

IN THE 9TH JUDICIAL CIRCUIT OF STATE OF ALABAMA
ADMINISTRATIVE ORDER FOR CHEROKEE COUNTY

Phase One Resuming Court Operations Following COVID-19 Suspension

To minimize the risk of potential harm posed by COVID-19 to the health and safety of the general public, attorneys and their staff, and to court staff during in-person judicial proceedings and in accordance with Administrative Orders of the Alabama Supreme Court, the Court finds it necessary to adopt the following procedures for use in the Circuit, District, Juvenile, and Probate Courts during the initial phase of the transition to normal court operations. This Order shall be spread upon the minutes of the Court. After consultation with the Cherokee County Commission, other judges of this judicial circuit and the Cherokee County Circuit Court Clerk, it is ORDERED:

Applicable Time Period

This Order applies beginning May 18, 2020, and continues until superseded by a subsequent Administrative Order. This period is referred to herein as “Phase One.”

In-Person Hearings

Except as otherwise decided by the judge presiding over the case, in-person hearings will begin on June 2, 2020.

Sick Individuals Prohibited Entry to Courtrooms and Judicial Areas

For the protection of the general public and court staff, each person entering the courthouse during Phase One of the transition to normal court operations shall first be checked for fever using a non-invasive thermal scanner prior to entry so long as one is available. The thermal scanner shall be operated by a court bailiff or other person designated by the presiding judge of this judicial circuit. Anyone entering the courthouse who exhibits signs of a respiratory

infection, such as a cough or shortness of breath or who has a fever above 99.9 degrees Fahrenheit may be denied entry into the courthouse.

Procedure When Access Denied to the Courthouse. When an individual has been denied entry to the courthouse for a trial, hearing or call docket as a result of suspected illness, courthouse security shall immediately inform the judge presiding over the court proceeding. If entry is not permitted due to the suspected illness of a person, the judge 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.

Individuals Permitted Entry To Courtrooms During Phase One

During Phase One access to courtrooms shall be prioritized and limited as follows: (i) judges and court employees, (ii) attorneys, their staff, and individuals who are parties to a case that is set for hearing or trial on the date and time entry is sought, (iii) the parent or legal guardian of any minor or incapacitated adult who is a party to any action that is set for trial or hearing on the date and time entry is sought, (iv) witnesses who are offering testimony in a case set for trial or hearing on the date and time entry is sought, (v) Victims in criminal cases entitled to attend a court proceeding by statute, (vi) an employee of the Alabama Department of Human Resources having a case set for hearing on the date and time entry is sought, (vii) members of the public and media desiring entry to view court proceedings that are historically open to the public, provided that the maximum occupancy under standards established by this Order are not exceeded and provided that permission for such is granted by the judge presiding over the docket.

Those individuals deemed essential to the judicial proceeding shall be given priority access to a courtroom in the event the number of people wishing to enter a courtroom exceeds the maximum number permitted by this Order. If a courtroom has reached its maximum occupancy and one or more individuals appear and request to enter, the judge presiding over the proceeding may consider moving the trial or hearing to a larger courtroom, if one is available. If a larger courtroom is not available, the judge presiding over the trial or hearing shall utilize the public access measures provided for herein.

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 the courthouse.

General Guidelines for Individuals Appearing in Courtrooms and Judicial Areas

Social Distancing. All individuals entering the Courthouse shall consistently maintain social distancing of at least six feet between individuals, as recommended by the Centers for Disease Control and ordered by the Alabama Supreme Court.

Maximum Occupancy. The maximum number of people admitted entry into a courtroom at any one time shall be as follows:

Upstairs Courtroom:	24 people outside of the bar, 8 people inside the bar
Downstairs Courtroom:	8 people

Signs showing the maximum number of people permitted to assemble in a courtroom or other judicial area at any one time shall be posted in plain view of the public near each courtroom. Once the maximum number of people allowed to enter a room or area has been reached, no other person shall be allowed entry except as provided herein.

Individuals Waiting. Individuals waiting for entry into a courtroom must wait outside of the courthouse. Their name and contact information will be taken by courthouse staff and they will be called to enter the courthouse when space is available.

Any occupancy issue that cannot be resolved by application of the foregoing procedure shall be referred for resolution to the judge presiding over the docket call, hearing or trial.

Social Distancing Markings. Where appropriate, decal signs shall be affixed to the floor spaced six feet apart. Signs shall be posted at regular intervals providing instructions to stand on decal signs.

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 in the seating area of each courtroom to denote safe seating distances so as to maintain a proper social distance. However, individuals residing in the same household are not subject to these social distancing requirements and may sit closer together if they choose.

Violations of Social Distancing Rules. 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. Further, no individual shall loiter about the courtroom premises after concluding his or her court business but shall immediately leave the courtroom and other judicial areas.

Masks. It is required that all individuals entering a courtroom or 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 writing or any image that would be inappropriate for a courtroom setting.

