

IN THE
SUPERIOR COURTS OF THE OCMULGEE JUDICIAL CIRCUIT
and
STATE COURTS OF BALDWIN AND PUTNAM COUNTIES
STATE OF GEORGIA

PLAN FOR THE SAFE RESUMPTION OF JURY TRIALS

I. Introduction

Since March 14, 2020, the courts of this state have been operating under an Order Declaring Statewide Judicial Emergency.¹ As a result, there has been a necessary prohibition on jury trials across the State of Georgia to protect the health and safety of the public. However, the Supreme Court of Georgia recognizes that this prohibition cannot continue and that our judicial system – particularly the criminal justice system – requires an ability to resolve cases by jury trial even in a continuing pandemic. Likewise, the judges of the Ocmulgee Judicial Circuit recognize this need.

In anticipation of resuming jury trials, in its Sixth Order Extending Declaration of Statewide Judicial Emergency issued on September 10, 2020, the Supreme Court directed the Chief Judge of each superior court to convene a local committee of judicial system participants for each county in his circuit to develop a plan to safely resume jury trials in the county. As anticipated, in its Seventh Order Extending Declaration of Statewide Judicial Emergency issued on October 10, 2020, the Supreme Court lifted the ban on jury trials, provided that each county develop and file said jury trial plan with the Administrative Office of the Courts. The Eighth Order Extending Declaration of Statewide Judicial Emergency, issued on November 9, 2020, reinforced the requirements laid out in prior orders.

Pursuant to the directive of the Supreme Court of Georgia, a local committee of judicial system participants for each of the eight counties in the Ocmulgee Judicial Circuit was convened by Chief Judge William A. Prior, Jr., on October 29, 2020, at 2:00 p.m. at Central Georgia Technical College in Milledgeville, Georgia. The local committees have continued to provide input to this plan since that date.

The following sections outline the plan developed by the local committees to ensure the health, safety, and constitutional protections of all participants in the judicial system, including jurors and potential jurors, litigants, witnesses, lawyers, judges, court personnel, and the public, as we resume jury trials in each county of this Circuit.

¹ The Orders relating to the Statewide Judicial Emergency may be found at <https://www.gasupreme.us/>.

All jury trials shall be conducted in a manner that protects the constitutional and statutory rights for litigants, witnesses, victims, and observers.

Should any aspect of this jury trial plan conflict with statutory authority not otherwise waived by the Supreme Court of Georgia, the statutory authority shall apply.

Consistent with prior guidance and order from the Supreme Court of Georgia, this Circuit entered a standing order on June 19, 2020, to allow limited in-person proceedings for all but jury trials. See Exhibit A. That order continues to be in force and effect and shall control the process by which non-jury in-person proceedings shall be conducted. It shall also establish the minimum health guidelines to be followed by each courthouse or alternate location.

This plan shall be posted to the Administrative Office of the Court's website at <https://georgiacourts.gov/covid-19-court-jury-trial-plans/> and on the Eighth Judicial Administrative District of Georgia website at <https://www.eighthdistrict.org/default.htm> for public viewing.

Each county's Clerk of Court who has the ability to post this plan to his or her website shall post it so that it may be easily found and viewed by members of the public.

II. Local Committee Members

a. Baldwin County

Hon. William A. Prior, Jr.	Chief Superior Court Judge
Hon. Alison T. Burleson	Superior Court Judge
Hon. Brenda H. Trammell	Superior Court Judge
Hon. Amanda S. Petty	Superior Court Judge
Hon. Terry N. Massey	Superior Court Judge
Stephen A. Bradley	District Attorney
John H. Bradley	Circuit Public Defender
Hon. Alan W. Thrower	State Court Judge
Bill Massee	Sheriff
Skye Gess	Solicitor-General
Mitch Longino	Clerk of Court
Henry R. Craig	Board of Commissioners, Chair
Savanna D. Roughen	Ocmulgee Circuit Bar Assn., President

b. Greene County

Hon. William A. Prior, Jr.	Chief Superior Court Judge
Hon. Alison T. Burleson	Superior Court Judge
Hon. Brenda H. Trammell	Superior Court Judge
Hon. Amanda S. Petty	Superior Court Judge
Hon. Terry N. Massey	Superior Court Judge
Stephen A. Bradley	District Attorney
John H. Bradley	Circuit Public Defender
Donnie Harrison	Sheriff

Deborah Jackson
Gary Usry
Savanna D. Roughen

Clerk of Court
Board of Commissioners, Chair
Ocmulgee Circuit Bar Assn., President

c. Hancock

Hon. William A. Prior, Jr.
Hon. Alison T. Burleson
Hon. Brenda H. Trammell
Hon. Amanda S. Petty
Hon. Terry N. Massey
Stephen A. Bradley
John H. Bradley
Tomlyn T. Primus
LeShauna R. Jackson
Sistie Hudson
Savanna D. Roughen

