

**PRESIDING JUDGE'S ORDER
SIXTEENTH JUDICIAL CIRCUIT
STATE OF ALABAMA**

STATE OF ALABAMA)
ETOWAH COUNTY)

**AMENDED ADMINISTRATIVE ORDER
TO THIS COURT'S MARCH 13, 2020 ADMINISTRATIVE ORDER**

On March 13, 2020, the undersigned Presiding Circuit Judge for the Sixteenth Judicial Circuit entered an Administrative Order in response to the current pandemic associated with the COVID-19 (coronavirus). The purpose of this Court's March 13, 2020 Administrative Order was to protect the safety and wellbeing of its citizens, while at the same time providing all citizens access to the judicial system at the William H. Rhea III Judicial Building.

Later that night, after the President of the United States declared a national emergency and the Governor of Alabama declared a state emergency, the Alabama Supreme Court entered an Administrative Order suspending all in-person court proceedings through April 16, 2020. A copy of the Chief Justice's Administrative Order is attached hereto.

Therefore, to further clarify matters that are suspended the following Amended Administrative Order is hereby entered to govern in-person court proceedings through April 30, 2020:

The following dockets are hereby suspended beginning Monday, March 16, 2020 through Thursday, April 30, 2020:

- District Criminal Dockets/Hearings
- District Civil Dockets/Hearings
- Juvenile Dockets/Hearings
- Traffic Dockets/Hearings
- Small Claims Dockets/Hearings
- Child Support/DHR Dockets/Hearings
- All Jury Trials
- Circuit Criminal Dockets/Hearings
- Circuit Civil Dockets/Hearings
- Domestic Relations Dockets/Hearing

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CIRCUIT COURT CLERK

Exceptions to the above suspension of in-person court proceedings include:

- Initial appearance hearings (48/72 hour hearings) for adults and juveniles

- Criminal defendant bond related matters and plea agreements for incarcerated individuals
- Arraignments for incarcerated individuals
- Preliminary hearings for incarcerated individuals
- Bench trials for incarcerated individuals
- Proceedings related to Protection from Abuse
- Proceedings related to emergency protection matters involving the elderly or vulnerable persons
- Proceedings related to emergency child custody and protection orders
- Department of Human Resources emergency matters related to child protection
- Proceedings related to petitions for injunctive relief
- Proceedings related to emergency mental health orders
- Proceedings directly related to the COVID-19 public health emergency
- Any emergent proceeding as needed by law enforcement
- Other exceptions as required by the Presiding Circuit Judge and approved by the State of Alabama Chief Justice.

Notwithstanding exceptions to in-person hearings noted above, **all attempts shall be made to conduct the excepted in-person hearings by teleconferencing and videoconferencing.** This Court references the following provision of the Supreme Court's March 13, 2020 Administrative Order in support thereof:

"Judges are charged with the responsibility of ensuring that core constitutional functions and rights are protected. Additionally, court clerks are charged with ensuring that court functions continue. Nevertheless, all judges and court clerks are urged to limit in-person courtroom contact as much as possible by utilizing available technologies, including electronic filing, teleconferencing, and videoconferencing."

If counsel or a party, after making all attempts to conduct the excepted in-person hearings by teleconferencing or videoconferencing, is unable to access said technology, such counsel or party shall advise the Court of same via notice filing. Such notice filing shall also state the names of all individuals other than parties or counsel whose personal presence in Court is deemed necessary. If it is determined by the judge presiding over the excepted legal proceeding that teleconferencing and videoconferencing are in fact unavailable, said in-person hearing excepted may be held in the judge's courtroom with only the parties, their attorney when represented, witnesses, and others deemed necessary by the judge to be present. At all times, proper social distancing shall be practiced during the proceeding.

