

**COVID-19 OPERATING PLAN FOR JURY PROCEEDINGS**  
**SUPERIOR COURT OF WAYNE COUNTY**

*Effective* \_\_\_\_\_

Recognizing the need to ensure the health and safety of jurors, litigants, attorneys, visitors, court staff, judges, and other individuals entering the courthouse, the Superior Court of Wayne County, Georgia, will implement the following protective measures for jury proceedings, consistent with the Order Declaring Statewide Judicial Emergency, as extended, by the Honorable Harold D. Melton, Chief Justice of the Supreme Court of Georgia as well as the COVID-19 Operating Plan issued by the Honorable Stephen G. Scarlett, Sr., Chief Judge of the Brunswick Judicial Circuit:

**General**

1. All judges will comply with the Emergency Orders issued by the Supreme Court of Georgia and the Brunswick Judicial Circuit, including conducting in-person jury proceedings according to the guidance issued by the Judicial COVID-19 Task Force.
2. Not more than five days before an approved in-person jury proceeding is scheduled to occur, the assigned judge will consult with the local public health authority to verify that local health conditions and plan precautions are appropriate for the jury proceeding to proceed.

**Facilities for Jury Selection, Trial, and Jury Deliberations**

1. The attached layout details how the courtroom or facilities will be arranged during jury proceedings, including how the position of the judge, parties/counsel, jurors, witnesses, court reporter, deputies, and bailiffs will be arranged in the courtroom.
2. The court has designated the Wayne County Recreation Center as potential auxiliary space for jury selection proceedings should use of the courthouse as described herein be no longer feasible or appropriate.
3. All persons not from the same household who are permitted in the courthouse will be required to maintain adequate social distancing of at least a six-foot radius.
4. Social distancing directional markers will be placed around the courthouse to assist jurors and trial participants in navigating the courthouse pursuant to social distancing guidelines.
5. The maximum number of persons permitted in each courtroom has been determined and posted. The maximum capacity of the courtroom will be monitored and enforced by court staff.
6. Markings or tape will be used to delineate proper social distanced seating in the courtroom.
7. In each courtroom, the counsel tables, witness stand, judge's bench, and clerk, court reporter, and bailiff seating have been arranged to accommodate social distancing of at least six feet between each space.
8. In criminal cases, courtroom seating will be prioritized for the defendant's immediate family members, victims and their immediate family, and appropriate space for members of the general public and media.
9. Should the capacity of the designated courtroom be exceeded during jury proceedings, an overflow room (Bennett Courtroom) to observe the jury proceedings via livestreaming will be provided in accordance with Uniform Superior Court Rule 22.

10. Each restroom has been evaluated to determine the appropriate capacity to ensure social distancing. The maximum capacity has been posted on each restroom door. The court, as appropriate, may designate certain restrooms for juror and other trial participants only.
11. Jury proceedings will be conducted in Courtroom C and jury deliberations will be conducted in the Emergency Operation Center located in the courthouse annex to accommodate social distancing guidelines.
12. Appropriate CDC/GA DPH signage will be placed in conspicuous areas throughout the courthouse and facilities.
13. Use of water fountains shall be prohibited.

### **Summoning Jurors**

1. Juror summonses will be issued earlier than normal to ensure that requests for hardship excusals or deferments are timely received and reviewed.
2. Juror notices that accompany the summons will include a phone number or link to the court's website that will provide language regarding steps taken by the court related to COVID-19 and additional safety information. Summoned jurors will be provided a point of contact with the Clerk of Court's office to notify in the event of exposure to COVID-19 or are experiencing symptoms of COVID-19 during the *voir dire* process.
3. A COVID-19 Juror Questionnaire will be disseminated to all potential jurors by the Clerk of Superior Court (a copy of same will be provided to counsel and *pro se* parties) so that individuals may be excused or deferred in advance without requiring them to appear at the courthouse. Questionnaires will clearly state that all health information disclosed is solely for the purpose of determining whether a juror can serve and that this information will be sealed by the court upon review. Notices will clearly communicate that excusal or deferral of jury duty shall be at the discretion of and upon approval of the presiding judge.
4. Jurors summoned for grand jury proceedings will be summoned to the Bennett Courtroom and will convene in the gallery located in Courtroom C.
5. Juror arrival times on the day of petit jury selection will be staggered, with one panel of jurors to appear at the courthouse at 9:00 a.m. and the second panel to appear at 1:00 p.m. At least 50 jurors at each time slot will be summoned.
  - a. The first 40 people to appear at 9:00 a.m. shall be directed to the Bennett Courtroom, with all other jurors deferred to the 1:00 p.m.
  - b. At 1:00 p.m., the first 40 people to appear from those jurors deferred from the 9:00 a.m. panel and those jurors summoned for 1:00 p.m. shall be directed to the Bennett Courtroom.
  - c. Additional days of jury selection may be added on a case-by-case basis.
  - d. Jury selection will be livestreamed in Courtroom C.
6. The court will have designated and clearly marked parking for jurors and other trial participants, with appropriate signage to direct individuals and to ensure social distancing.
7. Juror seating shall be assigned and juror charts will be utilized.
8. Counsel will be permitted to conduct *voir dire* from counsel table.
9. The presiding judge with an approved in-person jury proceeding will be encouraged to consider selecting alternate jurors to permit the trial to continue in the event of a juror becoming ineligible to serve for a reason related to that person's exposure to or contraction of COVID-19.