Chief Superior Court Judge
Superior Court Judge
Superior Court Judge
Superior Court Judge
Superior Court Judge
District Attorney
Circuit Public Defender
Sheriff
Clerk of Court
Board of Commissioners, Chair
Ocmulgee Circuit Bar Assn., President

d. Jasper

Hon. William A. Prior, Jr.
Hon. Alison T. Burleson
Hon. Brenda H. Trammell
Hon. Amanda S. Petty
Hon. Terry N. Massey
Stephen A. Bradley
John H. Bradley
Donnie Pope
Lynda Gasses
Bruce Henry
Savanna D. Roughen

Chief Superior Court Judge
Superior Court Judge
Superior Court Judge
Superior Court Judge
Superior Court Judge
District Attorney
Circuit Public Defender
Sheriff
Clerk of Court
Board of Commissioners, Chair
Ocmulgee Circuit Bar Assn., President

e. Jones

Hon. William A. Prior, Jr.
Hon. Alison T. Burleson
Hon. Brenda H. Trammell
Hon. Amanda S. Petty
Hon. Terry N. Massey
Stephen A. Bradley
John H. Bradley
Butch Reece
Pamela Dixon
Chris Weidner
Savanna D. Roughen

Chief Superior Court Judge
Superior Court Judge
Superior Court Judge
Superior Court Judge
Superior Court Judge
District Attorney
Circuit Public Defender
Sheriff
Clerk of Court
Board of Commissioners, Chair
Ocmulgee Circuit Bar Assn., President

f. Morgan

Hon. William A. Prior, Jr.	Chief Superior Court Judge
Hon. Alison T. Burleson	Superior Court Judge
Hon. Brenda H. Trammell	Superior Court Judge
Hon. Amanda S. Petty	Superior Court Judge
Hon. Terry N. Massey	Superior Court Judge
Stephen A. Bradley	District Attorney
John H. Bradley	Circuit Public Defender
Robert S. Markley	Sheriff
Jody M. Higdon	Clerk of Court
Philipp von Hanstein	Board of Commissioners, Chair
Savanna D. Roughen	Ocmulgee Circuit Bar Assn., President

g. Putnam

Hon. William A. Prior, Jr.	Chief Superior Court Judge
Hon. Alison T. Burleson	Superior Court Judge
Hon. Brenda H. Trammell	Superior Court Judge
Hon. Amanda S. Petty	Superior Court Judge
Hon. Terry N. Massey	Superior Court Judge
Stephen A. Bradley	District Attorney
John H. Bradley	Circuit Public Defender
Hon. R. Michael Gailey, Jr.	State Court Judge
Russell Thomas	Solicitor-General
Howard R. Sills	Sheriff
Sheila H. Perry	Clerk of Court
Billy Webster	Board of Commissioners, Chair
Savanna D. Roughen	Ocmulgee Circuit Bar Assn., President

h. Wilkinson

Hon. William A. Prior, Jr.	Chief Superior Court Judge
Hon. Alison T. Burleson	Superior Court Judge
Hon. Brenda H. Trammell	Superior Court Judge
Hon. Amanda S. Petty	Superior Court Judge
Hon. Terry N. Massey	Superior Court Judge
Stephen A. Bradley	District Attorney
John H. Bradley	Circuit Public Defender
Richard Chatman	Sheriff
Cinda S. Bright	Clerk of Court
Michael Gotell	Board of Commissioners, Chair
Savanna D. Roughen	Ocmulgee Circuit Bar Assn., President

III. General Considerations

At the outset, the local committees recognize that trial terms may not be business as usual. For example, jury selection and trials may take more time and require additional space.

To make the best use of the potentially-limited resources available to try cases under these constraints, the local committees recognize that some level of priority must be established to try cases. The following principles should be considered by the trial judge when making this determination:

- Jury trials shall have priority over non-jury matters
- Superior Court cases shall have priority over State Court cases²
- Criminal cases shall have priority over civil cases
- Felony cases shall have priority over misdemeanor cases
- Cases involving incarcerated defendants shall have priority over cases involving defendants out on bond

Ultimately, the trial judge shall determine the cases to be tried during each trial week.

If a party would like to request an exception to these guidelines, he or she can do so by contacting the office of the trial judge presiding over the trial week. The trial judge, guided by the interests of judicial economy and fairness, will then determine whether to grant the requested exception.

