

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

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

Administrative Order
State of Judicial Emergency

Date: June 19, 2020

ORDER ON JUSTICE CENTER SAFETY PROTOCOLS AND IN-COURT JUDICIAL PROCEEDINGS

On March 14, 2020, in response to the COVID-19 pandemic, Chief Justice Harold D. Melton of the Supreme Court of Georgia issued an Order Declaring Statewide Judicial Emergency. That Order has now been extended through July 12, 2020.

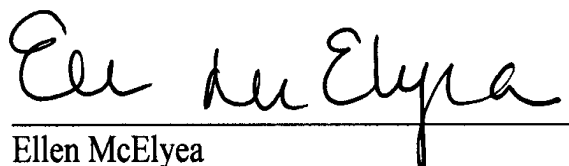
Pursuant to said Order, all courts are encouraged to use available technology to conduct remote judicial proceedings as an alternative to in-person proceedings. Each court has discretion to conduct in-person proceedings in compliance with public health guidelines, and are required to develop operating guidelines for the conduct of said hearings. These guidelines are to be submitted to the Georgia Administrative Office of the Courts.¹

At the direction of the Court, the Court Administrator has consulted with all classes of courts to develop guidelines for reopening the Courts. Said plan is attached hereto as Attachment 1 and made a part of this Order.

The undersigned Chief Superior Court Judge on May 12, 2020, issued an Amended Order on Public Access, and that Order shall continue based on the Chief Justice's extension of the Statewide Judicial Emergency. It is attached hereto as Attachment 2.

This Order and attachments shall be served upon the Administrative Office of the Courts, sent to the officers of the Blue Ridge Bar Association for distribution to its members, and posted for public inspection on the Court Administration website at <https://www.cherokeega.com/Court-Administrators-Office/Emergency-Court-Orders/>.

SO ORDERED, this 19th day of June, 2020.



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

¹ Supreme Court of Georgia, Third Order Extending Declaration of Statewide Judicial Emergency, dated June 12, 2020.

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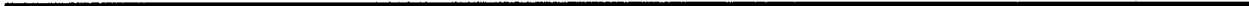
BLUE RIDGE JUDICIAL CIRCUIT:

**A THREE-PHASE APPROACH
TO REOPENING THE COURTS**

ATTACHMENT 1

Overview:

CRITERIA	The data-driven conditions to be satisfied before proceeding to a phased opening.
PREPAREDNESS	What Courts should do to meet the challenges ahead.
PHASE GUIDELINES	Responsibilities of Courts and users during all phases, and in each specific phase of the opening.



Local Gating Criteria
(Satisfy Before Proceeding to Phased Opening)

CASES Downward trajectory of documented Cherokee County cases within a 14-day period

or

Downward trajectory of positive tests as a percent of total tests within a 14-day period (flat or increasing volume of tests)

HOSPITALS Treat all patients without crisis care

and

Robust testing program in place for at-risk healthcare workers, including emerging antibody testing

COURT PREPAREDNESS RESPONSIBILITIES

SCREENING

Ability to quickly scan temperatures of all persons entering the building

Ability to ask two following screening questions of all persons entering the building: 1) Have you, or anyone you have been in contact with in the last 14 days, tested positive for COVID-19 or have/has contacted medical professional or otherwise been concerned that you may have been exposed or infected with COVID-19. 2) Are you currently experiencing or have you experienced any symptoms of difficulty breathing, a persistent cough, or a fever of 100.5 degrees or greater in the past 14 days?