If it is determined that an in-person hearing is to be conducted in Court, the judge presiding over same shall provide Judicial Building Security (Etowah County Deputies) the name of the case, case number, and a list of all necessary parties, attorneys, and witnesses that will be appearing. Under no circumstances

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individual be allowed to enter the William H. Rhea III Judicial Building for the following reasons:

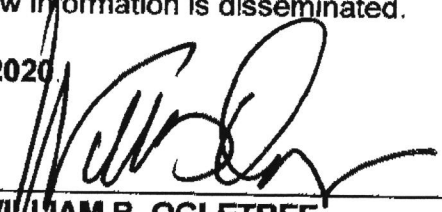
- Persons who have traveled outside the United States within the past 14 days.
- Persons who reside or have had close contact with someone who has traveled outside the United States within the last 14 days.
- Persons who have been asked to self-quarantine by any doctor, hospital or health agency.
- Persons who have been diagnosed with, or have had contact with, anyone who has been diagnosed with COVID-19.
- Persons exhibiting any symptoms of illness.

The Court reiterates once again as it did in its initial May 13, 2020 Administrative Order, nothing in this Amended Administrative Order shall constitute a "closure" of the William H. Rhea III Judicial Building pursuant to Rule 5 of the Alabama Rules of Judicial Administration for purposes of legal filings. The Etowah County Circuit Clerk's Office will remain in operation to receive all filings from those individuals and/or entities not represented by legal counsel, or who may not have access to the Alacourt statewide electronic filing system.

All other provisions of this Court's March 13, 2020 Administrative Order and Memorandum attached thereto not otherwise modified or amended herein shall remain in full force and effect.

This plan will be updated or vacated as new information is disseminated.

DONE and ORDERED this 16th day of March, 2020.



WILLIAM B. OGLETREE
PRESIDING JUDGE

Via email Distribution:
Hon. Tom Parker, Chief Justice
Hon. Rich Hobson, Administrative Director of Courts
Hon. Steve Marshall, Attorney General
Etowah County Circuit Judges
Etowah County District Judges
Hon. Cassandra Johnson, Circuit Clerk
Hon. Jody Willoughby, District Attorney
Hon. Jonathan Horton, Sheriff
Etowah County Bar Association

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Jay Davis, Etowah County State Probation Office
Dominique Bowman, Etowah County Community Corrections
Lenesha Whorton, Etowah County Court Referral Office

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**CASSANDRA "SAM" JOHNSON
CIRCUIT COURT CLERK**

**PRESIDING JUDGE'S ORDER
SIXTEENTH JUDICIAL CIRCUIT
STATE OF ALABAMA**

STATE OF ALABAMA)
ETOWAH COUNTY)

ADMINISTRATIVE ORDER

Pursuant to the authority vested in me as Presiding Judge of the Sixteenth Judicial Circuit, the following Administrative Order is hereby entered:

The Centers for Disease Control (CDC) has announced that containment of the COVID-19 (coronavirus) is no longer possible and that community spread is occurring. A response plan incorporated in the memorandum attached hereto is hereby initiated to mitigate the spread of the virus throughout the William H. Rhea III Judicial Building located at 801 Forrest Avenue, Etowah County, Alabama.

In order to avoid bringing large groups of people together including individuals at higher risk (e.g. those over sixty (60) years of age, those with underlying health conditions, those who are pregnant), **jury trials previously scheduled for March 16, 2020, April 6, 2020 and April 20, 2020 are SUSPENDED.** In addition thereto, **all dockets in the Circuit, District and Juvenile Courts are hereby suspended as of the date of this Order through the end of April, 2020.**

As to Criminal proceedings, the Court recognizes that we may face serious constitutional considerations. The Court finds that under these unique pandemic circumstances, the interests of public health and safety outweigh any Defendant's right to a speedy trial. To the extent possible, all other non-jury criminal matters and hearings may be conducted by telephone conference (or video conference if available) or continued (if appropriate) pending further Order of this Court.

Judges are encouraged to conduct Civil, Domestic and Family Court hearings by telephone conference (or video conference if available) and **continue all non-emergency bench trials** pending further Orders of this Court.

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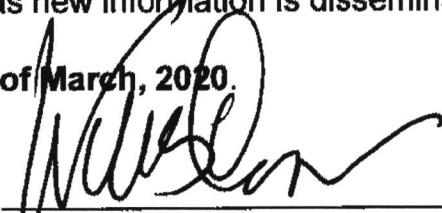
Video conferencing (i.e. Skype, FaceTime, etc.) technology may be utilized at each Judges' discretion. Electronic filings may still be made and ruled upon through the Alacourt filing system.