The local committees recognize that adherence to the plan is essential for the safe and successful resumption of jury trials. The local committees also recognize however, that they will learn and develop best practices over time that may differ in minor, non-substantive ways from this initial plan. This plan expressly allows and relies on local committees to improve the trial jury process within the bounds of discretion afforded them by the Supreme Court of Georgia.

The local committees also recognize and specifically rely on the trial judge to deviate from the plan when the interests of justice demand some adjustment.

The published calendar for the Ocmulgee Judicial Circuit shall continue to control the trial calendar for the Superior Courts in each county this year and next. Ensuring due process for the parties, superior court judges may also schedule additional trials in addition to the trial weeks on the calendar.

IV. Pretrial Conference and Pretrial Matters

To ensure compliance with the jury trial plan and to allow for last-minute adjustments, the trial judge will meet with the Clerk of Court, Sheriff, and Bailiffs in advance of the trial week.³

² Two counties in the Circuit have State Courts – Baldwin and Putnam.

³ The committees recognize that most counties employ civilian bailiffs, many of whom are 65 years of age or older. While thus far, most civilian bailiffs have still elected to serve, it should be determined well in advance of the trial week if there will be a need to replace any civilian bailiffs with additional personnel.

The trial judge or a member of his or her staff will also meet with attorneys and/or self-represented litigants with scheduled jury trial cases to explain the jury selection and trial processes so as to ensure compliance with the jury trial plan and allow for any last-minute adjustments. This meeting may be conducted remotely.

V. Facility Consideration

Whether the trial proceeding occurs in the courthouse or in alternate location, that location, along with overflow rooms, juror assembly areas, witness holding areas, inmate holding areas, and lawyer lounges, shall be cleaned and disinfected in a manner that conforms with local health and CDC guidelines for COVID-19 the day before jury selection and at the end of each day jurors have appeared. The presiding judges shall have authority to require additional cleaning when circumstances warrant.

Most counties plan to use the courthouse for the trial itself. However, all local committees have identified alternate locations that may be used for some portion of the jury trial process.

Prior to its use, an alternate location must be identified by a resolution adopted by the county's Board of Commissioners pursuant to O.C.G.A. § 15-6-18. Once adopted, the Clerk of Court shall provide to the Chief Judge a copy of the resolution.

Each courtroom, overflow room, and alternate location shall have a hand sanitizer station available for easy access. This station should be monitored throughout the day to ensure that hand sanitizer is always available.

A location must be designated for attorneys to have discussions with their clients in a socially distanced manner. This location must protect the attorney-client privilege.

A location outside the courtroom or main area of the alternate location must be designated as a place for jurors to go when it is necessary for the court to address a matter outside the presence of the jury.

Space must be provided, and accommodations made, around the bench to allow for sidebars and bench conferences.

A location must be identified to detain criminal defendants not released on bond in a socially distanced manner when the court is not in session.

When a courthouse or alternate location bathroom accommodates multiple people, a sign shall be placed on its door limiting the number of people allowed in the restroom at one time.

A sign similarly limiting the number of people on an elevator within each courthouse or alternate location should be placed on each floor at which the elevator stops.

Juror seating in the courtroom or alternate location shall be marked with seating placards, marking tape, or other means to clearly indicate to prospective jurors where they should and should not seat. See Exhibit B for sample placards.

When it is not possible to socially distance in the courtroom, such as when the court reporter and witness are closer than health guidelines recommend, other protective measures that involve a physical barrier shall be taken. For example, some counties have installed plexiglass barriers to address this situation. In other cases, the court reporters may have their own portable plexiglass barriers or face shields.

VI. Summons and Notice to Jurors

Clerks of Court shall summon jurors in accordance with state law. See O.C.G.A. § 15-12-60 et seq.

Attached to each summons will be a notice to jurors explaining the health and safety protocols that will be in place to protect their health and safety. See Exhibit C for a sample notice that was sent with the grand jury summons. This sample should be modified for trial jury summonses. The summons shall also include a link to the full plan filed with the Administrative Office of the Courts at <https://georgiacourts.gov/covid-19-court-jury-trial-plans/>.

The type of case, civil or criminal, misdemeanor or felony will dictate how many jurors shall be summonsed to appear at one time. Likewise, the number of cases to be tried during the trial term will also affect how many jurors shall be summonsed. Because of limited space in the courtroom, counties may consider the use of declaring an alternate location in accordance with O.C.G.A. §15-6-18 for jury selection and/or the trial itself. Jury selection occurring at the courthouse will likely require jurors to report at staggered times. In those cases, the local committees contemplate a morning voir dire session and an afternoon voir dire session, as necessary.

The trial judge shall determine how many cases will be tried during the trial term and will assist the Clerk of Court to determine how many jurors to summon for each trial week.

To the extent that the trial judge determines it would be helpful to expedite voir dire, juror questionnaires may be used.

