

**IN THE 24th JUDICIAL CIRCUIT
STATE OF ALABAMA**

ADMINISTRATIVE ORDER – 5/19/2020

Pursuant to the authority granted to the presiding circuit judge of each judicial circuit of this State by Administrative Order No. 7 of the Supreme Court of Alabama dated May 13, 2020, the undersigned presiding circuit court judge finds it necessary to adopt the following procedures to minimize the risk of potential harm posed by COVID-19 to the health and safety of the general public and to court staff during in-person judicial proceedings. Therefore, after consultation with other judges of this judicial circuit, the District Attorney, the circuit clerks, sheriffs and the county commissions, it is ORDERED that all in-person court proceedings in circuit, district, probate and municipal courts, other than jury trials, will restart in this judicial circuit beginning June 1, 2020, subject to the following rules and procedures:

Definitions

“Courtroom” as used in this order refers to the main courtroom in each county, the juvenile courtrooms in Pickens and Lamar Counties and the law library in Fayette County, as well as the areas immediately adjacent to those courtrooms.

“Court Clerk’s Area” as used in this order refers to the clerk’s offices, court clerk’s counters or windows designated for the filing of court documents and receipt of court ordered monies, the waiting area adjacent to the clerk’s window or counter, and other rooms used for passport procurement, absentee voting, magistrate interview rooms, and other similar court clerk functions.

“Public Judicial Area” refers to witness and client interview rooms, inmate holding rooms, the law library, gathering areas outside the courtrooms and public bathrooms adjacent to those areas.

“Private Judicial Area” as used in this order refers to Circuit and District Court Judge’s chambers, each judge’s judicial assistant’s offices, each judge’s waiting room, jury rooms, court reporter’s offices, and private workstations and offices of the Circuit and District Court Clerks, and employee breakrooms and bathrooms.

Sick Individuals Prohibited Entry to Courtrooms and Judicial Areas

Any individual who exhibits any of the symptoms associated with COVID-19 that have been recognized by the Centers for Disease Control (CDC), such as a cough or shortness of breath, or who has been instructed by a medical provider or government official to self-quarantine due to possible exposure to the COVID-19, may be denied entry into a courtroom by the presiding circuit judge, the judge presiding over any court proceeding in this judicial circuit or any law enforcement official operating on behalf of the presiding circuit judge or judge presiding over the court proceeding. In addition, all individuals entering the courtroom shall have their temperature taken by a non-contact forehead thermometer. Any individual who has a temperature reading greater than 2 degrees above normal SHALL be denied entrance into the courtroom. The presiding circuit judge, the judge presiding over any court proceeding in this judicial circuit or any law enforcement official operating on behalf of the presiding circuit judge or judge presiding over the courtroom proceeding may likewise exclude individuals from any public or private judicial area or from the court clerk’s area if there is sufficient indication a person may be ill and pose a threat of transmitting that illness to others. Any instance of an

individual being denied entrance to the court due the suspected illness of said person shall be immediately reported to the presiding circuit judge.

Procedure When Access Denied to Courtroom

When an individual has been denied entry to a courtroom for a trial, hearing, or call docket as a result of suspected illness, the bailiff shall immediately inform the judge presiding over the court proceeding, and the judge shall determine whether the individual should be allowed entry or allowed entry under certain conditions, which may include requiring the individual who is suspected of being ill to wear a mask at all times or increasing the amount of social distancing between the individual and all others.

If entry is not permitted due to the suspected illness of a person, the judge presiding over the proceeding shall, after consultation with all counsel of record and any self-represented party, determine whether the judicial proceeding may proceed as scheduled or will need to be continued due to the absence of the person displaying signs of illness. If the person excluded is a party or material witness in a judicial proceeding, the judge presiding over the proceeding may also, after consultation with all parties and counsel of record, permit the individual suspected of being ill to appear at the judicial proceeding using videoconference technology as agreed to by the parties or as permitted by law or any administrative order of the Supreme Court of Alabama.