EQUIPPING

Ability to provide sufficient Personal Protective Equipment

Ability to ensure hand sanitizer is available in courtrooms

Ability to ensure necessary cleaning/disinfecting is accomplished before, during and after opening

Ability to provide clearly marked areas for observing social distancing

PLANNING

Advise users regarding protocols for social distancing and face coverings

Monitor conditions and immediately take steps to limit and mitigate any rebounds or outbreaks by restarting a phase or returning to an earlier phase, depending on severity

THREE-PHASE APPROACH

Based on **UP-TO-DATE DATA** and Readiness

MITIGATES Risk

PROTECTS all Users

Implementable on
CIRCUITWIDE basis

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ALL PHASES

GUIDELINES FOR ALL PHASES

All Users

CONTINUE TO PRACTICE GOOD HYGIENE

- ✓ Wash your hands with soap and water or use hand sanitizer, especially after touching frequently used items or surfaces.
- ✓ Avoid touching your face.
- ✓ Sneeze or cough into a tissue, or the inside of your elbow.
- ✓ Disinfect frequently used items and surfaces as much as possible.
- ✓ Use face coverings while in public areas, including hallways, restrooms and courtrooms.

PEOPLE WHO FEEL SICK SHOULD STAY HOME

- ✓ Do not come to the Justice Center. (Employees should not return to work until cleared by a medical provider.)
- ✓ Contact and follow the advice of your medical provider.

Judges, Elected Officials, Agency Directors, Department Heads

- ✓ Support and enforce social distancing and mask requirements in the public areas, including hallways, courtrooms, etc.
- ✓ Support and enforce temperature checks
- ✓ Support and enforce testing, isolating and contact tracing
- ✓ Support and enforce sanitation and disinfection of common areas and high traffic areas

Monitor your workforce for indicative symptoms. Do not allow symptomatic people to physically return to work until cleared by a medical provider.

SUPPORT BY EXAMPLE

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All Phases

COURTS

All courts will continue to operate under the Order Declaring Judicial Emergency as extended or amended. Hearings should continue to be conducted by remote videoconference wherever possible.

In Court Proceedings – Generally

The Judge will determine whether multiple cases will report with each given an appointed time throughout the day; if one particular matter will be set in the morning, another set for the afternoon; or, if it will be an all-day matter.

To protect the health of litigants, lawyers, judges, court personnel and the public, scheduled in-court proceedings will be set with a minimum of 15 minutes between proceedings to allow time for cleaning/sanitizing of all frequently touched surfaces in the courtroom. Should the proceeding require witness testimony in the courtroom, the witness stand will be cleaned/sanitized between each witness presented. Council should be encouraged to present their cases from council tables, limiting movement, or separate lecterns should be used.

All persons scheduled for in-court proceedings should report first to the jury assembly room or other check-in station, as directed, for instruction on where to remain until the case is called to report to the courtroom. A livestream of in-court proceedings may be accessed at <https://cherokeega.com/Court-Administrators-Office/View-Live-Court-Sessions/>

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Phase One

**BEGINS AFTER SATISFYING
THE GATING CRITERIA**

Phase One

ALL USERS

ALL VULNERABLE INDIVIDUALS are being advised to continue to shelter in place. Members of households with vulnerable residents are instructed that by being in an area where social distancing is not totally practical, they could carry the virus back home. They are being instructed to take precautions to isolate from vulnerable residents.

All USERS, WHEN IN PUBLIC (includes Justice Center hallways, courtrooms, restrooms), should maximize physical distance from others. Settings of more than 10 people should be avoided.

Avoid GATHERING, even in groups of less than 10 people, in circumstances that do not readily allow for appropriate physical distancing (offices, hallways, restrooms).

JUDGES, ELECTED OFFICIALS, AGENCY DIRECTORS, DEPARTMENT HEADS

Continue to ENCOURAGE TELECOMMUTING whenever possible and feasible with your operations
Support and Encourage Re-Opening Phases
Support and Enforce social distancing protocols in your areas where personnel are likely to congregate and interact
Strongly consider SPECIAL ACCOMMODATIONS for personnel who are members of a VULNERABLE POPULATION.

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Phase One

COURTS

Criminal cases involving persons **housed at the Cherokee County Adult Detention Center** may be scheduled by videoconference. Due to the requirement of sharing the videoconferencing capacity of the jail courtroom each session will be approximately three (3) hours in duration.