The Clerks shall continue to follow their existing practices for excusing or deferring jurors. Potential jurors seeking to be excused for COVID-19 related concerns may be excused with a showing by affidavit that they have compromised immunity or are a regular caregiver to someone with compromised immunity.

When the Clerk excuses or defers a juror under any statutory provision, the Clerk shall maintain a record of the excusal or deferral, and such record shall be made available to trial counsel upon request. The record shall include the reason for the excusal or deferral, and the age, race, and gender of the juror.

All other requests for juror excusals related to COVID-19 shall be presented to the trial judge for consideration.

VII. Entry to the Courthouse or Alternate Location During any Trial Proceeding

Anyone who seeks entry to the courthouse or alternate location during any aspect of the trial proceeding shall be screened for COVID-19. This screening must comply with the guidelines developed by each county health department.

Anyone with a temperature of 100.4 or higher shall be deemed a health risk to others and prohibited entry to the courthouse or alternate location. A log that documents who is denied entry for this reason shall be maintained by those conducting the temperature check.

If Clerks plan to use forms or questionnaires with jurors, they shall present them to the trial judge for approval as to form and content.

Any original forms or questionnaires completed by jurors shall be kept by the Clerk and filed into the record of the case. Copies of those forms or questionnaires should be provided to the trial judge as soon as possible, and, in all cases, prior to selection of the jury.

It is the expectation that everyone associated with the trial, including jurors and members of the public, shall wear facemasks, face shields, or other face coverings when they enter the courthouse or alternate location. This plan will use the term “facemask” to mean any of those options. Anyone who is unwilling or unable to wear a facemask shall be placed in an area where that person can be isolated from others. The trial judge shall be informed of the situation, and when instructed by the trial judge, that person shall be brought before the trial judge for questioning on the record. The trial judge shall then decide whether that person shall be allowed to remain in the courtroom or alternate location or shall be required to observe the trial in a manner that protects the health and well-being of all others involved with or attending the trial.

Jurors will be instructed at the end of each day where and when to assemble for the following days. The bailiffs or other designees by the County Sheriff shall be responsible for assembling the jurors per those instructions.

An area will be designated for seating of the potential and selected jurors in the courtroom or alternate facility. Any remaining space shall be made available to members of the public.

VIII. Jury Selection

The largest number of people likely to appear for any portion of the trial proceeding will be the summoning of jurors. It shall be the discretion of the trial judge, in consultation with the Clerk and Sheriff, to decide whether jurors should be summoned to appear in the courtroom or an alternate location.

If the courtroom or alternate location is large enough to accommodate the number of summoned jurors, the jurors may be summoned to appear at the same time. If the courtroom or alternate location is not large enough, the Clerk shall divide the jurors to be summoned into groups with the report time for each group to be staggered so as to allow proper social distancing within each group.

Attorneys and pro se parties shall be allowed to remove their facemasks during voir dire as long as they are socially distanced from all others.

The need for space to safely conduct voir dire and strike the jury shall take precedence over the availability of space set aside for public seating. If any member of the public is unable to be seated in the courtroom, the proceedings shall be livestreamed. See Section XI of this trial plan for more information

a. Jury Selection in the Courtroom

i. Voir Dire

To effectively conduct juror selection, the courtroom should have enough space to allow at least twenty (20) jurors to be socially distanced. The Clerk shall notify the trial judge if the courtroom is not able to accommodate at least this number of jurors.

Because the jury boxes do not allow for proper social distancing, jurors shall remain socially distanced in the gallery for voir dire. Jurors shall be arranged in the gallery in panels of twelve (12) when such request is made by a party. Clerks should account for the number of jurors to be summoned at one time with consideration of the need to designate a space that can accommodate the juror panels.

Jurors shall be allowed to remove their facemasks when questioned during voir dire.

ii. Striking the Jurors

If the courtroom is large enough to provide socially distanced seating for all potential jurors, the striking of the jury shall take place with the jurors present.

If the courtroom is not large enough, as there is no legal requirement for jurors to be present when the jury is struck, the trial judge shall have two options. The trial judge shall notify counsel and the parties of the option to be used.

Option 1 – Jurors Excused After Voir Dire

As there is no legal requirement for jurors to be present when the jury is struck, the trial judge shall be able to excuse the jurors after they are questioned with instruction to return only if selected to serve on the jury.

Option 2 – Jurors Brought Back in Groups After Voir Dire

The jurors shall be broken into groups that can safely fit in the courtroom. Each juror shall be called and asked to stand so that the parties may again see that juror. The group shall then be excused from the courtroom and instructed to remain near the courthouse. The next group shall then be brought into the courtroom, and the process repeated, until the parties have been able to view all jurors.

