accessed at <http://www.eighthdistrict.org/default.htm>.

The Court cannot guarantee that these guidelines will prevent the contraction or spread of COVID-19 or any other infectious disease. If any person has an objection to attendance or participation in an in-person proceeding, then he or she must make a written objection to the presiding judge within three (3) days or as soon as practicable and shall file the objection with the Clerk of Court. The objecting person shall propose a reasonable accommodation to insure participation at the proceeding. Special consideration shall be afforded to objections made by individuals at high risk of severe illness from COVID-19. The presiding judge has discretion in ruling on the objection and implementing any reasonable accommodation.



Sarah F. Wall, Chief Judge
Oconee Judicial Circuit