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Connie Taylor, Clerk of Superior Court
Cobb County, Georgia

IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

In Re: Extension of Statewide Judicial Emergency, *
Amended Courthouse Safety Guidelines, * 21-1-0005
Reinstatement of Jury Trial Plan *
*

**ORDER AMENDING COURTHOUSE SAFETY GUIDELINES FOR ALL CLASSES OF COURTS and
REINSTATING THE PLAN TO RESUME JURY TRIALS IN THE COBB JUDICIAL CIRCUIT**

On March 14, 2020, in response to the COVID-19 pandemic, the Honorable Harold D. Melton, the Chief Justice of the Supreme Court, issued an Order declaring Statewide Judicial Emergency pursuant to O.C.G.A. § 38-3-61. In each successive month, that Order has been extended and modified by eleven separate Extension Orders, the most recent of which is set to expire March 9, 2021. It is anticipated that the next Extension Order will authorize the resumption of jury trials in Georgia.

Since the original declaration of the Statewide Judicial Emergency, Cobb County courts have remained open and have continued to perform their constitutionally and legally mandated duties to protect and enforce the rights of our citizens. The Cobb Judicial Circuit has followed each Extension Order and will continue to follow subsequent Extension Orders, and the most recent public health guidance from DPH and the CDC, consistent with the United States and Georgia Constitutions and applicable statutes and court rules.

Over the last few months, certain previously-tolled deadlines have been reinstated by the Supreme Court of Georgia and certain in-person proceedings have been permitted to allow courts to operate in a more robust manner. This included the ability to conduct jury trials and grand jury proceedings once each court formed a local committee and developed a plan for doing so. The Cobb Judicial Circuit established such a committee and formulated a plan to resume jury trials with input from all stakeholders and our public health experts.

As noted in the Chief Justice's Ninth Extension Order, each court's plans for conducting jury trials, grand jury proceedings, and other in-person proceedings may need to be revised--and proceedings delayed, canceled, or done remotely--based on changing local circumstances. The Chief Superior Court Judges have been reminded

to remain vigilant of changing COVID-19 conditions in their communities and be prepared to suspend (or reauthorize) non-essential proceedings.

The Cobb Judicial Circuit recognizes that most in-court proceedings compel the attendance of various individuals rather than allowing them to decide how best to protect their own health, and further recognizes that COVID-19 continues to spread in Georgia and Cobb County. On December 22, 2020, after consultation with the Chief Judge of each class of court in this circuit and public health experts, the undersigned determined that the conditions at that time¹ necessitated the scaling back of in-person operations, in all classes of courts, to only essential matters. Following the entry of that Order, Cobb County and the State of Georgia experienced the worst spike in cases since the beginning of the pandemic. During that spike, Cobb County courts operated in almost an entirely virtual format unless a case/class of cases was determined to be an essential matter requiring in-person attendance.

The undersigned recognizes the necessary burden that Order placed on courts and litigants seeking access to justice, that were unable to move their matters since December. The undersigned acknowledges that not all courts have the capabilities to stand up a totally virtual court and that certain classes of cases cannot be adequately handled in a virtual format. The undersigned has monitored the COVID-19 infection rates in our community, and it appears that those rates have dropped back down to the levels they were at before Thanksgiving.

IT IS HEREBY ORDERED that the Order entered on December 22, 2020, requiring all classes of courts in the Cobb Judicial Circuit to scale back in-person proceedings to essential functions of the court only, is **VACATED**. Courts may resume in-person proceedings consistent with the guidance given in the memorandum attached to this Order and in strict compliance with public health guidelines and guidance issued by the Supreme Court. Nothing in this Order shall be construed to limit any court's ability to conduct virtual proceedings that are

¹ At the time of that Order, the 14-day average number of cases in Cobb County was approximately seven times higher than it was when the jury plan was approved by the local committee.

otherwise allowed by law, court rule, or consent of the parties. All courts are encouraged to continue to conduct as many matters as possible in a virtual format. The undersigned will continue to monitor the COVID-19 infection rates and will be prepared to reverse course if the conditions in the community support it.

IT IS FURTHER ORDERED that the attached Memorandum establishing amended courthouse safety guidelines shall be followed and is incorporated herein and made part of this Order by reference.

IT IS FURTHER ORDERED that the Cobb Judicial Circuit will continue to follow the Chief Justice's *ELEVENTH ORDER EXTENDING STATEWIDE JUDICIAL EMERGENCY* in all respects, as well as any subsequent amendments thereto.

