

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.

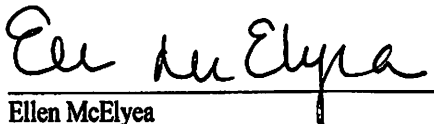
Pursuant to said Order, all courts are encouraged to use available technology to conduct remote judicial proceedings as an alternative to in-person proceedings. Each court has discretion to conduct in-person proceedings in compliance with public health guidelines, and are required to develop operating 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.cherokeeega.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.



BLUE RIDGE JUDICIAL CIRCUIT:

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

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 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

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

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/>

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.

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

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.

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

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.

Phase Three

NO EVIDENCE OF A REBOUND

AND

SATISFY THE GATING CRITERIA

A THIRD TIME

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

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 their normally assigned courtrooms.

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

APPENDIX

SUPERIOR COURT CALENDARS BEGINNING JUNE 1, 2020

TO: ATTORNEYS, PARTIES, OFFICERS OF THE COURT, AND PUBLIC
FROM: JUDGES OF THE CHEOKEE COUNTY SUPERIOR COURT
DATE: MAY 13, 2020
RE: SUPERIOR COURT CALENDARS BEGINNING JUNE 1, 2020

Beginning June 1, 2020, and until further notice, the master calendar for Superior Court is suspended. In lieu thereof, the following calendars will take place.

CRIMINAL CASES

Each judge will have two weekly criminal non-jury calendars for cases assigned to them, as follows:

Judge McElyea	Every Tuesday at 9:00 a.m.; every Thursday at 1:30 p.m.
Judge Cannon	Every Tuesday at 1:30 p.m.; every Friday at 1:30 p.m.
Judge Baker	Every Monday at 1:30 p.m.; every Wednesday at 9:00 a.m.

Please note that these calendars will be approximately three (3) hours in duration, due to the requirement of sharing the videoconferencing capacity of the jail courtroom with State and Magistrate Courts.

Negotiated pleas and uncontested revocations should be scheduled on the assigned judge's calendar by contacting the Court's criminal calendar clerks. Such matters shall be scheduled according to the procedures and using the documents set forth in the Court's Emergency Protocol for Negotiated Pleas and Revocations dated April 6, 2020. See <https://www.cherokeega.com/Court-Administrators-Office/Superior-Court-Plea-Forms/>

Notwithstanding case assignment, negotiated pleas and uncontested revocations that result in an inmate's release from custody may be scheduled on any judge's calendar.

Non-negotiated pleas, bond hearings, and other contested matters allowed to be conducted by videoconferencing per Uniform Superior Court Rule 9.2 may be scheduled at the discretion of the assigned judge by request to the Court's criminal calendar clerks. In order to assist with scheduling, the request should include 1) a FILED copy of the motion; 2) a time announcement from the movant; 3) the number of witnesses anticipated, if any; and 4) a statement of whether there is any reason all participants, including witnesses, cannot appear remotely. The non-moving party shall reply with similar information within three (3) days in the case of bond hearings or non-negotiated pleas and five (5) days in other contested matters. Failure of the non-moving party to respond in a timely manner shall not delay the calendaring of the case but may result in the inability to introduce certain evidence.

ACCOUNTABILITY COURTS

Schedules and procedures for Drug Accountability Court and Parental Accountability Court shall be published by the coordinators and judges of those Courts.

PETITIONS FOR TEMPORARY PROTECTIVE ORDER

All Petitions for Temporary Protective Order shall be heard by the assigned judge. Upon receipt of such, the Clerk of Court shall notify the assigned judge's staff and the Court Administrator's office. The Clerk shall forward any proposed Order to the assigned judge's electronic filing queue. Requests for ex parte relief shall be considered by the assigned judge electronically, without the need for the petitioner being physically present in the Justice Center. Petitioners shall be available by telephone should the assigned judge wish to hear any evidence prior to the entry of an order.

Should the petition be set for further hearing, it shall be set on a calendar to be heard by the assigned judge. These hearings will be conducted substantially by videoconferencing, as set forth herein. Nothing herein shall modify the Standing Order of this Court regarding assignment of certain Petitions for Temporary Protective Order to the judges of the Juvenile Court.

Petitions for temporary protective order shall be set for hearing before the assigned judge within 30 days of granting ex parte relief. Currently scheduled calendars are as follows:

Judge McElyea	June 4; June 18; July 9; July 23. All calendars start at 9:00 a.m.
Judge Cannon	June 4; June 18; July 16; July 30. All calendars start at 1:30 p.m.
Judge Baker	June 2; June 16; July 7; July 21. All calendars start at 9:00 a.m.

UNCONTESTED DIVORCES

Uncontested divorces, including those involving minor children, may be submitted by motions for judgment on the pleadings, to be considered by the assigned judge. With proper documentation, all judges will accept parents' attendance at online seminars for divorcing parents.

OTHER CIVIL CASES

Any requests for emergency relief shall be addressed to the assigned judge for consideration, and efforts to schedule and conduct those motions for hearing by telephone or videoconferencing will be made, as is warranted in the discretion of the judge. Attorneys and self-represented parties shall submit courtesy copies of any emergency petitions or motions to the assigned judge's office by email. Attorneys and self-represented parties may contact the assigned judge's office for scheduling of any non-essential matters that may be conducted by telephone or videoconferencing. Each Superior Court judge may publish additional directions for scheduling in this regard.

EVIDENCE IN ALL CONTESTED CASES

Each party shall supply the other with copies of any documentary evidence it wishes to introduce at least 72 hours prior to hearing. Parties are encouraged to discuss all evidence prior to hearing, in an attempt to agree to stipulations of evidence and narrow the issues to be determined by the Court. Objections to evidence should be submitted in writing at least 24 hours prior to hearing and the Court shall attempt to resolve the issue via videoconference or telephone conference.

VIDEOCONFERENCING

It is the intention of the Court that all essential matters be conducted primarily by videoconferencing or other remote means, as provided by Uniform Superior Court Rule 9 and Orders of the Georgia Supreme Court and this Court. However, any judge may allow in-person appearances on a limited basis if deemed necessary.

Non-essential matters may be set for hearing via videoconferencing in the discretion of the assigned judge. A case may not be appropriate for hearing by videoconferencing if it involves multiple parties, numerous witnesses, extensive physical evidence, or for other reasons.

All videoconference hearings shall be accessible to the general public through a video livestream link on the Court Administrator's Office website: <https://www.cherokeega.com/Court-Administrators-Office/>. For questions or assistance in accessing the livestream, contact Lynn Epps, Court Administrator, at 678-493-6475, or by email link provided on the above website. Any additional calendars that may be scheduled will be posted on the Court Administrator's website.

Copies of all court calendars may be obtained by any interested party upon request to the office of the assigned judge. Any objections to the conduct of videoconference hearings shall be made in writing to the assigned judge; timely objections will be ruled upon on an expedited basis.

To protect the integrity and security of the videoconference proceedings, all participants accessing the videoconference application shall use an account name whereby he or she is identified by first and last name. All participants shall appear by both audio and live video. Anyone failing to abide by these requirements shall be removed from the hearing, but may watch the hearing by livestream.