

IN THE SUPERIOR COURTS OF THE NORTHERN JUDICIAL CIRCUIT
STATE OF GEORGIA

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SECOND AMENDED STANDING ORDER FOR COURT PROCEEDINGS

LEIGH W STARRETT
CLERK
ELBERT SUPERIOR COURT

On the 17th day of June, 2020, this Court issued a Standing Order for Court Proceedings, which was amended by the Order dated July 21, 2020. Effective Immediately, pursuant to the SIXTH ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY dated September 10, 2020, which includes the recommencement of Grand Jury proceedings and anticipate the recommencement of Trial Jury proceedings, This Court issues this Second Amended Standing Order for Court Proceedings, which includes the following guidelines based on the "Georgia Court Reopening Guide"¹ for conducting court proceedings which is hereby amended to include the provision that all persons entering a courtroom **MUST** wear a face mask, unless excused from doing so by the Presiding Judge.

I. PURPOSE: The purpose of this Standing Order is to:

- 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.
- Begin the process of normalizing the operations of the Courts.

II. DEFINITIONS:

- "Face mask" means a covering of the mouth and nose but not the rest of the face.
- "Courthouse" means those locations more specifically identified in Paragraph VI thereof.
- "Public area" means the entrance and exit areas to the Courtrooms and ancillary gathering areas to the Courtrooms.
- "Courtroom" means those areas in which the business of the Court is conducted by a Judge.
- "Permitted Cause" is a reason for non-attendance based upon age or health or other factors.

III. PUBLIC ADMISSION & SCREENING: Persons who answer YES to ANY of the following may be DENIED entrance to the Courtroom:

- Whether or not they have traveled to or from any areas beyond the borders of the United States within the past thirty (30) days.
- 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 fourteen (14) days.
- If they have a fever of 100.0 degrees or higher or who have reported a fever above 100.0 degrees in the past 72 hours.

If an individual with a scheduled court date is prohibited from entering the Courtroom for any of the above reasons, the Chief Security Officer on duty at the time shall contact the specific court for which attendance is mandated and inform the Court that the individual is unable to attend

¹ https://www.gasupreme.us/wp-content/uploads/2020/06/Georgia_Court_Reopening_Guide.pdf

due to screening criteria or other permitted cause, and the individual shall complete an information form that will be turned in to the Court. The person who is prohibited from entry should refer to the information posted at the Courtroom entrance and contact the appropriate court and request further instructions regarding future court attendance.

If an individual with a scheduled court date has other limitations, e.g., age or health, which make them especially vulnerable to COVID-19 or have other concerns with entering the Courthouse, he or she should refer to the information posted at the Courtroom entrance and should contact the appropriate court to request that their case be rescheduled.

Pursuant to CDC guidance², all persons **ENTERING THE COURTHOUSE** are strongly encouraged to wear face masks while in the public areas of the Courthouse, subject to any other requirements put in place by the local Governing Authority. Every person entering the courtroom **must wear a mask covering their nose and mouth**, unless excused from same by the Presiding Judge. Masks are available at the entrance for individuals who do not have a mask. Individual offices within each Courthouse may implement mandatory wearing of masks due to space and high-volume contact with the public.

For individuals who do not have a court appearance but are accompanying a family member or friend, it is strongly encouraged that they consider not entering the Courtroom. People at higher risk for severe illness³ and children⁴ are strongly discouraged from entering the Courtroom unless they are directly involved in a case.

Everyone in the Courtroom and public areas must comply with social distancing recommendations⁵ and keep a six (6) foot distance from other persons as much as possible.

Individuals are strongly encouraged to leave any unnecessary belongings in their vehicle or at home in order to minimize surfaces for possible infection.