IT IS FURTHER ORDERED that plans to resume jury trials in the Cobb Judicial Circuit are hereby **REINSTATED**. The Superior Court Jury Administrator is directed to prepare to summon jurors for trial weeks beginning April 19, 2021, and thereafter. The State Court of Cobb County is authorized to resume jury trials on or after the week of April 19, 2021, as directed by the Chief Judge of the State Court.

IT IS FURTHER ORDERED that the Local Committee on Resuming Jury Trials is to meet again to make appropriate recommendations and updates to the Superior² and State Court plans to resume jury trials based on the most recent information and public health guidance.

IT IS FURTHER ORDERED that this Court's Orders authorizing the resumption of Grand Jury proceedings and concurrent Grand Juries shall remain in full force and effect.

IT IS FURTHER ORDERED that the Sheriff of Cobb County shall post this Order on his public notification site and at the entrance to all courthouses.

IT IS FURTHER ORDERED that the Court Administrator shall immediately notify and serve the Administrative Office of the Courts at <https://georgiacourts.gov/covid-19-court-operating-guidelines-form/> so that this document may be posted on their website.

² Probate Court has indicated it will follow the Superior Court plan in the event of a jury trial.

IT IS FURTHER ORDERED that the Court Administrator shall immediately notify and serve a copy of this Order and attached Memorandum and Guidelines on the judges and clerks of all courts sitting in this circuit.

IT IS FURTHER ORDERED that the Court Administrator shall cause a copy of this Order and Guidelines to be posted prominently on this Court's website for public viewing.

Previous Orders of this Court that are inconsistent with this Order are superseded by the terms of this Order. This Order shall remain in effect during any continued statewide Judicial Emergency or until modified by further order of this Court.

This 23 day of February, 2021.



Robert D. Leonard II
Chief Judge, Superior Court
Cobb Judicial Circuit



ROBERT D. LEONARD II
CHIEF JUDGE
SUPERIOR COURT OF COBB COUNTY
70 HAYNES STREET
MARIETTA, GEORGIA 30090

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MEMORANDUM

TO: All litigants, attorneys and members of the public
FROM: Chief Judge Robert D. Leonard II, Superior Court, Cobb Judicial Circuit RL
SUBJECT: Updated Coronavirus Court Operating Guidelines
DATE: February 23, 2021

In accordance with the Chief Justice's DECLARATION OF STATEWIDE JUDICIAL EMERGENCY and the eleven EXTENSION ORDERS extending said judicial emergency, Cobb County courts have been handling matters, and will continue to handle, to the extent feasible and consistent with those Orders, public health guidance, 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 right to confrontation and open courtrooms.

Over the last few months, certain previously-tolled deadlines have been reinstated and certain in-person proceedings have been permitted to allow courts to operate in a more robust manner. This included the ability to conduct jury trial and grand jury proceedings once each court formed a local committee and developed a plan for doing so.

As noted in the Chief Justice's Ninth Extension Order, each court's plans for conducting jury trials, grand jury proceedings, and other in-person proceedings may need to be revised--and proceedings delayed, canceled, or done remotely--based on changing local circumstances. The Chief Judges of each Circuit have been reminded to remain vigilant of changing COVID-19 conditions in their communities and be prepared to authorize or suspend non-essential proceedings. Recent public health reports indicate that COVID-19 conditions are improving following the December to February spike in cases.

The Cobb Judicial Circuit recognizes that most in-court proceedings compel the attendance of various individuals rather than allowing them to decide how best to protect their own health. The Cobb Judicial Circuit also recognizes the necessity to balance the societal need for all classes of cases, not just those that can be handled virtually, to proceed forward and be adjudicated. Accordingly, while courts may compel in-person attendance at court proceedings, appropriate consideration and deference should be given to those persons wishing to attend virtually for legitimate health and safety reasons. In considering such a request, no court shall require the public filing of any person's private health information to support such a request.

The updated safety guidelines contained herein shall remain in effect until amended by further Order of the Chief Judge of the Cobb Judicial Circuit. These guidelines represent the minimum standard safety guidelines for each class of court. **The Chief Judge of each court is authorized to establish safety guidelines that are more restrictive and specifically tailored to their courts and facilities.**

SAFETY GUIDELINES FOR COBB SUPERIOR COURT, STATE COURT, PROBATE COURT, JUVENILE COURT, MAGISTRATE COURT, AND ALL MUNICIPAL COURTS

Virtual Proceedings Encouraged For All Court Functions.