Sanitizing Stations. As available, hand sanitizing stations shall be set up at the entrance to each courtroom and at numerous places within the courthouse.

Trial and Evidentiary Hearing Protocol

Counsel, parties, witnesses and all others in attendance shall be seated at least six feet apart at all times during a trial, hearing or other judicial proceeding. 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 required 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 the administrative order of the Alabama Supreme Court. To avoid needless trial delays because a witness has not yet arrived, all “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 there until it is time to testify.

Communication between client and attorney. When communication is desired between a party and his or her counsel during a court proceeding, notes may be exchanged. If notes are insufficient to adequately communicate, counsel may request a brief recess to communicate confidentially with his or her client in a nearby private interview room.

Exhibits. Except for those items of evidence that are impossible to scan (i.e. the item is not a paper document, photograph, or the like), all items of evidence that a party reasonably expects to introduce at trial must be scanned and efiled into Alacourt prior to the hearing at

which the evidence is sought to be introduced. This is so that the item may be viewed electronically and, if necessary, printed out and marked as an exhibit by court personnel.

If available, disposable gloves shall be made available in each courtroom for use by all individuals present. An exhibit shown to a witness or offered into evidence shall only be touched by an individual who is wearing disposable gloves and the gloves shall be removed and disposed of according guidelines adopted by the Centers for Disease Control (CDC) when no longer needed. Further, an exhibit shall not be handed directly to a judge, witness, party or to opposing counsel, but shall be placed on a table or other surface for retrieval and examination so that continuous social distancing is maintained.

Masks. 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.

Jury Trials and Large Docket Calls.

Until further notice, no jury trials will be conducted until September 14, 2020, pursuant to the May 13, 2020, Administrative Order from the Supreme Court. Large docket calls must be staggered at regular intervals by the judge who is presiding over a particular docket, provided those in attendance comply with the requirements of this Order.

At the discretion of the individual judge presiding over a docket, any docket may be held at a location designated by the County Commission as an “alternate courthouse” or “courthouse annex.” In the event a docket will be held at such a location, the judge presiding over the docket

shall issue an order in each case on that docket indicating the location the docket is to be held. The Sheriff and/or local law enforcement shall provide security at the location.

Cleaning Requirements

At a minimum, each courtroom shall be sanitized according to CDC recommendations at the conclusion of each day. 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

Any individual who is high-risk or any individual having an underlying health condition that makes them more susceptible to COVID-19 may file a request to appear using video conference technology that has been approved by the Supreme Court. The testimony of the person appearing by use of video conference technology may be considered by the court pursuant to the agreement of the parties to the proceeding or as otherwise allowed by the rules of court or authorized by the Alabama Supreme Court.

Public Access

Members of the public wishing to enter a courtroom may file a written request with the judge presiding over the case for permission to enter the courtroom and observe the proceedings.

Court Clerks Offices

No person shall enter the offices of the court clerks except as expressly authorized by the Circuit Court Clerk. Workstations used by court clerks shall be spaced at least six feet apart and each clerk shall maintain the required social distance from other clerks at all times during the workday, including breaks. Further, masks shall be made available to each clerk and disposable gloves shall be provided to a clerk when his or her duties requires the handling of documents,

money, checks or other physical objects received from the public. After use, the disposable gloves shall be removed and disposed of according to CDC guidelines.

Warrants and other Court Related Business. Whenever it is necessary for a clerk or magistrate to have contact with a member of law enforcement or any member the public in an area where there is no screen or sneeze guard separating the clerk or magistrate from another individual, the meeting shall occur in a room designated for that purpose and the clerk or magistrate shall wear a mask during the interaction and all individuals must maintain a social distance of at least six feet from one another. Further, if documents or other physical objects will be exchanged or handled by the individuals present, disposable gloves shall be provided and worn by all those touching the document or physical object and the gloves shall be removed and disposed of according to CDC recommendations when no longer needed.

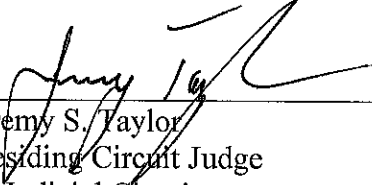
Virtual Court Hearings

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 entered by the Alabama Supreme Court. 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 Alabama Supreme and provided that approval for such has been granted by the judge presiding over the case. Unless otherwise prohibited by law or regulation, any member of the public that wishes to be a spectator for any virtual hearing may do so by following the procedures set out by this Court in a prior Administrative Order that is on file with Circuit Clerk.

Posting of Public Notices

The maximum occupancy for each courtroom shall be posted in a conspicuous place near the entrance to the courtroom. In addition, the following notice shall also be posted outside the entrance of each courtroom and at the Circuit Court Clerk's payment and filing counter: "All individuals are required to maintain a minimum distance of six feet from one another while in the courtroom and the hallways adjacent to the courtrooms, and in all judicial 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."

Done this the 14th day of May, 2020.



Jeremy S. Taylor
Presiding Circuit Judge
9th Judicial Circuit
State of Alabama