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
9:00 AM	STATE – JORDAN	SUPERIOR – McELYEA	SUPERIOR – BAKER	STATE – MORRIS	MAGISTRATE
1:30 PM	SUPERIOR – BAKER	SUPERIOR – CANNON	STATE – HOMIER	SUPERIOR – McELYEA	SUPERIOR – CANNON
4:30 PM	MAGISTRATE	MAGISTRATE	MAGISTRATE	MAGISTRATE	MAGISTRATE

IN-COURT PROCEEDINGS

Where videoconference is not a viable alternative, Courtroom 1B will open daily for in-court proceedings as scheduled by the Courts.

Week	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
June 15	STATE - JORDAN	SUPERIOR - McELYEA	STATE - MORRIS	JUVENILE - SUMNER	SUPERIOR - CANNON
June 22	STATE – HOMIER	SUPERIOR – BAKER	STATE – JORDAN	JUVENILE – DAVIS	SUPERIOR – McELYEA
June 29	STATE – MORRIS	SUPERIOR – CANNON	STATE – HOMIER	JUVENILE – SUMNER	HOLIDAY
July 6	STATE – JORDAN	SUPERIOR – McELYEA	STATE – MORRIS	JUVENILE – DAVIS	SUPERIOR – CANNON
July 13	STATE – HOMIER	SUPERIOR – BAKER	STATE – JORDAN	JUVENILE – SUMNER	SUPERIOR – McELYEA
July 20	STATE – MORRIS	SUPERIOR – CANNON	STATE – HOMIER	JUVENILE – DAVIS	SUPERIOR – BAKER
July 27	STATE – JORDAN	SUPERIOR – McELYEA	STATE – MORRIS	JUVENILE – SUMNER	SUPERIOR – CANNON

For scheduling Superior Court proceedings, please see the Memorandum dated May 13, 2020, RE: SUPERIOR COURT CALENDARS BEGINNING JUNE 1, 2020, included in the Appendix.

For scheduling State Court proceedings, please contact the judge’s office.

Phase Two

NO EVIDENCE OF A REBOUND

AND

SATISFY THE GATING CRITERIA

A SECOND TIME

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Phase Two

ALL USERS

ALL VULNERABLE INDIVIDUALS are still being advised to continue to shelter in place. Members of households with vulnerable residents are instructed that by being in an area where social distancing is not totally practical, they could carry the virus back home. They are being instructed to take precautions to isolate from vulnerable residents.

All USERS, WHEN IN PUBLIC (includes Justice Center hallways, courtrooms, restrooms), should maximize physical distance from others. Settings of more than 10 people should be avoided.

Avoid GATHERING, even in groups of less than 10 people, in circumstances that do not readily allow for appropriate physical distancing (offices, hallways, restrooms).

JUDGES, ELECTED OFFICIALS, AGENCY DIRECTORS, DEPARTMENT HEADS

Continue to ENCOURAGE TELECOMMUTING whenever possible and feasible with your operations
Support and Encourage Re-Opening Phases
Support and Enforce social distancing protocols in your areas where personnel are likely to congregate and interact
Strongly consider SPECIAL ACCOMMODATIONS for personnel who are members of a VULNERABLE POPULATION.

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Phase Two

COURTS

Criminal cases involving persons **housed at the Cherokee County Adult Detention Center** may be scheduled by videoconference. Due to the requirement of sharing the videoconferencing capacity of the jail courtroom each session will be approximately three (3) hours in duration.

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
9:00 AM	STATE – JORDAN	SUPERIOR – McELYEA	SUPERIOR – BAKER	STATE – MORRIS	MAGISTRATE
1:30 PM	SUPERIOR – BAKER	SUPERIOR – CANNON	STATE – HOMIER	SUPERIOR – McELYEA	SUPERIOR – CANNON
4:30 PM	MAGISTRATE	MAGISTRATE	MAGISTRATE	MAGISTRATE	MAGISTRATE

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IN COURT PROCEEDINGS

Where videoconference is not a viable alternative, Courtrooms 1B and 1D will open daily for in-court proceedings as scheduled by the Courts and may include persons housed at the Cherokee County Adult Detention Center.