- IV. DEFENSE COUNSEL IN CRIMINAL MATTERS:** With social distancing protocols in mind, defense counsel should make every reasonable effort to meet with their client(s) prior to court. The Sheriff's Offices should work cooperatively to allow defense counsel to privately meet with their clients in the jail or via remote video while protecting all persons from potential exposure to COVID-19.
- V. VIRTUAL COURT PROCEEDINGS:** All judges will continue to use technology to provide an alternative to in-person proceedings. Participating remotely by video conference may be an option in many courts but may differ from court to court and hearing to hearing. Individuals should contact their specified court ahead of time to find out more details. Such virtual court proceedings will follow open court requirements.
- VI. IN-PERSON COURT PROCEEDINGS:** The Court is employing special procedures to minimize the risk to everyone's health. To accommodate for social distancing and cleaning, court sessions may be staggered with fewer cases scheduled per session. Additionally, seating in the courtroom will be limited to designated seats. Social distancing will be enforced in conferences with staff. Some court sessions may be scheduled in rooms not typically used in order to

² <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html>

³ <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html>

⁴ <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/children/protect-children.html>

⁵ <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html>

accommodate social distancing in courtroom spaces. Handling of paperwork will be kept to a minimum.

Persons entering Courtrooms must comply with directions given by Courthouse security and/or staff with respect to seating and social distancing. Courthouse security shall determine capacity in its sole discretion.

In the event that a Courtroom is at capacity and an individual who is not a party to the case being heard requests entry, notice shall be given to the presiding judge. Accommodation may be provided, to include, but not limited to: entry and viewing remotely.

For purposes hereof, the Courtrooms referred to in this Standing Order are as follows:

- **Elbert County:** The Courtrooms in the Elbert County Government Complex, the Historic Courthouse, the Board of Commissioners Meeting Room, and any other location where it is determined that Court should be held.
- **Franklin County:** The Courtrooms in the Franklin County Courthouse, the Franklin County Justice Center, and any other location where it is determined that Court should be held.
- **Hart County:** Courtrooms 1 and 2 in the Hart County Courthouse, the Board of Commissioners Meeting Room, and any other location where it is determined that Court should be held.
- **Madison County:** The Main Courtroom, the Board of Commissioners Meeting Room, the Probate Court Courtroom in the Madison County Government Complex, and any other location where it is determined that Court should be held.
- **Oglethorpe County:** The Courtroom in the Oglethorpe County Courthouse, the Board of Commissioners Meeting Room, and any other location where it is determined that Court should be held.

VII. CLEANING & DISINFECTING: All efforts will be made to have court or county personnel clean and disinfect areas of the courtroom between users per recommended guidance.⁶ All staff and the public are encouraged to follow best practices to prevent infection, including frequent hand washing for at least 20 seconds with soap and water. Hand sanitizer will be available in high use areas along with cleaning supplies for use by staff.⁷

VIII. COORDINATION OF COURTROOM NEEDS: As the Courtrooms begin to return to full operations, communication will be of utmost importance. In order to ensure that communication remains a priority, a copy of all notices of hearings, calendars and events shall be sent to the Clerks, Sheriffs, attorneys of record, and pro se litigants. The Presiding Judge will work with Courthouse security staff to resolve any issues that may arise from the increased need for courtroom space.

IX. INHERENT POWER: Nothing in this proposed plan shall be construed to limit the inherent power of the Court. Each assigned judge may direct and control their respective cases and those persons before them in their courtroom as they deem necessary for the administration of justice. This Order shall be in effect until further modification, extension or termination. This Order is applicable to the operation and conduct of the Superior Court.

⁶ <https://www.cdc.gov/coronavirus/2019-ncov/community/clean-disinfect/index.html> & <https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html>

⁷ <https://www.cdc.gov/coronavirus/2019-ncov/hcp/hand-hygiene.html>

- X. **PUBLIC NOTICE:** A copy of this Standing Order shall be available in each Clerk of Court office, posted at or near the Courthouse entrance, posted on the Clerk of Court website or Facebook page, and a copy sent to the Clerk of Supreme Court and the Administrative Office of the Courts

SO ORDERED, this 15th day of September, 2020.



Hon. Jeffrey S. Malcom
Chief Judge of Superior Courts
Northern Judicial Circuit