

20th Judicial Circuit Administrative Order (Houston and Henry Counties)

ADMINISTRATIVE ORDER FOR COURTHOUSE AND COURTROOM PROCEDURES AND SECURITY BEGINNING JUNE 2, 2020

Pursuant to the Supreme Court of Alabama's May 13, 2020, Administrative Order Number 7, it is therefore ORDERED that the following procedures shall be implemented to protect court employees and all individuals accessing all courts within the circuit.

1. Through August 15, 2020, it is left to the discretion of the individual judges to conduct in-person hearings or to continue using videoconferencing through the secure AlaCourt Virtual Hearing ("Zoom") Application in lieu of in-person hearings.
2. ALL judges, lawyers and parties are STRONGLY URGED to continue using videoconferencing through the secure AlaCourt Virtual Hearing ("Zoom") Application whenever the same can be accomplished, in lieu of in-person hearings.
3. Lawyers are reminded that the preamble to the Alabama Rules of Professional Conduct states that "a lawyer is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice." As an officer of the legal system and a public citizen having special responsibility for the quality of justice, your assistance is imperative. You are asked to take additional steps to assist the court system. This includes, but is not limited to, the following:
 - a. Conveying the content and requirements of this order to your clients, your witnesses and – to the extent possible -- to pro se litigants.
 - b. Being prepared to help clean all surfaces before and after each hearing.
 - c. To account for individuals inside each courtroom and ensure social distancing, prepare for all hearings with the understanding that "the Rule" regarding exclusion of witnesses is entirely a matter of discretion of the Court and not a matter of right.
 - d. Before every hearing, the parties shall engage in a good faith discussion to address and attempt to resolve their disputed issue(s). For the purposes of this Order, "a good faith discussion" involves more than an exchange of emails. For the purposes of this Order, "a good faith discussion" is, at a minimum, a telephone or video conference. Unless the emergency nature of the hearing or the fact that the hearing is set on short notice prevents it, good faith discussions shall begin at least two days prior to the hearing. The Court shall be notified immediately if the dispute is resolved or if a continuance is desired.
 - e. Depositions taken by agreement of the parties in both Criminal and Civil cases is encouraged. Regarding depositions in criminal cases, due to these exceptional circumstances, consent of the court is granted to take depositions until further notice. (See Alabama Rule of Criminal Procedure 16.6)
 - f. Understanding that any motion to continue based solely on COVID-19 may be treated, at the judge's discretion, as a request for a video hearing.

4. Individuals entering the courthouses and courtrooms of the 20th Judicial Circuit are expected to comply with the guidance provided by the CDC. As of the date of this Order, the following can be found on the CDC website:

There is currently no vaccine to prevent coronavirus disease 2019 (COVID-19). The best way to prevent illness is to avoid being exposed to this virus. The virus is thought to spread mainly from person-to-person. Between people who are in close contact with one another (within about 6 feet). Through respiratory droplets produced when an infected person coughs, sneezes or talks. These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs. Some recent studies have suggested that COVID-19 may be spread by people who are not showing symptoms.

Everyone Should:

Wash hands often with soap and water. If soap and water are not readily available, use a hand sanitizer. Avoid touching your eyes, nose, and mouth with unwashed hands.

Stay at least 6 feet (about 2 arms' length) from other people.

Cover your mouth and nose with a cloth face cover when around others. (Cloth face coverings should not be placed on young children under age 2, anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance.)

Cover coughs and sneezes.

(See : www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html. The Citizens of the 20th Judicial Circuit are encouraged to visit this website.)

5. Court security will screen individuals waiting to get into the Courthouse.
- Decisions regarding entry into the Courthouses of each County are under the authority and control of the Sheriff of that County who may amend the screening process from time to time as they see fit.
 - Individual Judges have the authority to establish guidelines and protocols to be followed in their courtroom.
 - When Individuals arrive, they may be asked to provide their names and cellphone numbers to Deputies. Individuals may be asked to remain in their vehicles or outside the Courthouse until they can safely enter or they may be directed to a designated waiting area. Otherwise, they shall proceed directly to the Courtroom or Clerk's Office where their attendance is required.
 - To prevent unnecessary delays clearing security, no purse, bag, book bag, or brief case should be brought into the courthouse unless it is absolutely necessary.
6. Only a limited number of individuals can fit in a courtroom at any specific time while maintaining six foot (6') social distancing. Therefore, the attendance of nonparty and non-witness visitors is highly discouraged. (If a nonparty or non-witness seeks access to a courtroom that has limited space or to a virtual hearing, a written request with the name of the party(s),

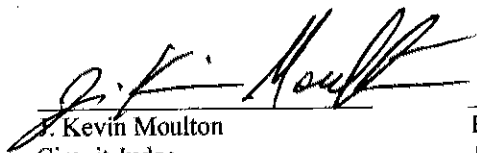
the case number, if known, as well as the requester's e-mail address should be made to the clerk's office. This request should be made at least 14 days prior to the hearing if possible.)

7. All individuals with no physical limitations are urged to use the stairs. Individuals who reside in the same household may ride the elevator together. Otherwise, only two individuals may use the elevator at the same time and must stand in **opposite corners** of the elevator.
 - a. For Houston County, the front stairwell should be used for ascending (going up) and the back the back stairwell for descending (going down.)
 - b. For Henry County, every effort should be made to avoid having individuals ascending and descending the stairs at the same time. If this is not possible, individuals must stay as far to their right as possible when using the stairs.
8. Once in a Courtroom, wearing or removal of the face cover will be at the judge's discretion.
9. It is strongly recommended that people 65 or older and others especially at risk due to an underlying health condition request through their attorney (or individually if a pro se litigant) that the hearing be held through videoconferencing using the secure AlaCourt Virtual Hearing ("Zoom") Application, in lieu of appearing in-person.
10. Unless attendance of children is required and/or necessary, their attendance is discouraged.
11. Beginning June 2, 2020 and until further notice, all Judges and Referees shall manage their individual dockets and cases to ensure that the Courthouse common areas and all courtrooms can practice six foot (6") social distancing. All judges, lawyers and parties are strongly urged, once again, to continue using videoconferencing through the secure AlaCourt Virtual Hearing ("Zoom") Application whenever same can be accomplished, in lieu of in-person hearings.
12. **Individuals are expected to exercise personal responsibility.**
13. This Order remains in effect until further notice.

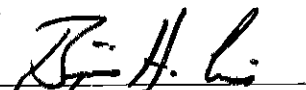
DONE AND ORDERED, this the 26 day of May, 2020.



R. Todd Derrick
Presiding Circuit Judge



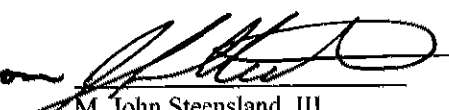
J. Kevin Moulton
Circuit Judge



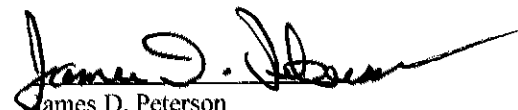
Benjamin H. Lewis
District Judge



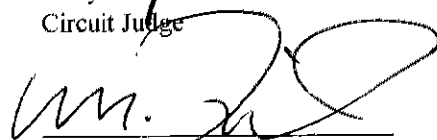
Larry K. Anderson
Circuit Judge



M. John Steensland, III
Circuit Judge



James D. Peterson
District Judge



Henry D. Binford
Circuit Judge



Lori Collier-Ingram
District Judge