Courtroom 1B

Week	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
1	STATE - JORDAN	STATE – MORRIS	STATE – HOMIER	JUVENILE – SUMNER	
2	STATE - JORDAN	STATE – MORRIS	STATE – HOMIER	JUVENILE – SUMNER	
3	STATE - JORDAN	STATE – MORRIS	STATE – HOMIER	JUVENILE – SUMNER	
4	STATE - JORDAN	STATE – MORRIS	STATE – HOMIER	JUVENILE – SUMNER	
5	STATE - JORDAN	STATE – MORRIS	STATE – HOMIER	JUVENILE – SUMNER	
6	STATE - JORDAN	STATE – MORRIS	STATE – HOMIER	JUVENILE – SUMNER	

Courtroom 1D

Week	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
1	SUPERIOR – MCELYEA	SUPERIOR – CANNON	SUPERIOR – BAKER	JUVENILE – DAVIS	
2	SUPERIOR – MCELYEA	SUPERIOR – CANNON	SUPERIOR – BAKER	JUVENILE – DAVIS	
3	SUPERIOR – MCELYEA	SUPERIOR – CANNON	SUPERIOR – BAKER	JUVENILE – DAVIS	
4	SUPERIOR – MCELYEA	SUPERIOR – CANNON	SUPERIOR – BAKER	JUVENILE – DAVIS	
5	SUPERIOR – MCELYEA	SUPERIOR – CANNON	SUPERIOR – BAKER	JUVENILE – DAVIS	
6	SUPERIOR – MCELYEA	SUPERIOR – CANNON	SUPERIOR – BAKER	JUVENILE – DAVIS	

For scheduling Superior Court proceedings, please see the Memorandum dated May 13, 2020, Re: SUPERIOR COURT CALENDARS BEGINNING JUNE 1, 2020, included in the Appendix.

For scheduling State Court proceedings, please contact the judge’s office.

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Phase Three

ALL USERS

ALL VULNERABLE INDIVIDUALS are advised to resume public interactions, but should practice physical distancing, minimizing exposure to social settings where distancing may not be practical, unless precautionary measures are observed.

All USERS, should minimize time spent in crowded environments.

JUDGES, ELECTED OFFICIALS, AGENCY DIRECTORS, DEPARTMENT HEADS

Resume unrestricted staffing of your operations
Support and Encourage Re-Opening Phases
Support and Enforce social distancing protocols in your areas where personnel are likely to congregate and interact

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Phase Three

NO EVIDENCE OF A REBOUND

AND

SATISFY THE GATING CRITERIA

A THIRD TIME

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Phase Three

COURTS

All courts will continue to operate under the Order Declaring Judicial Emergency as extended or amended. Hearings should continue to be conducted by remote videoconference wherever possible.

Bailiffs will return to courtroom duties. Additional duties will be assigned to assist with cleaning/sanitizing high touch/high traffic areas.

IN COURT PROCEEDINGS

Where videoconference is not a viable alternative, courts would resume in-court proceedings in their normally assigned courtrooms.

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REFERENCES

Centers for Disease Control and Prevention; Coronavirus Disease 2019 (COVID-19); Workplace Decision Tool; 2020, May 15; www.cdc.gov/coronavirus/2019

Centers for Disease Control and Prevention; Coronavirus Disease 2019 (COVID-19); How to Protect Yourself and Others; 2020, April 24; www.cdc.gov/coronavirus/2019

Centers for Disease Control and Prevention; Coronavirus Disease 2019 (COVID-19); Interim Guidance for Businesses and Employers Responding to Coronavirus Disease 2019 (COVID-19), May 2020; 2020, May 5; Revised 2020, May 6; www.cdc.gov/coronavirus/2019

Georgia Department of Economic Development: COVID-19 Updates and Information; Following Governor Kemp's Executive Order: Should My Business Remain Open, The Workplace During COVID-19; 2020, May 26; www.georgia.org

Georgia Department of Public Health; Prevention Steps for Close Contacts of Persons Being Evaluated for or Cases of novel coronavirus (2019-nCoV) in Georgia; 2020, February 4; www.dph.ga.gov