Nothing in this Order or attached memorandum shall constitute a "closure" of the William H. Rhea III Judicial Building, pursuant to Rule 5 of the Alabama Rules of Judicial Administration, for purposes of legal filings. The Etowah County Circuit Clerk's Office will remain in operation to receive all filings from those individuals and/or entities not represented by legal counsel, or who may not have access to the Alacourt statewide electronic filing system.

Any and all individuals who are under the supervision of the Alabama Board of Pardons and Paroles (Alabama State Probation Office), Etowah County Community Corrections and Etowah County Court Referral ("CRO") shall continue to report to their office and adhere to all requirements of said supervision.

This plan will be updated or vacated as new information is disseminated.

DONE and ORDERED this 13th day of March, 2020.



**WILLIAM B. OGLETREE
PRESIDING JUDGE**

Via email Distribution:

Hon. Tom Parker, Chief Justice
Hon. Rich Hobson, Administrative Director of Courts
Hon. Steve Marshall, Attorney General
Etowah County Circuit Judges
Etowah County District Judges
Hon. Cassandra Johnson, Circuit Clerk
Hon. Jody Willoughby, District Attorney
Jay Davis, Etowah County State Probation Office
Dominique Bowman, Etowah County Community Corrections
Lenesha Whorton, Etowah County Court Referral Office

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**CASSANDRA "SAM" JOHNSON
CIRCUIT COURT CLERK**

16th

MEMORANDUM

TO: Any Interested Parties
FROM: Presiding Circuit Judge William B. Ogletree
DATE: March 13, 2020
RE: Etowah County Judicial Building Response Plan to COVID-19 Epidemic

Pursuant to the discretionary authority granted by the Chief Justice of the State of Alabama to all Presiding Judges, and in light of the continued risk of community spread of the COVID-19 virus as identified by the Centers for Disease Control and Prevention (CDC), the Presiding Judge for the Sixteenth Judicial Circuit has entered an Administrative Order dated March 13, 2020 to protect the health and wellbeing of our citizens who need access to the judicial system. This decision was not made hastily or with the intent to cause panic and should not be interpreted as a guidepost for other decision makers with regards to other governmental agencies and/or public buildings.

The Etowah County Judicial Building is unique in that 200-300 of our fellow citizens are summoned to the Judicial Building to fulfill their civic duty serving on a jury, not to mention other dockets in our Courts that may require 100 or more individuals to be present at any one time. Our judicial system depends on this dutiful compliance by our citizens and/or parties and/or attorneys and we must do everything in our power to ensure their health and safety. By limiting exposure, we will be protecting our entire community from this pandemic.

In addition to the Administrative Order entered by the Presiding Circuit Judge for the 16th Judicial Circuit, the following policies and procedures will apply during the restricted access period:

OTHER COURT PROCEEDINGS

All other hearings and court proceedings, including all Civil, Domestic and Family Court hearings, scheduled for March and April, shall be conducted via video or teleconference technology (Facetime, Skype, etc.). Any attorney or party wishing to proceed with any such hearing shall notify the Court at least forty-eight (48) hours prior to the scheduled proceeding that they wish to proceed. All such proceedings shall be conducted via video or teleconferencing technology available to the Court and all parties. For Circuit Court hearings, a court reporter shall transcribe the proceedings to preserve the record. Instructions for participating in the telephonic and/or video conference shall

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CIRCUIT COURT CLERK

be provided by the Court to all interested parties prior to the hearing. If the Court is not notified that the parties wish to proceed using video or teleconference technology, the hearing will be cancelled and rescheduled as soon as possible.

Any urgent matter, or time sensitive matters involving criminal defendants or other time sensitive matters, will also be handled through video or teleconference technology to be coordinated by the requesting party through the appropriate judicial staff.

