

IN THE MUNICIPAL COURT FOR THE CITY OF ST. MARYS
STATE OF GEORGIA

ORDER ESTABLISHING GUIDELINES FOR IN PERSON COURT PROCEEDINGS
ST. MARYS MUNICIPAL COURT

On May 11, 2020, the Honorable Chief Justice Harold D. Melton of the Supreme Court of Georgia issued the Second Order Extending Declaration of Statewide Judicial Emergency addressing continuation of essential court services and the re-opening of non-essential court services. Paragraph numbered 4 of said Order states:

Except for jury and grand jury proceedings as discussed in Section 2 above, courts have discretion to conduct essential and non-essential in-person judicial proceedings, but only in compliance with public health guidance and with the requirements of the United States and Georgia constitutions and applicable statutes and court rules, including the public's right of access to judicial proceedings and a criminal defendant's rights to confrontation and open courtrooms.

Before conducting extensive in-person proceedings, particularly in non-essential matters, each court should develop comprehensive, written guidelines as to how in-court proceedings generally and particular types of proceedings will be conducted to protect the health of litigants, lawyers, judges, court personnel, and the public. Guidelines should specify who should be admitted to the courthouse and courtroom and how public health guidance will be followed regarding such matters as health screening of court personnel and visitors, social distancing (including by capping the occupancy of courthouses, interior areas, and courtrooms based on their size), availability and use of personal protective equipment (PPE) by court personnel and visitors, and sanitation practices. Guidelines should provide for accommodations for high-risk individuals. Courts should consider the use of staggered, smaller proceedings to conduct proceedings involving many cases or participants, such as calendar calls and arraignments. Guidelines should be prominently posted at courthouse entrances and on court and government websites to provide advance notice to litigants, lawyers, and the public.

Support for the development of guidelines will be provided by the Judicial COVID-19 Task Force discussed in Section 7 below, as well as by the councils for each class of court. Courts of different classes that share courthouse facilities or operate in the same county should seek to coordinate their guidelines.

Based upon the authority granted to the Municipal Court of the City of St. Marys, in the exercise of judicial discretion, the court issues the following order establishing guidelines to

protect the health of litigants, lawyers, judges, court personnel, and the public (hereafter referred to as the “Guidelines”) for in-person court proceedings.

1.

The health of each litigant, lawyer, judge, court personnel, and the public is first and foremost the responsibility of each person. The court cannot guarantee, nor does it attempt to guarantee, that strict adherence to the guidelines will prevent the contraction or spreading of any infectious disease, including but not limited to COVID-19. If any person has an objection to attendance or participation in an in person court proceeding, then such objection shall be made known to the court at least three days prior to the scheduled court proceeding, or as soon as is practicable, and shall accompany such objection with a proposed reasonable accommodation to such attendance. The court will consider the request, and in its discretion, will rule as to which accommodation, if any, is appropriate.

2. Number of Persons Admitted to the Courthouse and Courtroom

A. Courthouse.

The building which is used as the courthouse for the City of St. Marys Municipal Court is City Hall. The City Council for the City of St. Marys has developed guidelines for admittance to City Hall. Admittance to the courthouse/City Hall will be in the discretion of the City Council, Mayor, and/or their designee. Notwithstanding the foregoing, nothing in the guidelines for admittance to the courthouse shall abridge the right of the public to have access to judicial proceedings and a criminal defendant’s rights to confrontation and open courtrooms.

B. Courtroom

The term “Courtroom” shall include, but not be limited to, the common areas of the courthouse immediately adjacent to a courtroom, witness sequestration rooms, judge’s chambers, and any other room regularly used when court is in session.

Admittance to the Courtroom shall be governed by public health guidelines, specifically but not by way of limitation, social distancing guidelines. In each Courtroom, the number of persons allowed shall not exceed the number that can be admitted in the visitor section of the courtroom while exercising social distancing guidelines. Seating in the Courtroom shall be arranged such that each seat shall have at least six (6’) feet of distance from any other seat or person when measured in each direction, and persons admitted to the Courtroom will adhere to social distancing guidelines.

Once the visitor section is fully occupied using such social distancing guidelines, then no additional persons may enter the courtroom.¹ If an attorney is not engaged in a hearing in progress, she or he shall sit in the visitor section of the courtroom, or may remain outside the courtroom awaiting the calling of her or his case for trial/hearing.

