

JUN 30, 2021 03:41 PM



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
*

ORDER AMENDING COURTHOUSE SAFETY GUIDELINES FOR ALL CLASSES OF COURTS UPON THE EXPIRATION OF THE STATEWIDE JUDICIAL EMERGENCY

The Governor has signed an executive order that will end the public health emergency on July 1, 2021. With the expiration of the public health emergency, the statewide judicial emergency will end as well.

This Court has continually updated the courthouse safety guidelines during the statewide judicial emergency. However, the authority to establish procedures to ensure the safety of all attendees at the courthouse, does not derive from the judicial emergency declaration or the public health emergency declaration.

Court proceedings are not voluntary and the jail and the courthouse remain the only places in our community where people have no choice in whether to attend or not. The Cobb Judicial Circuit recognizes that most in-court proceedings compel the attendance of individuals rather than allowing them to decide how best to protect their own health. Vaccines have become widely available to every Georgian and at this time, remaining unvaccinated is—in most circumstances—a matter of choice and not driven by limited availability. On May 13, 2021 the CDC revised their public health guidance to *individuals* that provides that all fully vaccinated people do not need to wear masks indoors or outdoors. This has caused considerable discussion about whether the masks should be required in private buildings, public buildings, and elsewhere. However, considering that courts compel attendance of vaccinated and unvaccinated litigants, jurors, witnesses, inmates, attorneys, and others; the considerations at the courthouse door are simply different than other places where people go voluntarily. For example, juveniles must enter the courthouse and as of the date of this Order, the vaccine has only been approved for juveniles for a few weeks. Many people are not eligible for a vaccine due to medical issues. Cobb County's vaccination rate is presently only about 44%. Additionally, the Court is hesitant about having people prove their vaccination status upon entry to the courthouse for the purposes of mask compliance. The safety and comfort level of vaccinated and unvaccinated jurors that are compelled to serve is critical to the continued success of the circuit's plans to conduct jury trials. With this consideration in mind, the Local Committee on Jury Trials recommended that the masks continue to be required in the Cobb County Courthouses. Grand Jurors and Petit jurors reported to the Chief Judge that they were very comfortable with the safety precautions during their service and recommended keeping them in place as recently as June 24, 2021.

IT IS THEREFORE ORDERED that the masks continue to be mandatory in the courthouses until further Order of this court, subject to the clarifications in the memorandum establishing safety guidelines attached hereto.

IT IS FURTHER ORDERED Courts may continue to conduct in-person proceedings consistent with the guidance given in the memorandum attached to this Order and in strict compliance with public health guidelines. Nothing in this Order shall be construed to limit any court's ability to conduct virtual proceedings that are otherwise allowed by law, court rule, or consent of the parties.

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 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.

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 until vacated or modified by further order of this Court.

This 30 day of June, 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
SUBJECT: Updated Coronavirus Court Operating Safety Guidelines
DATE: June 30, 2021

RLD

From the inception of the pandemic, Cobb County courts have handled judicial matters consistent with Supreme Court 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.

The Cobb Judicial Circuit recognizes that most in-court proceedings compel the attendance of various individuals rather than allowing them the choice to avoid public areas 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 in Cobb County 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 Available For All Court Functions.

All courts are encouraged to continue to utilize technology to the 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 due to legitimate health and safety reasons.

The courthouses remain open for public access, but members of the public concerned with health and safety risks are encouraged to stay home unless they have specific business with our courts. 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 court functions to be conducted virtually. Courts are encouraged to continue conducting virtual proceedings as appropriate and feasible, and 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 appearing at 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 entering the courthouse, please answer the 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 request to be excused and to have your case rescheduled.
 - a. Within the last 48 hours have you experienced:
 - i. Fever or chills
 - ii. Cough
 - iii. Shortness of breath or difficulty breathing
 - iv. Fatigue
 - v. Muscle or body aches
 - vi. Headache
 - vii. New loss of taste or smell
 - viii. Sore throat
 - ix. Congestion or runny nose
 - x. Nausea or vomiting
 - xi. Diarrhea
 - b. Have you been around anyone who has been diagnosed with or is under investigation for potential COVID-19 infection?
4. **Mask or face covering requirement.**
 - a. **Public Areas – Masks are required for everyone in public areas of the courthouse.** Everyone, including Judges and court staff, coming to the courthouses shall have a mask or face covering on to enter the public entrances to the building. The mask or face covering shall remain on while in the public areas of the courthouse. It must remain on in the courtrooms unless you are given permission to remove the mask or face covering by the judge.
 - b. **Private Work Areas/Secured Areas -** Masks are not required for fully vaccinated staff in the non-public areas of the courthouse. Fully vaccinated is defined as 2 weeks after the 2nd dose of a 2-dose series (e.g., Moderna or Pfizer) or 2 weeks after the single-dose vaccine (e.g., J&J). Other elected officials located within the courthouses may continue to require masks in their private/secured office areas if they wish.
 - c. **Courtrooms –** Judges have the discretion to impose or lift mask restrictions in their individual courtrooms when required to facilitate argument or testimony in a proceeding. For example, witnesses, attorneys and litigants may argue and testify unmasked with

permission of the Judge. During virtual hearings where no members of the public are present, the Judge and staff may remove their masks if vaccinated.

5. 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.
6. **Temperature checks**.
 - a. **Members of the public** - As you enter the courthouse your temperature may be taken. If there is not a symptom check station, you are expected to be on your honor to monitor your symptoms prior to entering the building. If you have a fever and/or are turned away from the courthouse, contact the Assigned Judge's office to be excused and to have your case rescheduled.
 - b. **Court Employees and Cobb Bar members with security badges** – The courts will follow the Cobb County protocols for temperature screening. Those with badge access may resume using those respective entrances but are to be responsible for self-screening for symptoms and temperatures before arriving at the courthouse.
7. 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. However, fully vaccinated staff or members from the same household are exempt from the social distancing requirement.
8. Elevators and stairs: People entering the courthouses are encouraged to use the stairs to access the upper floors if they are able to reduce the congestion on the elevators and therefore the risk of respiratory illness transmission. However, due to the short nature of the ride, vaccine availability, and the courthouse mask requirement, the previous restrictions on elevator capacity are rescinded.
9. **Hand sanitizer** stations are on every floor in the courthouses. Everyone is encouraged to use it frequently.
10. Restrooms are located on every floor and everyone is encouraged to **wash hands frequently**.
11. Do not use the water fountains. Property management/facilities directors are encouraged to disconnect the water fountains if they are able.
12. 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.
13. 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.
14. Except in jury trials and where directed otherwise by the Assigned Judge, 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.
15. Any court conducting an in-person calendar of matters shall take precautions to **stagger matters** appropriately and limit the size of the calendar to avoid large gatherings.