

IN THE TWENTY-THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ALABAMA

ORDER

As a result of and the Alabama Supreme Court's Order of May 13, 2020 it is ORDERED, ADJUDGED and DECREED as follows. All in person proceedings may begin on Monday, May 18, 2020. However, in the event that any party or attorney wishes to continue with virtual hearings, such request shall be forwarded to the assigned judge for consideration. Jury trials are suspended until September 14, 2020. The limitations set forth below are designed to not only protect the citizens from any health concerns but also to protect the rights of our citizens' access to justice in a timely manner.

Masks shall be worn by all participants appearing in the Courts of Madison County and the Circuit Clerk's Office until further notice. The mask or face covering shall be sufficient to cover the individuals nose and mouth. Courtrooms will have designated seating to maintain a six (6) foot separation at all times. Therefore, individuals that are not parties to an action will be limited in their ability to be present in the courtroom. Witnesses shall be placed on standby according to the instructions from the individual judge to whom the case is assigned.

Any person who is ill or experiencing any respiratory issues or fever regardless of suspected coronavirus shall not attend any court hearing, trial or proceeding. Attorneys should inquire of their clients and witnesses if they have experienced any symptoms or diagnosed with COVID-19 and notify the Court immediately.

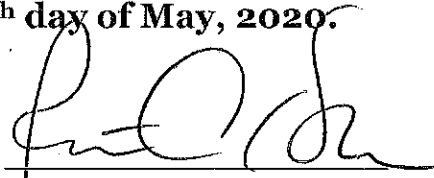
Public Access to Some Criminal Proceedings. Because Alabama law recognizes the existence of a general right of the public to have access to some criminal hearings, it is hereby ordered that any person may make a request for access to a criminal virtual court hearing that relates to matters that have traditionally been open to the public. The individual making the request shall be given permission to enter any virtual court hearing held in this circuit as a spectator only, unless the defendant or the State asks that the hearing be closed and "advances an overriding interest that is likely to be prejudiced" if the hearing is made open to the public. Press-Enterprise Co. v. Superior Court of California for Riverside County, 478 U.S. 1 at 7, 106 S. Ct. 2735 at 2739, 92 L. Ed. 21 (1986). Ex parte Birmingham News Co., 624 So. 2d 1117, 1124-25 (Ala. Crim. App. 1993).

An individual may request access to a criminal virtual court hearing by filing a written request with the court clerk. The individual making the request shall provide the court clerk with the defendant's name, the case number, if known, as well as the requester's e-mail address. Notice of the request shall be provided to the prosecutor and the defendant and, if no objection is filed within 14 days of the notice, the requester will receive an invitation to attend any virtual court hearing held in the case that involves matters that have traditionally been open to the public. If an objection is made by a party within the time provided, the court shall schedule a hearing to determine whether the request for access should be denied and the hearing closed to the public. The court also finds that there is a compelling reason to implement this special access rule due to the community safety threat posed by COVID-19 and finds that any burden placed on an individual by these procedures is substantially outweighed by the need to protect the public from further spread of COVID-19.

Access in Civil Cases. Any person making a request to gain access to a virtual court hearing in a civil case may also use the same procedures described in the above paragraphs. After notice to all parties and an opportunity to be heard, the court will determine whether access to the civil virtual court proceeding should be permitted under existing laws.

Conflict letters shall be sent to the Court Administrator no later than 10 days before the scheduled hearing to assist judges in avoiding scheduling conflicts.

Done and ORDERED this the 14th day of May, 2020.



Ruth Ann Hall
PRESIDING CIRCUIT JUDGE