COURT FILINGS

Any citizen, or attorney without electronic filing capabilities, wishing to file any pleading, motion or other document with the Court shall utilize the "drive through" window of the Clerk's office located on the east side of the Judicial Building on the corner of 801 Forrest Avenue and North 8th Street. The pleading shall be received and uploaded to the electronic filing system by the Clerk on the day it is received. Nothing in these directives should be construed to limit the ability of any party filing any desired or required pleading, motion or other document with the Court, nor do these directives in any way toll any statute of limitation or filing deadline contemplated by the Alabama Rules of Civil and Criminal Procedure and/or Court Order. All prior methods of filing remain available, including electronic filing and direct filing with the Clerk's office utilizing the "drive through" window method described herein above.

COURT PAYMENTS/RESTITUTION

Any and all Court payments, including but not limited to court costs, fees, assessments and restitution shall be paid consistent with the "drive through filing process" stated in the immediately preceding paragraph. Alternatively, said payments may be made to the Clerk's Office and/or District Attorney's Restitution and Recovery Unit by United States Mail.

CONSTABLE/MAGISTRATE

Any individual who needs to see or speak to the Constable or a Court Magistrate shall so notify the attendant at the Circuit Clerk's "drive through" window and/or contact the Constable or Magistrate to coordinate same.

GENERAL PRECAUTIONS

Courthouse staff and judicial office staff will be available via telephone and electronic mail as needed. Any attorney wishing to discuss any matter with the Court or Court staff shall do so by contacting the judge's office via telephone or electronic mail rather than appearing in person.

Anyone who has symptoms of acute respiratory illness shall not enter the Judicial Building until they are free of fever (100.4 degrees F or greater using an oral thermometer), signs of a fever, and any other symptoms for at least twenty-four (24) hours, without the use of fever-reducing or other symptom-altering medicines.

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CIRCUIT COURT CLERK

Court staff who appear to have acute respiratory illness symptoms (i.e. cough, shortness of breath) upon arrival to work or become sick during the day will be separated from other employees and be sent home immediately. COVID-19 notices have been placed throughout the Judicial Building that encourage staying home when sick, cough and sneeze etiquette, and hand hygiene at the entrance to your workplace and in other workplace areas where they are likely to be seen.

Court staff are encouraged to clean their hands often with an alcohol-based hand sanitizer that contains at least 60-95% alcohol, or wash their hands with soap and water for at least 20 seconds. Please review the CDC's coughing and sneezing etiquette and clean hands webpage for more information.

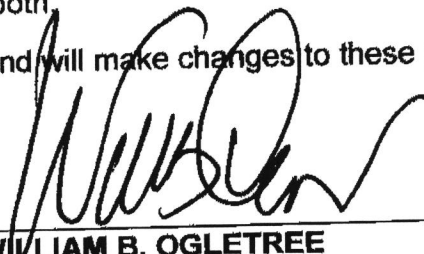
Our maintenance staff will continue, as a routine practice, to clean all frequently touched surfaces in the Judicial Building, such as workstations, countertops, and doorknobs. Please note that there is a shortage of disinfectants available for retail purchase. Therefore, it is recommended that in-person appearance be limited.

Court staff who are well but who have a sick family member at home with COVID-19 should notify their supervisor and refer to CDC guidance for how to conduct a risk assessment of their potential exposure.

If a Court staff member is confirmed to have COVID-19, the Court will inform the Presiding Judge, all department heads and other employees of their possible exposure to COVID-19 in the Judicial Building but will maintain confidentiality as required by the Americans with Disabilities Act (ADA). Employees exposed to a co-worker with confirmed COVID-19 should refer to CDC guidance for how to conduct a risk assessment of their potential exposure.

It is my belief that the court system is tasked with two primary responsibilities: (1) to ensure that justice is administered in a timely and efficient manner; and (2) to the extent possible, protect the health and welfare of the citizens of Etowah County. By enacting these measures, I believe we are accomplishing both.

We will continue to monitor this situation and will make changes to these policies as conditions dictate.



WILLIAM B. OGLETREE
PRESIDING CIRCUIT JUDGE

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CIRCUIT COURT CLERK