The parties shall then strike the jury. Once that is completed, each group shall be brought back to the courtroom in order. The jurors shall be told which were selected, and the trial judge shall instruct the remaining jurors what further obligation they may have.

b. Jury Selection in an Alternate Location

An area shall be designated to allow questioning panels of at least twelve (12) jurors.

The process for juror selection in the courtroom will guide the process for juror selection in the alternate location with the variable being the number of jurors that can be accommodated at one time.

IX. Trial Process

Without regard to where juror selection takes place, trials may be conducted in a courtroom or alternate location.

The trial judge shall note on the record when jury selection and/or the trial take place in the alternate location.

Should the jurors be provided with any food or drink during the trial process, such items shall be individually packaged.

a. Trials in the Courtroom

Selected jurors will be seated in a designated section of the gallery that allows for social distancing. The exception to this rule is that jurors may be seated in the juror box when the case involves a defendant on trial for a misdemeanor and the physical layout of the juror box allows for social distancing of those six jurors.

The jurors shall be arranged in the gallery in a socially distanced manner that places the collective group as close to the bar as possible. Parties and their counsel may arrange their tables so as to allow observation of the jurors throughout the trial.

Evidence shall be presented in a manner that allows the jurors to see and hear that evidence as if the jurors were in the juror box, whether the evidence is in the form of witness testimony, video, documents, or physical objects. When evidence is to be handled by jurors, a method shall be employed that allows for viewing it in the safest manner possible. Possible methods include, but are not limited to, individual copies, disposable gloves, or a technology that allows for inspection of the relevant attributes of the evidence.

Witnesses shall be allowed to remove their facemasks when they testify.

Witnesses must be fully visible to each member of the jury throughout examination of that witness.

Tables and chairs for attorneys and parties shall allow for social distancing throughout the trial proceeding. They shall also be arranged so that they may be seen without obstruction by the jury.

Attorneys and pro se litigants shall be allowed to present arguments and examine witnesses from their tables.

Attorneys and their clients shall be allowed to leave the courtroom with permission of the judge to communicate with each other in a way that protects the attorney-client privilege.

The parties shall be allowed to have sidebars and bench conferences in a socially distanced manner. Jurors and members of the public may have to be excused from the courtroom or space within the alternate location for this purpose if there would otherwise not be sufficient space to socially distance.

b. Trials in an Alternate Location

Each requirement for space identified in Section V of this plan must be met for the trial to be conducted in the alternate location.

X. Jury Deliberations

Due to social distancing requirements and health and safety guidelines, the local committees recognize that jury deliberations in the usual jury room (or comparably sized room if tried offsite) will not be possible.

Care shall be taken to select a location that allows for safe social distancing of jurors but also provides the privacy and security necessary to protect the integrity of the jury deliberation process.

If the case is tried in the courthouse, jury deliberations should take place, whenever possible, outside of the courtroom in which the case was tried. In most counties, this will be a secondary, smaller courtroom.

If the case is tried in an alternate location, jury deliberations should take place, whenever possible, outside of the room in which the case was tried.

Jury deliberations shall be allowed to take place in a location in the courthouse when the trial is conducted in an alternate location.

No matter where the jury deliberates, bailiffs shall be posted at the entrance(s) of the jury deliberation room to ensure that jury deliberations remain secure. Any audio or video recording or broadcasting equipment in said room shall be turned off or disabled so as not to allow for any monitoring and/or recording of jury deliberations. Windows shall have sufficient coverings so as not to allow intrusion from outside into jury deliberations.

XI. Technology

Technology shall be used as much as possible to further ensure the health, safety, and well-being involved with trials and all other in-person proceedings, such as may be required for pre-trial matters.

When more members of the public seek to attend a trial proceeding than can safely be accommodated in the courtroom or alternate location, the proceeding shall be livestreamed.

Such livestreaming may be to an overflow area within the facility if space allows. If space does not allow for such an overflow area, the proceedings shall be livestreamed so that they may be viewed over the internet. If the facility is large enough to accommodate members of the public, the proceedings do not have to be livestreamed.

When a proceeding is livestreamed over the internet, the camera angle must **not** allow for any juror's face to be seen. Additionally, a technology platform must be used that prevents anyone from being able to record any part of the proceeding without specific, written permission from the Court as outlined by Uniform Superior Court Rule 22.

Given that jurors will be seated around the courtroom, accommodations shall be made to ensure that jurors are able to hear all instructions from the judge, opening statements, direct and cross examinations, other audio evidence, and closing arguments.

The Clerk of Court, court staff, and counsel should conduct a test run of equipment the week prior to the start of trial.