In the front of courtroom, where the hearing/trial is conducted, all persons, including but not limited to the judge, court reporter, clerk, and attorneys and her or his client shall exercise social distancing guidelines. If an attorney and client need closer contact for confidential matters, they shall request to be excused from the courtroom for such contact. Sequestered witnesses shall observe social distancing guidelines, and the bailiff is ordered to find sufficient rooms to sequester witnesses while maintaining social distancing guidelines. Furthermore, while court is in session,

¹ The constitutional right of the Defendant to an open proceeding shall not be abridged, and the application of these guidelines shall not be construed to in any way limit this constitutional right. Furthermore, in all proceedings, the goal is to provide an open forum for public viewing, while at the same time attempting to provide a safer environment based upon existing public health guidelines, and these guidelines shall be interpreted and implemented consistent with such goals.

the bailiff shall assure that social distancing is being followed by all persons in the courtroom, as the term courtroom is defined in 2(B) above.

3. Health Screening

Health Screening shall be conducted on each person entering the courthouse. The bailiff shall conduct a health screening on each person entering the courthouse by using the tool provided as Exhibit A to this Order. The bailiff shall make best efforts to procure sufficient no-contact thermometers for use in measuring the temperature of persons entering the courthouse. If the bailiff is unable to locate sufficient no-contact thermometers for use by health screening personnel, then the bailiff shall not be required to take the temperature of those entering the courthouse, but shall ask all questions and document all responses of all persons entering the courthouse on the tool provided on the attached Exhibit A.

4. Social Distancing

Please see paragraph numbered 2 above for social distancing guidelines.

5. Personal Protective Equipment

Personal Protective Equipment (“PPE”), including but not limited to masks (paper or cloth) and gloves, may be worn by all who enter the courthouse and all who enter a courtroom. All visitors who enter a courtroom are encouraged, but not required to wear PPE. Court personnel and litigants may use PPE in their discretion. The court has a limited supply of PPE for use by court personnel and visitors to a courtroom. If a visitor desires to use a PPE and does not have access to PPE, then he or she shall notify the health screening personnel of such need, and PPE shall be provided to such visitors for so long as limited supplies last.

6. Sanitization practices.

City personnel shall ensure that custodial or other personnel are sufficiently trained in the method and manner for sanitizing a courtroom, as the term courtroom is defined in paragraph numbered 2 herein. Persons tasked with sanitization practices shall follow guidelines established by the United States Centers for Disease Control (“CDC”) and/or the Georgia Department of Public Health. Courtrooms shall be cleaned and disinfected after each use. To provide as much time after cleaning and disinfecting prior to the next use, such cleaning and disinfecting shall take place as soon after use as is practically and reasonably possible.

The court shall supply hand sanitizer for use in the courtroom, which shall be available for use by court personnel and litigants. Writing instruments shall be personal, disposable, or sanitized after each use and before use by another person in the courtroom.

7. Accommodations for high risk individuals.

The following persons are defined as high risk individuals:

- a. Those persons who are 65 years of age or older.
- b. Those persons who live in a nursing home or long-term care facility, including inpatient hospice, assisted living communities, personal care homes, intermediate care homes, community living arrangements, and community integration homes.
- c. Those persons who have chronic lung disease.
- d. Those persons who have moderate or severe asthma.
- e. Those persons who have severe heart disease.
- f. Those persons who are immunocompromised. Many conditions can cause a person to be immunocompromised, including cancer treatment, smoking, bone marrow or organ

transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medication.

- g. Those persons, of any age, with class III or severe obesity.
- h. Those persons diagnosed with the following underlying medical conditions: diabetes, liver disease, and persons with chronic kidney disease undergoing dialysis.

If any lawyer, party, or witness falls into one of the above categories of high risk individuals, then the lawyer for such party or lawyer who subpoenaed such witness shall notify the court of such condition at least three days prior to the scheduled court proceeding, or as soon as is practicable, and shall accompany such notification with a proposed reasonable accommodation for such lawyer, party, or witness. If a party is self-represented, then such party shall follow the same procedure as an attorney for a party. The court will consider the request, and in its discretion, will rule as to which accommodation is appropriate.

8. Resources.

All individuals should educate themselves about the relative dangers of attending gatherings of people, including in person court proceedings. The CDC and the Georgia Department of Public Health are excellent resources for use in such educational process. Each individual is responsible for his or her education in this matter.

9. Implementation.

Except as otherwise specified herein, the City Manager of the City of St. Marys, in the exercise of his discretion, shall be responsible for implementation of these guidelines.

10. Publication and Dissemination of Guidelines.

A copy of this order shall be published on the website for the City of St. Marys, posted at the entrance to the courthouse, and available at the Clerk of St. Marys Municipal Court's office.

11. Duration

This order shall be effective until termination of the Declaration of Judicial Emergency by the Supreme Court of Georgia.

SO ORDERED on this the 4th day of June, 2020.



J. PATRICK BROOKS, Chief Judge
St. Marys Municipal Court