Procedure When Access Denied to Court Clerk's Area or Other Public Judicial Area

If access to a court clerk's area or public judicial area is denied to an individual due to suspected illness, the bailiff shall immediately inform the presiding circuit judge, and the presiding circuit judge, in consultation with the circuit court clerk, shall determine whether the

individual should be admitted or denied entry to the requested area or whether some other accommodation can be made that will not endanger the health and safety of others.

Maximum Occupancy of County Courtrooms

The maximum number of people admitted entry into a courtroom, court clerk's area, or other public and private judicial area at any one time shall conform to guidelines adopted by the Supreme Court of Alabama in Administrative Order No. 7. Signs showing the maximum number of people permitted to assemble in a courtroom, court clerk's area or other public or private judicial area at any one time shall be posted in plain view near each area. The court bailiff, or such other individual(s) that may be designated from time to time by a circuit or district court judge, shall keep a count of each person entering and leaving the courtroom, court clerk's area or other public judicial area. Once inside the courtroom, clerk's area or other public judicial area, all individuals shall observe proper social distancing and the bailiff, or other individual(s) designated by the presiding circuit judge or district judge shall assist in monitoring and enforcing social distancing measures. Once the maximum number of people allowed to enter a room or area has been reached, no other person shall be allowed entry without the expressed permission of the presiding circuit judge or the judge presiding over the court proceeding. If a courtroom has reached its maximum occupancy, the judge presiding over the proceeding may consider moving the trial or hearing to a larger courtroom, if one is available or using nearby courtrooms as a waiting area.

If an individual appears seeking entry to a courtroom, court clerk's area or other judicial area that has reached its maximum capacity, the bailiff, or other designated person having responsibility for maintaining proper social distancing in that area, shall inform the person that

maximum occupancy has been reached and entry is not allowed until space becomes available. The bailiff, court clerk, or other designated person, shall either: (i) instruct the individual to wait in areas located adjacent to each courtroom while maintaining proper social distancing, (ii) instruct the person seeking entry to wait in a vacant courtroom or other designated waiting area, or (iii) if no waiting areas are available, obtain the name and cell phone number of the person and telephone him or her to return when space becomes available. If an individual who is called fails to return within 15 minutes from the time the call is placed, that individual forfeits his or her right to immediate entry but may request to be returned to a call waiting list.

A person wishing to enter a courtroom shall present a copy of his or her summons, court notice or subpoena, if available, to a bailiff or courthouse security officer at the time entry is sought. If a court notice or subpoena is not presented, a bailiff or security officer shall obtain sufficient information from the person seeking entry to determine the correct courtroom the person should report to or direct the person to a court clerk for additional information to determine the correct courtroom.

Judges are encouraged to communicate with one another regarding the scheduling of court dockets and, to the fullest extent practicable, coordinate dockets to enable the most efficient use of courtroom facilities. When a court docket is staggered, a nearby courtroom that is not needed for a judicial proceeding may be used as a waiting area, provided that all individuals within the waiting area sit or stand six feet apart. If a courtroom is going to be used as a waiting area, the judge presiding over a judicial proceeding that wishes to use the vacant courtroom as a waiting area shall notify the bailiff and courthouse security assigned to his or her courtroom so that when the judge's courtroom has reached its maximum occupancy, any person

seeking entry to the courtroom may be escorted or directed to the nearby courtroom that is being used as a waiting area.

Priority for Courtroom Occupancy

Only those individuals deemed essential to a judicial proceeding shall be allowed into a courtroom. Judges, court staff, parties, counsel of record for each party, and witnesses shall be deemed essential in determining courtroom access. In addition, parents or guardians of a minor or incapacitated adult may remain with the minor or incapacitated adult throughout any judicial proceeding. Spectators and others who are merely accompanying a party shall be excluded from a courtroom unless otherwise allowed by the presiding circuit judge or judge presiding over the court proceeding. Individuals who are merely providing another person with transportation to the courthouse should remain in his or her vehicle or at some other location rather than attempting to enter a courtroom or other judicial area. Any occupancy issue that cannot be resolved by application of the foregoing shall be referred for resolution to the judge presiding over the docket call, hearing or trial. Any member of the press or media must contact the presiding circuit judge to arrange entry into a courtroom if such entry is requested.