XII. Open Courtrooms and Constitutional Considerations

Trials shall be conducted to accord with the mandates of the Georgia Constitution and the United States Constitution. Courtrooms and alternate locations shall always be open to the public during trials.

As noted throughout this plan, the local committees recognize that fewer seats will be available for members of the public to observe jury selection and the trial itself.

In criminal trials, in-courtroom seating preference will be given to members of the defendant's immediate family and members of the victim's immediate family, then to members of the media and members of the public as space allows.

In civil trials, in-courtroom seating preference will be given to members of the plaintiff's and defendant's immediate family, then to members of the media and members of the public.

Members of the media must still comply with Uniform Superior Court Rule 22 for electronic recording of a court proceeding.

Either an overflow seating room for the public with a video and audio feed from the courtroom or a livestream feed over the internet from the courtroom shall be made available for those wishing to observe who cannot safely be seated where the proceeding is being conducted.

If a county cannot comply with open courtroom requirements, trials shall not be held until these mandates can be met.

XIII. Contact Tracing and Notification Protocols

Effective contact tracing requires an ability to contact those who may have been exposed to someone who develops COVID-19 within a certain timeframe.

If the Clerk of Court has not previously obtained contact information for jurors, he or she shall obtain such information from jurors during the juror check in process.⁴ The party presenting a witness shall be responsible for providing contact information for the witness to the Clerk of Court. The Sheriff shall serve as the point of contact for bailiffs and law enforcement officers providing security. The trial judge shall have contact information for judicial assistants, law clerks, judicial interns, and court reporters.

Jurors selected to serve on the jury shall also be instructed to contact the Clerk of Court if they develop any COVID-19 symptoms overnight. The Clerk of Court shall notify the trial judge, who will determine what next steps to take to notify the parties on the record, allowing the parties also to voice their concerns as part of this process.

Jurors, whether they are selected to serve on the jury or not, witnesses, attorneys, pro se parties, and court personnel shall be instructed by the trial judge to contact the Clerk of Court if they develop COVID-19 within fourteen days of their appearance for the proceeding. Those who may have been exposed to that person shall be contacted

⁴ The Clerks of Court may use the notice attached to the summons to ask potential jurors to contact the Clerks' offices prior to the date the jurors are to report. See Exhibit C. The Clerks shall have discretion how to collect this information.

EXHIBIT A

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

ORDER ESTABLISHING GUIDELINES TO CONDUCT IN-PERSON PROCEEDINGS DURING STATEWIDE JUDICIAL EMERGENCY

Pursuant to the Second Order Declaring Statewide Judicial Emergency, in-person judicial proceedings may be held by the courts of this State.¹ This Circuit has developed guidelines in compliance with that Order to begin the process of resuming in-person proceedings. The Supreme Court has also developed a Georgia Court Reopening Guide, which is attached and incorporated into this Order.

These guidelines are broken into two parts. Part One addresses the process to be granted an in-person proceeding. Part Two addresses the procedures that will be in place to protect the health and safety of the litigants, lawyers, judges, court personnel, and the public when an in-person proceeding has been approved.

PART ONE

1. No jurors shall be summoned until further notice of this Court.
2. The Circuit calendar for 2020 will not change as a result of this Statewide Judicial Emergency.
3. Remote proceedings shall be the rule, and in-person proceedings shall be the exception, of this Circuit until further notice of this Court.
4. The Superior Courts of this Circuit shall continue to use Zoom for all remote proceedings. The other courts of this Circuit may choose the video platform that best meets their needs.
5. The earliest that any in-person proceeding may be held in this Circuit is July 1, 2020.
6. If a party would like to request an in-person proceeding, the requesting party should contact the presiding judge well in advance of the scheduled proceeding so that the judge will have adequate time to consider the request and coordinate the facilities and personnel that will be required to hold the in-person proceeding. Last minute requests will not be considered absent a showing of good cause.
7. The presiding judge shall alone have the discretion to decide whether to allow the in-person proceeding.
8. Each request should explain whether the other party or parties would also like the proceeding to be conducted in-person, whether any person who would have to attend the

¹ This Order and all other orders issued by the Supreme Court of Georgia relating to the Statewide Judicial Emergency may be found at <https://www.gasupreme.us/>.

proceeding has a pre-existing health condition that places him or her at greater risk of contracting COVID-19, the number of persons expected to appear with and for the requesting party, how the interests of justice will be better served through an in-person proceeding, and the possible harm to the party if the request is not granted.

9. Due to limited space and technology in the courtrooms, larger proceedings cannot be accommodated at this time and will not be approved.