All courts are encouraged to continue to utilize technology to the greatest extent possible in an effort to reduce the number of people coming to their respective courthouses. Courts should give appropriate consideration and deference to the requests of attorneys and parties wishing to appear virtually.

The courthouses remain open for public access, but members of the public are encouraged to stay home. Courts conducting virtual hearings that are not open for public access shall satisfy the constitutional mandate of open courtrooms by livestream.

Since the pandemic began, most courts in the Cobb Judicial Circuit have developed procedures and deployed technology that allow for most essential and non-essential functions to be conducted virtually. Courts are encouraged to continue conducting virtual proceedings but may hold in-person proceedings in strict compliance with the Orders of this Court, the Supreme Court, and consistent with the updated public health guidance from DPH and the CDC.

All participants in essential in-person proceedings are to comply with the following safety guidelines:

1. **Please leave all non-essential people at home.** Avoid bringing children or family members, especially the elderly, to court.
2. No one should come to court if they are not feeling well or have a **temperature above 100 degrees.** Contact the Assigned Judge's office to be excused and to have your case rescheduled.
3. Before you come to the courthouse, please answer the four questions below. If your answer to any of the four questions is YES, then you should not come to the courthouse. Instead, contact the Assigned Judge's office to be excused and to have your case rescheduled.
 - a. Have you had a recent onset of coughing?
 - b. Have you had any recent difficulty breathing?
 - c. Have you been around anyone who has been outside of the country in the last 14 days, or
 - d. Have you been around anyone who has been diagnosed with or is under investigation for potential COVID-19 infection?
4. Prior to entering the courthouse, you should answer the above questions again, and if your answer to any of the above questions is YES, then contact the Assigned Judge's office to be excused and to have your case rescheduled.
5. **Mask or face covering required.** Everyone, including Judges and court staff, coming to the courthouses shall have a mask or face covering on to enter the building. The mask or face covering shall remain on while in the courthouse, unless you are given permission to remove the mask or face covering by the judge.
6. Entering the courthouses: If you are entering the courthouse and there is a line, **maintain six feet of social distancing.** Where there are markings on the ground establishing safe spacing, they are to be followed.
7. **Temperature checks:** As you enter the courthouse your temperature may be taken. If you have a fever and are turned away from the courthouse, contact the Assigned Judge's office to be excused and to have your case rescheduled.

8. Upon entry to the courthouse, you will then answer the above COVID-19 questions again, and if your answer to any of the above questions is YES, then contact the Assigned Judge's office to be excused and to have your case rescheduled.
9. The **social distancing rules are in effect in and around all Cobb County courthouses**. Everyone shall maintain at least six feet distance from anyone else.
10. Elevators and stairs: People entering the courthouses are encouraged to use the stairs to access the upper floors if they are able. The elevators are **limited to 1 or 2 people** at a time based on their size.
11. **Hand sanitizer** stations are on every floor in the courthouses. Everyone is encouraged to use it frequently.
12. Restrooms are located on every floor and everyone is encouraged to **wash hands frequently**.
13. Do not use the water fountains. Property management/facilities directors are encouraged to disconnect the water fountains if they are able.
14. Courtrooms: There are **limits on the number of people** who may safely enter a courtroom to comply with the social distancing requirements. These limits vary depending on the size of the courtroom. If you anticipate that your case will require more people in attendance at your hearing than can safely fit into the courtroom, then notify the Assigned Judge's office sufficiently in advance of the hearing so that accommodations can be made for overflow.
15. In the courtrooms, observers and participants may sit in the gallery on the **designated marked seats only**. No one may approach the bench without the permission of the Assigned Judge. Everyone is encouraged to remain outside the courtroom until their case is called. Witnesses are encouraged to remain outside the courtroom until they are called. The witness will testify from the marked witness seat.
16. Exhibits should be made available in **electronic format** in advance of the hearing so that they are not passed back and forth between multiple people in the courtroom. Contact the Assigned Judge for instructions on exhibits and copies of their evidence protocols and procedures.
17. Any court conducting a calendar of matters shall take precautions to **stagger matters** appropriately and limit the size of the calendar to avoid large gatherings.

Updated court information is posted on the Cobb County website at:
<https://www.cobbcounty.org/communications/info-center/covid-19-updates>