Court Notices, Summonses, and Subpoenas

All court notices, summonses or subpoenas shall include the date and time of the proceeding, the name of the judge presiding over the proceeding and the courtroom number. The court notice, summons or subpoena shall also include an instruction for the individual receiving the court notice, summons, or subpoena to bring the document to the judicial proceeding to show courthouse security and a court bailiff when seeking entry to a courtroom. Individuals having a

case set on a court docket may not be permitted entry into a courtroom until the time designated on his or her court notice. To the extent practical, all court notices to appear shall include the information contained in the paragraph entitled “Priority for Courtroom Occupancy” listed above.

Courtroom Seating

Signs shall be posted in each courtroom reminding individuals to sit at least six feet apart from one another, except as otherwise provided herein. Social distance markings shall be placed a minimum of six feet apart on each courtroom bench to denote safe seating distances and signs shall be placed on each bench instructing individuals to sit only on the marked areas so as to maintain a proper social distance. Notwithstanding the foregoing, individuals residing in the same household are not subject to these social distancing requirements and may sit closer together if they choose.

If rows of courtroom benches are not spaced at least six feet apart, every other bench in a row shall be roped off so that the bench is not available for use. Chairs in a courtroom shall be placed a distance of at least six feet from all other chairs or benches in the courtroom and shall be situated so that individuals traversing a courtroom aisle or passageway do not violate the social distancing requirements mandated by the Supreme Court of Alabama. Any excess seating shall be removed from a courtroom. Further, before court proceedings commence, bailiffs assigned to assist in each courtroom shall periodically announce that individuals must remain at least six feet apart from other individuals who are not residing together in the same household and explain the purpose of the social distancing markers being used.

Once a judicial proceeding has concluded, all participants shall promptly vacate the courtroom. No individual shall loiter about the courtroom or the hallways adjacent to a courtroom or otherwise congregate after the proceeding has concluded.

Violations of Social Distancing Rules

It shall be the responsibility of each bailiff assigned to a courtroom to remind those in attendance of the social distancing protocols mandated by this court order and, if necessary, report violations of the order to the appropriate judge. An individual found to have willfully violated any provision of this order, including social distancing rules, may be held in contempt of court and punished accordingly.

Masks

It is recommended that all individuals entering a courtroom, court clerk's area, private judicial area, or public judicial area wear a mask for his or her own protection and for the protection of others. Masks worn into court proceedings shall not contain any writing or image that would be inappropriate for a courtroom setting. The presiding circuit judge or judge presiding over the court proceeding may require any individual to wear a mask. When mask use is required by this order or the order of a judge presiding over a judicial proceeding, the mask shall at all times completely cover the mouth and nostrils of the person who is wearing the mask.

If an individual is wearing a mask during a judicial proceeding, the court may require that the mask be temporarily removed: (i) for identification purposes, (ii) if the mask substantially interferes with the ability of the judge, parties, lawyers or court reporter to understand the

witness, or (iii) if wearing the mask prevents an authorized recording device from accurately recording what is being said by an individual who is speaking.

Social Distancing

All individuals entering a courtroom, court clerk's area, or other public judicial space, including hallways adjacent thereto, shall consistently maintain social distancing of at least six feet between individuals, as recommended by the CDC and as ordered by the Supreme Court of Alabama.

Hallways

No individual shall stand, congregate or loiter in any hallway adjacent to a courtroom or court clerk's area, except as otherwise herein provided. Hallways shall be used only for ingress and egress to a courtroom or to a court clerk's area, subject to permitted exceptions. When entering a courtroom or court clerk's area, individuals shall at all times maintain a social distance of at least six feet from each other person.