## **Public Health and Safety Protocols During Jury Selection and Proceedings**

### *Pre-Screening Guidelines*

1. Vulnerable individuals are those individuals who are over age 65 and individuals of all ages with underlying medical conditions, particularly those not well controlled, including those who suffer from chronic lung disease, moderate to severe asthma, serious heart conditions, immune disorders, diabetes, obesity, chronic kidney or liver disease, and those whose immune systems are compromised such as by chemotherapy for cancer or other conditions requiring such therapy.
  - a. Any vulnerable individual who is to appear for an in-person jury proceeding may contact the Clerk of Court to identify him or herself as a vulnerable individual. Vulnerable individuals who are scheduled for court will be accommodated as necessary, with said accommodations to be determined by the presiding judge on a case by case basis.
  - b. Each judge will include information with the summons notifying individuals who are in vulnerable populations of the ability to identify themselves as a vulnerable individual and receive accommodations. A notice with this information will be posted on the court's website.
2. When individuals attempt to enter the courthouse facility, designated courthouse staff will ask the individuals a predetermined set of questions to determine each individual's COVID-19 status. Individuals who indicate yes to any of these questions will be refused admittance to the courthouse. Staff will use an infrared thermometer to determine the temperature of the individual. Individuals whose external temperature equals or exceeds 100.0°F will be refused admittance.
3. Inmates being transported from the jail to the courthouse will be screened for symptoms of COVID-19 and have their temperatures taken prior to transport. Inmate with symptoms or an external temperature equal to or above 100.0°F will not be transported.
4. All potential jurors shall be required to use a daily sign-in sheet, which may be utilized for contact tracing.
5. Staff who are screening individuals entering the courthouse will be provided appropriate PPE.
6. All individuals entering the courthouse will be required to wear face coverings at all times. Individuals who do not have a face covering will be provided with a disposable face mask.
7. Individuals will be directed to stay home when sick.

### *Cleaning and Sanitizing Procedures*

1. Frequent cleaning protocols in the courtroom and facilities in compliance with CDC/GA DPH guidelines will be maintained throughout the jury proceeding as appropriate. Said cleaning protocols include, but are not limited to:
  - a. Shared spaces such as witness stands, seating in the gallery, and seating during *voir dire* will be cleaned during transitions of those spaces.
  - b. Seats for members of the jury panel will be assigned to reduce potential transmission and the need for more frequent cleaning.
  - c. Court cleaning staff will clean the common areas of the courthouse at least every court session, utilizing cleaning supplies shown to be effective with coronavirus.
  - d. Court cleaning staff will clean the courtrooms at the end of each day the courtroom is used.

- e. Court cleaning staff have been trained on proper cleaning techniques and provided with appropriate PPE.
  - f. Disinfectant products may be available in the jury room and in the restrooms.
2. Parties, jurors, and the public will have access to hand washing and hand sanitizer dispensers will be placed at the entrances to the building, outside of each courtroom, inside each courtroom, inside the jury deliberation room, and the bathrooms.
  3. Tissues have been placed in each courtroom, at counsel tables, at the witness stand, on the judge's bench, restrooms, and in the jury deliberation room.
  4. Courthouse employees will be required to wear face coverings at all times when they are not in their respective offices.

