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CHARLES BAKER, CLERK
SUPERIOR-STATE COURT

BY _____



**IN THE SUPERIOR COURTS OF HALL AND DAWSON COUNTIES
NORTHEASTERN JUDICIAL CIRCUIT
STATE OF GEORGIA**

IN RE: COVID-19 Pandemic *
*
Date: October 29, 2021 *

**TEMPORARY SAFETY MEASURES REGARDING OPERATIONS
FOR ALL CLASSES OF COURT**

Court operations during the COVID-19 pandemic have been ongoing, albeit with defined limitations and restrictions. Most recently, and currently, these restrictions are contained within a previous order entitled *Temporary Safety Measures Regarding Operations for All Classes of Court* filed on August 30, 2021. Today's order extends those same provisions for another sixty days, and amends Section V regarding jury trials.

The COVID-19 disease continues to pose great risk to public health, and both Hall and Dawson counties have continued to experience significant community transmission. The Northeastern Judicial Circuit recognizes that most in-court proceedings compel the attendance of individuals rather than allowing them to decide for themselves how best to protect their own health. Therefore, in consultation with state and local health officials, the Northeastern Judicial Circuit will continue to take precautions in order to protect the health of litigants, lawyers, judges, court personnel, and the public.

Accordingly, IT IS THE ORDER of the Court:

I. Stay Home if You Are Sick or Have Been Exposed

COVID-19 is a respiratory illness that spreads primarily by breathing in air when close to an infected person who is exhaling droplets and particles that contain the virus, or by such droplets contacting a person's eyes, nose, or mouth. Common symptoms of the disease include fever or chills, cough, shortness of breath, fatigue, aches, loss of taste or smell, sore throat, and runny nose. In order to prevent disease transmission from occurring, no person shall enter any judicial facility if they are experiencing such symptoms.

Furthermore, courthouse deputies shall screen all visitors to the facilities by asking the following questions and refusing entry to any person answering yes to either:

- 1) Have you been diagnosed with COVID-19, or been in contact over the last 14 days with anyone who has been diagnosed with COVID-19, or been concerned for any reason that you may have been exposed or infected with COVID-19?
- 2) Are you currently experiencing any cough, difficulty breathing, fever, or other symptom of COVID-19, or have you experienced any such symptoms in the last three days?

Employees shall not be subject to the above questions, but they are reminded of their duties and obligations imposed by this circuit's COVID-19 personnel policies.

Any person compelled to appear at the courthouse who is nevertheless prohibited from entering by this policy should leave their name, contact information, and reason for appearing with the front door deputies. Additionally, jury division staff within the Clerk of Court's Office shall advise all jurors of this policy prior to the day of their summons, and provide a mechanism for tracking and reporting any juror who indicates that they are unable to appear due to illness or exposure.

II. Virtual Proceedings Strongly Encouraged

All classes of court are encouraged to continue to use remote video technology wherever feasible, as a safer alternative to in-person proceedings. Such hearings in this circuit are conducted using either the Zoom or Starleaf video platforms, both of which have mobile and desktop software applications available to use free of charge. Courts should give appropriate consideration and deference to the requests of attorneys and parties wishing to appear virtually. Any virtual proceeding that is not open to the public in person shall satisfy constitutional open court requirements by livestream, or by posting notice of the hearing to www.nejc.org with instructions given on how to view it. Zoom "stations" shall also continue to be available on the 4th floor of the Hall County Courthouse, reservable by contacting Court Administration.

III. Face Coverings Mandated in All Public Spaces

Current guidance from the Centers for Disease Control and Prevention recommends that *all* people wear masks in public settings regardless of vaccine status. Therefore, in keeping with this circuit's practice

of abiding by the best medical advice available, the Hall County Sheriff and his deputies shall require all persons entering Hall County facilities to wear face coverings over their mouth and nose, unless doing so would inhibit the individual's health or where the individual is under two years of age. A "face covering" includes but is not limited to a cloth or disposable mask, but shall not include masks with holes or vents. Face coverings shall be worn at all times in all common areas, including hallways, elevators, lobbies, and courtrooms.

Additionally, the Dawson County Sheriff and his deputies shall strongly encourage all persons entering the Dawson County courthouse to wear face coverings over their mouth and nose, unless doing so would inhibit the individual's health or where the individual is under two years of age. Face coverings shall be mandatory in any courtroom, upon entering the Clerk of Court's office, in the public areas on the 3rd and 4th floor floors, and for jurors and prospective jurors for the duration of their service.

Any violation of this Order shall be punishable at an immediate contempt hearing before any Superior Court judge.

Additionally, elected officials and other judicial officers are hereby strongly encouraged to require the use of face coverings in their own offices, particularly for employees not vaccinated.

IV. Large Calendars to be Avoided

All classes of court should avoid any scheduling practice that is likely to result in a large number of participants appearing at the same time. In general, no more than 73 persons should be expected to appear at any one time, which is the current maximum capacity of the Hall County Jury Assembly Room, spaced three feet apart. Additionally, no more than three persons should enter an elevator at one time.

V. Jury Trials

Jury trials are conducted at the direction and discretion of the trial judge, and shall be informed by updated public health information timely provided by Court Administration. A presiding judge shall give attention at the outset of any jury proceeding to ensuring that all jurors are safe, protected, and adequately informed about the precautions this circuit has taken. The judge should inquire if any juror has any health

concerns with the arrangements, and all judges are authorized to put in place more restrictive measures than are required pursuant to this order.

Jurors are permitted to be seated in the traditional jury box, but the presiding judge may also locate them in the courtroom gallery as was this circuit's practice for the duration of the prior emergency. Twelve-person juries may be separated into two groups so as to use both jury deliberation rooms on the hall, allowing for more social distancing, until it comes time for them to deliberate a verdict. Larger jury deliberation rooms (i.e., 2nd Floor Conference Room, Grand Jury Room, etc.) may also be used at the determination of the presiding judge, and may be reserved by contacting Court Administration. Judges shall work cooperatively and in cooperation with all courts to alleviate the challenges of having limited space.

Masks, hand sanitizer and tissues will be in abundant supply in courtrooms and deliberations rooms. Air purifiers are located in each jury deliberation room and should be turned on. Chairs will be arranged in each deliberation room around the outside walls so as to allow for greater spacing.

VI. Grand Jury Proceedings.

Pursuant to a resolution of the Hall County Board of Commissioners adopted on December 10, 2020, the Gainesville Municipal Courtroom, located at 701 Queen City Parkway SW, shall continue to serve as an alternate location for Grand Jury proceedings. The Municipal Court is reasonably accessible and is an appropriate facility for conducting court business.

VII. Other Basic Measures

Other preventative measures should continue to be taken by all classes of court, including but not limited to:

- Making hand sanitizer stations widely available;
- Disinfecting high-volume public areas daily, which can be arranged through Court Administration and Building Maintenance;
- Displaying signs in the restrooms encouraging good hygiene and the washing of hands;
- Requiring sick or exposed employees to take time off or work remotely;

VIII. Duration

The terms of this Order shall terminate on December 31, 2021, at 11:59 p.m., unless otherwise extended, rescinded, amended, or superseded.

IT IS FURTHER ORDERED, pursuant to O.C.G.A § 38-3-63, that the Sheriffs of Hall and Dawson Counties shall post this Order on their public notification site and/or in the courthouses;

IT IS FURTHER ORDERED that the undersigned shall immediately notify and serve a copy of the order on the judges and clerks of all courts sitting within the jurisdictions affected.

IT IS SO ORDERED this 29 day of October, 2021.



Kathlene F. Gosselin, Chief Judge
Northeastern Judicial Circuit