Stairways and Elevators

Only one person at a time shall be permitted to use an elevator, except that individuals who are living in the same household may use the same elevator. When using the stairways, all individuals shall stay as far to the right as possible to assist in observing social distancing measures.

Sanitizing Stations

Hand sanitizing stations containing a solution that is at least 60% alcohol shall be set up at the entrance to each courtroom, in the court clerk's area and at various locations within each public judicial area. Signs also shall be posted at conspicuous locations near the courtroom entrance, court clerk's area, and other public judicial areas reminding individuals to wash their hands frequently and encouraging them to use hand sanitizer upon entering a courtroom, court clerk's area, or any other public judicial area.

Trial and Evidentiary Hearing Protocol

Lawyers, parties, witnesses, and all others in attendance at a judicial proceeding shall maintain a consistent distance of at least six feet from all other individuals who are present. To further limit the transmission of COVID-19, customary handshakes or similar greetings that do not conform to social distancing rules shall not be permitted in the courtroom before, during or after in-person court proceedings.

On Call Witnesses

Attorneys and self-represented parties are strongly encouraged to place witnesses who will not be needed when a trial or hearing begins "on call" so that courtrooms and waiting areas do not exceed the maximum occupancy allowed pursuant to this administrative order. However, to avoid needless trial delays caused by a witness who has not yet arrived, each "on call" witnesses should be telephoned sufficiently in advance of his or her testimony so that a witness arrives shortly before his or her testimony is needed. Where feasible, the witness may report first

to the office of the attorney who requested the witness to appear and wait at the office until it is time to testify.

Exhibits

All exhibits shall be pre-marked before a judicial proceeding begins. Copies of any paper exhibits shall be provided to opposing counsel prior to being shown to a witness for identification. Unless otherwise ordered by the court, only the individual offering the exhibit shall handle the exhibit. If the exhibit is an object, it shall be placed on an exhibition table, designated by the court, for the court, opposing counsel and the witness to observe. Unless otherwise ordered by the court, if a paper exhibit is admitted by the court, the offering party shall electronically file said exhibit immediately following said hearing or trial or within a reasonable timeframe as determined by the court. If the admitted exhibit is an object, it shall be collected by the court reporter or other individual designated by the court and properly sanitized, or otherwise protected and safely stored.

Inmates

In an effort to prevent the transmission and spread of COVID-19 within the jail populations, unless otherwise ordered by the presiding circuit judge or judge presiding over a court proceeding, no inmate shall be allowed into any courthouse, courtroom, court clerk area, private or public judicial area except for hearings, trials, guilty pleas or other court proceedings where the inmate's presence is required. Whenever possible, judges are encouraged to use audio-visual technology to conduct any hearings or proceedings with inmates. Unless otherwise allowed by the presiding circuit judge or judge presiding over the court proceeding, all

attorney/client meetings shall be conducted at the county jail or by using audio/visual technology. All guilty plea documentation shall be completed prior to the inmate being brought to the courthouse.

Jury Trials and Large Docket Calls

By order of the Supreme Court of Alabama, no criminal or civil jury trials will be conducted prior to September 14, 2020, subject to further orders from the Supreme Court of Alabama. Further, the number of individuals ordered to attend a court docket shall not exceed the maximum number permitted for the courtroom where the judicial proceeding will be held. Provided, however, that judges may use a nearby courtroom as a waiting area if it is not needed by another judge and is otherwise available. The maximum occupancy for a courtroom used as a waiting area shall not be exceeded and all those in attendance shall fully comply with social distancing requirements while waiting. Nothing herein shall be construed to limit the right of a judge to stagger court dockets, which practice is encouraged and promotes the best use of limited judicial resources. In addition, judges are encouraged to continue the use of audio-visual technology to conduct trials and hearings.

