IN THE MUNICIPAL COURT EATONTON
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] The Municipal Court of Eatonton 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, judge, court personnel, and the public when an in-person proceeding has been approved.

PART ONE

1. Unless further scheduled by this Court the remaining court calendar for 2020 will not change as a result of this Statewide Judicial Emergency.

2. Remote proceedings shall be the rule, and in-person proceedings shall be the exception, until further notice of this Court.

3. Eatonton Municipal Court shall continue to use Zoom for all remote proceedings.

4. The earliest that any in-person proceeding may be held in Eatonton Municipal Court is July 1, 2020.

5. If a party would like to request an in-person proceeding, the requesting party should contact the 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.

6. The judge shall alone have the discretion to decide whether to allow the in-person proceeding.

7. 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 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

[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/.

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.

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

PART TWO

9. 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.

10. As the measures to be taken affect the entire courthouse and all classes of court, the Putnam County Commission shall be primarily responsible for implementing the prescribed measures.

11. No in-person proceeding will be allowed unless and until the Putnam County Commission has implemented the necessary measures to the satisfaction of the Court.

12. The number of people compelled to attend an in-person proceeding should be minimized in a way that does not jeopardize the due process or substantive rights of any party.

13. Any person who approaches the bench or testifies shall be required to wear a face mask.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. All other standing orders and guidance issued by this Court shall remain in full force and effect.

22. 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/.

IT IS ORDERED that the Eatonton Municipal Clerk of Court shall provide these Guidelines to the proper authority with the City of Eatonton, and these Guidelines shall be posted to the website page for the City of Eatonton.

SO ORDERED this 23rd day of June, 2020.

THE HONORABLE R. MICHAEL GAILEY, JR.
Eatonton Municipal Court 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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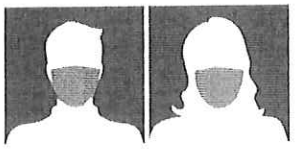
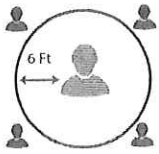
Special thanks to Dr. Mark Swancutt, Fulton County Board of Health

1 General Infection Control Measures



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



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 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.

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.

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.

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:

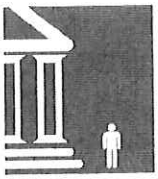
- ✓ Is currently infected with COVID-19 or in quarantine due to exposure to a person with COVID-19.
- ✓ Is a member of an immune-compromised or medically fragile population (or living in a household with someone who is immune-compromised or medically fragile).
- ✓ Is over age 65.
- ✓ Has small children 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.

4 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.

5 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.

6 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.

7 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.