Georgia Court Reopening Guide; Judicial Council Strategic Plan Standing Committee; 2020, June 11

National Center for State Courts; Considerations in Resuming Court Operations, A Pandemic Resource from NCSC, Version #1; 2020, May 1; www.ncsc.org

OSHA; Guidance on Preparing Workplaces for COVID-19; 2020, March; www.osha.gov

The White House/CDC; Guidelines Opening Up America Again; 2020, April 16; www.coronavirus.gov

World Health Organization; Getting your workplace ready for COVID-19; 2020, March 19; www.who.int

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APPENDIX

SUPERIOR COURT CALENDARS BEGINNING JUNE 1, 2020

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

**SUPERIOR BOOK:201 PG:2254 Filed: 05/12/2020 06:36 PM Clerk I
Patty Baker, Clerk of Superior Court - Cherokee County, GA**

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

State of Judicial Emergency
May 12, 2020

AMENDED ORDER ON PUBLIC ACCESS

This Court, on March 26, 2020, entered an Order on Public Access, related to the State of Judicial Emergency declared by the Chief Justice of the Supreme Court of Georgia. Said state of emergency has been continued and extended by various orders of both the Chief Justice and this Court. In order to protect public health, including the health of court personnel, attorneys, litigants, witnesses, and the general public, the Sheriff of Cherokee County is hereby directed to implement the following temporary security measures at the Frank C. Mills, III, Cherokee County Justice Center.

Courthouse deputies shall continue screening all employees and any other visitors by using an infrared thermometer and the following questions:

Have you or anyone you have been in contact with in the last 14 days, tested positive for COVID 19 or have/has contacted medical professional or otherwise been concerned that you may have been exposed or infected with COVID 19?

Are you currently experiencing or have you experienced any symptoms of difficulty breathing, a persistent cough, or a fever of 100.5 degrees or greater in the past 14 days?

Pursuant to this Order, anyone registering a fever of 100 degrees or more on the infrared thermometer and who answers yes to either question shall be directed not to enter the Justice Center. The person denied entry into the Justice Center shall be instructed by security personnel to call the Justice Center main telephone number (678-493-6100) from outside the courthouse. If said person is seeking to file a pleading or other document, the Clerk of Court shall determine whether such filing can be accomplished through the electronic filing system. If the individual does not have access to the e-filing system, then the Clerk shall accept paper filing. The person filing the pleading shall remain outside the

ATTACHMENT 2

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**SUPERIOR BOOK:201 PG:2255 Filed: 05/12/2020 06:36 PM Clerk J
Patty Baker, Clerk of Superior Court - Cherokee County, GA**

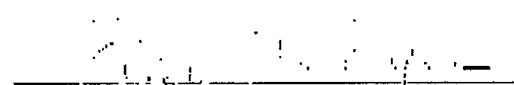
Justice Center while the pleading is being filed; delivery of the paper filing shall be made by a deputy sheriff to the Clerk.

If the person denied entry into the Justice Center is there to attend a hearing as either a litigant, witness, or public spectator, such person shall remain outside the Justice Center while the appropriate judicial chambers is notified by the security staff. The assigned judge is authorized to consider all relevant facts and circumstances and decide whether to admit such person.

Additionally, in accordance with current guidelines from the Centers for Disease Control and Prevention, the Sheriff and his deputies shall require all persons entering the 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. Such coverings shall be worn in common areas such as hallways and courtrooms, where social distancing may be difficult to maintain. Individuals are encouraged to bring their own masks or face covering, but the Court will provide them for those who need them.

This Order shall be filed upon the minutes of the Superior Court, posted at the entrances to the Justice Center, and published on the website of the Court Administrator (<https://www.cherokeega.com/Court-Administrators-Office/>). It shall remain in effect throughout emergency period as set forth by the Order of the Chief Justice, and for any extension of said Order.

SO ORDERED, THIS 12TH DAY OF MAY, 2020.



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