PART TWO

10. The Supreme Court of Georgia has defined the types of measures that each courthouse must take for in-person proceedings to be held through the Georgia Court Reopening Guide. That Guide is adopted and incorporated into these Guidelines as Exhibit A.
11. As the measures to be taken affect the entire courthouse and all classes of court, each county commission shall be primarily responsible for implementing the prescribed measures.
12. No in-person proceeding will be allowed unless and until the Commissioners have implemented the necessary measures to the satisfaction of the Chief Judge.
13. The number of people compelled to attend an in-person proceedings should be minimized in a way that does not jeopardize the due process or substantive rights of any party.
14. Any person who approaches the bench or testifies shall be required to wear a face mask.
15. Each party to an in-person proceeding shall be responsible for maintaining social distancing and taking other necessary measures to protect the health and well-being of those with that party while inside the bar.
16. Consistent with long-standing statutory authority, the presiding judge has absolute authority to control the proceeding to protect the health and safety of those in the courtroom.
17. Courtroom security staff shall have authority to ensure that members of the public socially distance in all public areas of the courthouse, including the courtroom.
18. The number of people allowed in any courtroom will be reduced to approximately one third of its actual capacity given the need for social distancing.
19. Should more people attempt to attend a proceeding than can be accommodated given these guidelines, friends and family of the parties involved with the proceeding shall be given priority to remain in the courtroom.
20. Should anyone not be allowed in the courtroom due to limited space, the presiding judge shall determine what measures, if any, may be taken to allow those not in the courtroom

to watch the proceeding. Consideration shall be given to the number of people and the availability of technology within the courthouse.

21. At least one seat in the courtroom shall be made available to a credentialed member of the media who is there to report on any in-person proceeding. Rule 22 continues to be in effect.
22. All other standing orders and Circuit guidance issued by this Court shall remain in full force and effect.
23. Persons failing to observe these procedures may be attached for contempt of Court.

This Order has been provided to the Administrative Office of the Courts and can be viewed at <https://georgiacourts.gov/covid-19-court-operating-guidelines/>. This Order has also been posted to the Eighth District website, which may be accessed at <http://www.eighthdistrict.org/default.htm>

IT IS ORDERED that each Clerk of this Court shall post these Guidelines on the respective Clerk's website (where available) and prominently post a copy at each courthouse entrance.

IT IS FURTHER ORDERED that if a County does not have a website for the Clerk, the Clerk shall provide these Guidelines to the proper authority with the County, and these Guidelines shall be posted to the main page for the County.

SO ORDERED this 19th day of June, 2020.

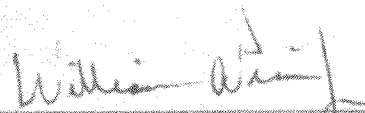

The Honorable William A. Prior, Jr.
Chief Judge, Ocmulgee Judicial Circuit

EXHIBIT “A”



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

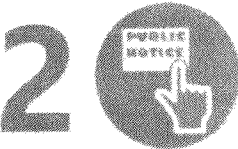
- ✓ Reduce the transmission of COVID-19 among court employees and the public.
- ✓ Maintain healthy court operations and facilities for the public.
- ✓ Maintain a healthy work environment for court employees.
- ✓ Exercise flexibility when applying these guidelines to ensure each litigant receives a fair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

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Control Measures**



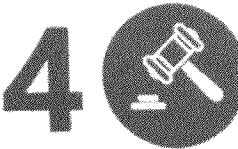
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**Provide Notice to
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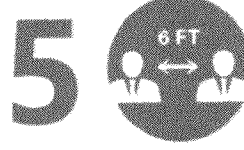
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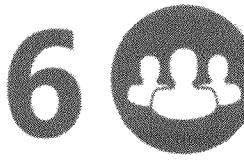
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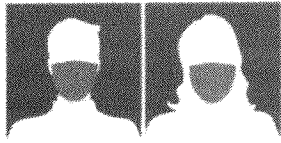
**Healthy and Safe
Inmates and Detainees**

Special thanks to Dr. Mark Swancutt, Fulton County Board of Health

1



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.

2



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.

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

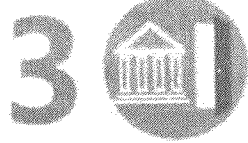
Add information to the existing hearing notice about how to contact the court to request a continuance in the event that the noticed party:

- ✓ 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.



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.

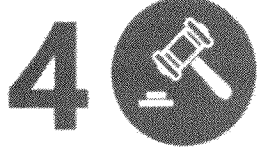
Design a process to facilitate social distancing while individuals wait to enter the courtroom, such as:

- ✓ 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).

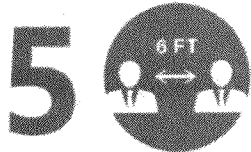
Disinfect the courtroom after each proceeding or as frequently as practicable.

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.