Cleaning Requirements

Frequently touched surfaces including, but not limited to, courtroom benches, tables, doorknobs, light switches, writing instruments used by the general public, seats, witness stands, computer keyboards, countertops at the court clerk's filing and payment window, tables, chairs, and all surfaces frequently touched in courtrooms, the court clerk's area, and other public and private judicial areas shall be sanitized by cleaning staff or court staff at regular intervals

throughout the day, depending on use. At a minimum, each courtroom shall be sanitized daily according to CDC recommendations before any individuals are allowed entry into the courtroom or at the conclusion of each day's court proceedings. All chemicals used to sanitize and disinfect surfaces must meet standards adopted by the CDC or the Alabama Department of Public Health as adequate to kill infectious agents, including COVID-19.

Video Conference Use For Those At Risk

Those individuals more than 65 years of age, having an underlying health condition that makes them more susceptible to COVID-19, or who is otherwise classified as a “vulnerable person” or subject to quarantine under the Safer-at-Home Order entered by the State Health Officer, may file a request to appear using videoconference technology that has been approved by the court. The testimony of a person appearing by use of videoconference technology may be considered by the court pursuant to an agreement of the parties to the proceeding or as otherwise allowed by the rules of court or authorized by the Supreme Court of Alabama.

Court Clerk's Offices Not Accessible to General Public

No person shall enter the non-public offices of court clerks except as expressly authorized by the Circuit Court Clerk. Workstations used by court clerks shall be spaced at least six feet apart or separated by a barrier and each clerk shall consistently maintain the required social distance from other clerks throughout the workday, including breaks.

Warrants and other Court Clerk Business

Whenever it is necessary for a clerk or magistrate to have contact with a member of law enforcement or any member the public all individuals in the room must maintain a social distance of at least six feet from one another at all times.

Virtual Court Hearings

Virtual court hearings provide the best social distancing tool available to the courts for limiting the transmission of the COVID-19 virus and may be used at the discretion of a trial judge in all instances when practicable and permitted by statute, rules of court, or administrative order of the Supreme Court of Alabama. A virtual court hearing shall be held in every case in which all parties to the action have filed a written request asking for a specific judicial proceeding to be conducted as a virtual court hearing, provided the parties have unanimously agreed to the virtual court hearing procedures adopted by the Supreme of Alabama or as otherwise permitted by law.

Posting of Public Notices

Signs displaying the maximum occupancy for each courtroom shall be posted in a conspicuous place near the entrance to each courtroom. In addition, the following notice shall also be posted at the entrance to the courthouse, each courtroom and outside the Circuit Court Clerk's office and filing counter:

“No one who is experiencing symptoms consistent with COVID-19, or who has been advised to self-quarantine by a medical provider or government official shall enter a courtroom, court clerk's area, or any other judicial area. Further, every individual is required to maintain a minimum distance of six feet from all other individuals while in a courtroom, the hallways adjacent to courtrooms, the court clerk's area and in all other judicial areas, except for

individuals residing in the same home. Failure to abide by these social distancing requirements may subject a person to being held in contempt of court.”

Social distancing signs reminding individuals to maintain a distance of at least six feet from others shall also be posted at regular intervals in the hallways adjacent to courtrooms, inside courtrooms, near the court clerk’s area and all other public judicial areas. In addition, signs shall be placed near courtrooms and other publicly accessible areas encouraging the public to frequently wash their hands and to use hand sanitizing stations before entering a courtroom, the court clerk’s area or any other judicial area.

Common Sense Clause

The undersigned is mindful of the responsibility that comes with requiring our citizens to appear in a public building during this time. It is the intent of this order that we take every reasonable measure available to ensure that the court system operates in a safe and sanitary environment. Nothing in this order shall prevent the circuit judge, district judges, probate judges, municipal judges, circuit clerks or anyone acting on their behalf from exercising common sense and good judgment to ensure the safety of our citizens.

Done this 19th day of May, 2020

/s/ SAMUEL W. JUNKIN
Samuel W. Junkin
Presiding Circuit Judge
24th Judicial Circuit