

Patty Baker, Clerk of Superior Court - Cherokee County, GA

IN THE SUPERIOR COURT OF CHEROKEE COUNTY
BLUE RIDGE JUDICIAL CIRCUIT
STATE OF GEORGIA

December 3, 2021

ORDER FOR TEMPORARY SAFETY MEASURES FOR ALL CLASSES OF COURTS

The Court's current Order regarding temporary safety measures for all classes of courts has been in effect since September 30, 2021, and by its terms would expire on December 31, 2021. COVID case numbers have decreased substantially since the entry of the Court's last Order. Vaccinations are available to everyone who wants them. While "break-through" cases do occur, the vaccines have been largely effective in controlling the severity of the illness in those infected, thus reducing the strain on the local health care system. Also, there are significant differences in the treatment options now available than have been in the early stages of the pandemic.

The Courts of the Blue Ridge Judicial Circuit have continued to function as fully as possible within the necessary restrictions of the pandemic. There has not been a day since the first statewide judicial emergency that we have not been "open for business". Nevertheless, the difficulty in conducting jury trials, even after the expiration of the statewide prohibition of them, means that our backlogs continue to grow.

The Court is aware of the recent identification of the Omicron variant of the virus. The Court also recalls the surge in COVID cases during the winter months of 2020-2021. Our Courts will continue to monitor public health statistics and advice regarding the virus. But at present, the progress that has been made in controlling the COVID-19 virus, together with the vital need

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to conduct hearings and trials, and in consultation with local public health officials, the Court enters this Order, amending and superseding the Order of September 30, 2021.

Accordingly, IT IS THE ORDER of the Court, as follows:

1. Health and Safety Measures:

A. IF YOU ARE SICK OR HAVE BEEN EXPOSED, STAY HOME.

No person should come into the Justice Center or the Historic Courthouse if they have tested positive for COVID-19 or are experiencing common symptoms of COVID: fever or chills, cough, shortness of breath, fatigue, aches, loss of taste or smell, sore throat, runny nose, or diarrhea. Additionally, anyone exposed to someone with these symptoms, or to someone known to be positive for COVID-19, shall report this prior to the appropriate individual **before** entering any judicial facility (employees shall report this to their supervisor, litigants to their attorneys, jurors to the jury clerk, attorneys to the judge's office, etc.). Sick or exposed employees should be required to take time off or work remotely. Judges shall make appropriate accommodations for parties or attorneys who need to appear remotely, instead of in-person, to allow their appearance before the Court.

The Court Administrator shall cause the notice and requirements of this paragraph to be posted at the entrances of the Justice Center and the Historic Courthouse.

B. Temperature Screening and Masks:

Temperature screening is no longer required.

All persons entering the Justice Center are required to wear a mask in any public area of the building, to include lobbies, hallways, elevators, rest rooms, the Jury Assembly room, and the Law Library. This requirement includes individuals working in the building as well as members

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of the public. Those working in their offices may remove their masks with the consent of their supervisor.

The mask must remain in proper position over the nose and mouth. All courthouse deputies, bailiffs, and other staff will remain vigilant and politely ask anybody in the Courthouse seen without a mask to put one on. Anyone arriving without a mask will be provided one at screening.

Individuals in court may remove their face-covering only with the permission of the judge presiding.

D. Social Distancing and Room Capacities; Jury Assembly Room: All courts, offices, and departments are encouraged, to the extent possible, to allow employees to work remotely, and to conduct business and offer services by appointment, in order to mitigate the number of visitors entering the facilities at any given time.

All persons in the building shall make every effort to remain six feet apart during face-to-face interactions. All judges are encouraged to be aware of appropriate room capacities and social distancing for any proceeding occurring in their courtroom.

Strict social distancing in the Jury Assembly room is not feasible when a sufficient number of jurors are summoned for selection of multiple juries in the same week. Jury clerks and the empaneling judges shall be mindful of the need to be timely and efficient in their work with the jurors, so that they may be divided into panels and moved into trial courtrooms as quickly as possible. It shall be the responsibility of the trial judge to maintain social distancing for jurors as much as it is possible.

The primary use of the Jury Assembly room shall continue to be actual court functions (jury assembly, arraignments, grand jury proceedings, etc). Other uses, such as ceremonies,

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meetings, trainings, and similar activities, shall be allowed only if the room is not needed for court. The Court Administrator shall schedule use of the Jury Assembly room.

2. Virtual Proceedings Strongly Encouraged: All classes of courts are encouraged to continue to use technology for virtual hearings, as a safer alternative to in-person proceedings. Amendments to the videoconferencing rules promulgated by the Georgia Supreme Court remain in effect. Courts should give appropriate deference to attorneys and litigants who wish to appear by videoconferencing. Any virtual proceeding that is not open to the public should be livestreamed. Livestream links are available on the Court Administration website (<https://www.cherokeega.com/Court-Administrators-Office/>) for all proceedings not deemed to be confidential by law or otherwise held in open court.

The Court is aware that there are litigants and witnesses who do not have reliable internet service or access to devices that would allow remote participation. Should a litigant or witness appear in person for a hearing which has been scheduled for videoconference, that person shall be directed to the office of the assigned judge. The assigned judge may give directions to such person in his or her discretion, in compliance with the other provisions of this Order.

Court Administration has two devices with which to allow individuals who appear in person to participate in a hearing by videoconference within the Justice Center. It shall be the responsibility of the assigned judge's office to coordinate with Court Administration should such assistance be requested, understanding the limited capability available for such assistance.

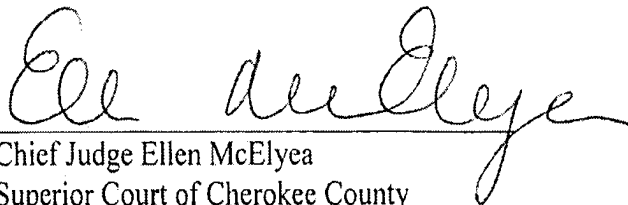
The grand jury may be permitted to conduct in-person proceedings, provided that grand jurors and witnesses abide by the terms of this Order.

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It is the responsibility of the presiding judge of any jury trial to ensure that all jurors are protected and aware of the requirements of this Order.

This Order shall remain in effect through February 25, 2022, unless modified, suspended or terminate. This document shall be posted at all entryways to the Justice Center and the Historic Courthouse, on the website of the Clerk of Court and the Court Administrator, and at the elevator entrances on all floors of the Justice Center, and shall be served on the interested parties as listed below.

SO ORDERED, this 3d day of December, 2021.

A handwritten signature in cursive script, appearing to read "Ellen McElyea", written over a horizontal line.

Chief Judge Ellen McElyea
Superior Court of Cherokee County
Blue Ridge Judicial Circuit

CC:

Judges of Cherokee Superior Court
Judges of Cherokee State Court
Judges of Cherokee Juvenile Court
Judge James Drane, Magistrate
Judge Keith Wood, Probate Court
Patty Baker, Clerk of Courts
Shannon Wallace, District Attorney
Todd Hayes, Solicitor-General
Sheriff Frank Reynolds
Lynn Epps, Court Administrator
Cherokee County Bar Association
Louis Turchiarelli, Indigent Defense Director