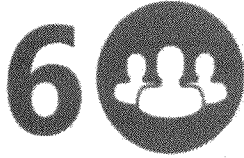
Consider temperature checks of employees when employees report to work each day with a no-contact thermometer.

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.

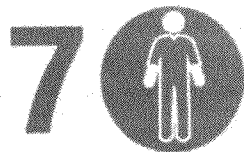
Jury holding and deliberations:

- ✓ 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.

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

**AMENDMENT TO ORDER ESTABLISHING GUIDELINES TO CONDUCT IN-PERSON
PROCEEDINGS DURING STATEWIDE JUDICIAL EMERGENCY**

The guideline order issued on June 18, 2020 shall be amended and/or clarified as follows:

The July 1 date shall not apply to any previously scheduled civil or criminal in person proceeding in the Superior Courts of this Circuit provided the remaining provisions of the guidelines are followed.

This Order has been provided to the Administrative Office of the Courts and can be viewed at <https://georgiacourts.gov/covid-19-court-operating-guidelines/>. This Order has also been posted to the Eighth District website, which may be accessed at <http://www.eighthdistrict.org/default.htm>.

IT IS ORDERED that each Clerk of this Court shall post these Guidelines on the respective Clerk's website (where available) and prominently post a copy at each courthouse entrance.

IT IS FURTHER ORDERED that if a County does not have a website for the Clerk, the Clerk shall provide these Guidelines to the proper authority with the County, and these Guidelines shall be posted to the main page for the County.

SO ORDERED this 20th day of June, 2020.

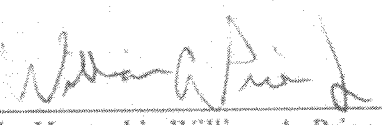

The Honorable William A. Prior, Jr.
Chief Judge, Ocmulgee Judicial Circuit

EXHIBIT B

Putnam County

October 2, 2020

Please find enclosed a summons for Grand Jury service. As you may know, the criminal justice system has been largely shut down since March 13, 2020 due to the COVID-19 crisis. Our Supreme Court, in an order dated September 10, 2020, has announced that Grand Juries in our state may resume so long as very specific steps are in place to ensure the safety of our citizens.

On behalf of the judges of this circuit, the clerks of this circuit, law enforcement of this circuit, the Office of the District Attorney, the victims of crime and the accused, we are grateful that you are willing to sacrifice your time to meet this civic obligation. We take your safety and physical health seriously. The following are some of the guidelines put in place that will assist in keeping you safe while serving on the Grand Jury.

1. Upon receipt of your summons, please call the Clerk of Superior Court at 706-485-4501 ext. 2 and provide your phone number to the Clerk. This way we will be able to contact you should something change between the day you received your notice and the scheduled day of Grand Jury.
2. Your summons reads 09:00 a.m. We would ask that you try to be at the courthouse between 08:30 a.m. and 08:45 a.m. to allow for sufficient time and space to check individuals into the courtroom.
3. As you come in the courthouse, you will be met by bailiffs/deputies who will ask you a series of questions to ensure that you are not suffering from any symptoms of the COVID-19 virus and to determine whether you have been exposed to anyone with the COVID-19 virus. Your temperature will be taken.
4. As you enter the courthouse, we would ask that you wear a mask. If you do not have one, the county will provide one for you. Out of respect for you, the courthouse staff and those particularly involved in the Grand Jury process will be wearing masks as well.
5. Individuals will be taken into the courtroom in small groups by bailiffs and directed to sit in marked areas. This will allow for sufficient distance between the individual jurors.
6. The courtroom will be sanitized each and every evening prior to the Grand Jury meeting.

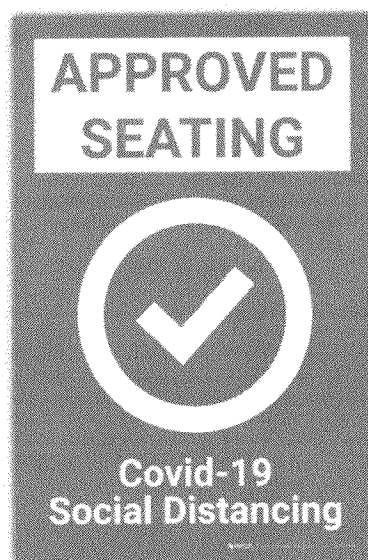
The criminal justice system cannot function without the involvement of our citizens. We need you. We recognize that there may be reasons why you believe that you cannot serve; however, the legal reasons to be excused from jury service are limited. If you have any concerns, please do not hesitate to contact your Clerk of Court at 706-485-4501, ext. 2.

EXHIBIT C

These placards are available from Creative Safety Supply
(<https://www.creativesafetysupply.com/>).



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