#### *Precautions During Jury Proceedings*

In addition to the protocols set forth above, the court will implement the following:

1. Appropriate social distancing guidelines will be honored at all times.
2. In cases with multiple defendants, additional counsel tables and chairs may be added in compliance with social distancing guidelines.
3. To the degree constitutionally permissible or with the consent of the parties, judges will permit witnesses to testify remotely via WebEx videoconferencing, especially if that witness has symptoms of or a recent positive test for COVID-19, has been recently exposed, or is vulnerable to contracting COVID-19.
4. Judges will limit, to the extent possible, the shared use of microphones during the jury proceeding. If a microphone must be shared, judges will limit the passing of the microphone to the court-designated bailiff unless the microphone is cleaned between each user. To the extent available, a boom microphone or disposable microphone covers for use on shared microphones may be provided and changed between each user.
5. Judges will limit, to the extent possible, the use of physical or paper exhibits/evidence where feasible or appropriate and shall utilize digital formats if possible. If an exhibit/evidence is required to be transferred from person-to-person, single use gloves will be provided, worn, and discarded immediately after handling the exhibit/evidence.
6. Portable, physical barriers (such as plexiglass) will be utilized in areas where added precautions are appropriate, including but not limited to, between the witness stand and the jury box. Should physical barriers not be feasible, protective face shields will be provided to testifying witnesses.
7. Jurors will be provided with single-use notebooks and writing instruments.
8. Witnesses will wait in designated rooms or areas where courtroom proceedings cannot be seen or heard and which comport with social distancing guidelines. Should the need arise, State witnesses can wait in the District Attorney's Office and defense witnesses can wait in their respective vehicles or at the Office of the Public Defender.
9. All participants in sidebar conferences will be required to use appropriate PPE. Should a defendant in criminal proceedings exercise his or her right to participate in sidebar conferences, the defendant will be provided with appropriate PPE or a set of disposable headphones so to be able to listen to all exchanges.
10. During jury deliberations, judges will make efforts to provide the jury with access to digital exhibits/evidence that would normally be shared with the jury during deliberation. Where digital exhibits/evidence is not feasible, judges will limit the transfer of the

exhibits/evidence from juror-to-juror by spreading the exhibits/evidence on a table for inspection from the table in the jury deliberation room.

11. Presiding judges that provide food to jurors or other participants during a jury proceeding will ensure individual food portions, such as individually boxed meals, are provided. Individual water bottles for jurors will be provided.

### **Communication Protocols**

1. Mask and social distancing guidelines will be prominently displayed throughout high-traffic areas of the courthouse.
2. Each judge with an approved in-person jury proceeding will require the parties to communicate with the court if any participant in the jury proceeding, including attorneys, parties, attorney support staff, or witnesses, has tested positive for COVID-19 within the previous 30 days prior to any portion of the jury proceeding, currently has symptoms of COVID-19, or has had recent known exposure to COVID-19.
3. If the jury proceeding involves an incarcerated participant, the judge will require the sheriff to report any positive COVID-19 test of the incarcerated participant within the previous 30 days prior to any portion of the jury proceeding, any current symptoms of COVID-19, or any recent known exposure to COVID-19.
4. All potential jurors shall be required to use a daily sign-in sheet, which may be utilized for contact tracing.
5. On each day of each trial, parties should confirm that witnesses are not exhibiting COVID-19 symptoms and have not had a recent exposure to COVID-19.
6. Should an individual notify court personnel of symptoms of or exposure to COVID-19, the Clerk of Court will notify all individuals who may have come into contact with that individual at the earliest feasible moment, utilizing the contact information provided to the court. To the extent feasible during jury proceedings, the individual shall be given a rapid-response COVID-19 test to determine whether that individual is positive for COVID-19.

### **Pre-Trial Motions/Objections Related to COVID-19**

1. Parties who are scheduled for a jury proceeding are encouraged to make any objections or motions related to the scheduled proceedings at least 10 days prior to the trial setting.
2. Any objections or motions related to proceeding with a jury trial will be heard by the judge presiding over the case at least seven days prior to the jury proceeding or as soon as practicable if the objection or motion is made or filed within seven days of the jury proceeding.

### **Constitutional and Statutory Protections for Litigants**

1. All jury proceedings shall remain open to the general public as required by law; however, all individuals visiting the courthouse as a spectator or observer not directly involved in a proceeding as an attorney, party litigant or witness, shall be directed to a designated overflow room in the courthouse to view the proceeding electronically through livestreaming.
2. Because of constitutional speedy trial requirements, criminal cases will receive priority scheduling.

3. The court will ensure that each juror, party, and counsel can see and hear the proceedings from their respective places around the courtroom.
4. To the extent possible, witnesses will testify behind plexiglass without masks or wear face shield rather than masks so that their demeanor can be fully evaluated and so as to ensure that the view of the proceedings and ability to hear is not obscured.
5. In the event that any witness is unavailable, the court will ensure that any remote testimony complies with all constitutional protections afforded to the litigant, including clear sight and sound of the witness's testimony.