

IN THE CIRCUIT COURT FOR THE 15TH JUDICIAL CIRCUIT
MONTGOMERY COUNTY, ALABAMA
IN RE: ADMINISTRATIVE ORDER NO. 6
RELATING TO THE RE-OPENING OF THE
MONTGOMERY COURTHOUSE
DATED MAY 12, 2020

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Whereas, The Alabama Supreme Court by Administrative Order No. 6, dated April 30, 2020 calls for a Phased Resumption of Court Operations for the Judicial Branch, and

Whereas, The Administrative Office of Courts has issued guidelines for preparations to resume court operations during the period from May 1 to May 15, 2020 and after May 15, 2020, and

Whereas the Governor and the State Health Director have issued a “Safer at Home Order”, dated April 28, 2020 requiring Alabamians to continue to observe certain Guidelines issued by the Center for Disease Control (CDC), and

Whereas, The Alabama Circuit Judges Association has suggested guidelines for re-opening courthouses in compliance with the State Health Officer’s **Safer at Home Order**, dated April 28, 2020 and the Chief Justice’s Administrative Order No. 6, dated April 30, 2020, and

Whereas, Presiding Circuit Judges have authority to make necessary preparations for a return to “**In-Person**” court proceedings in accordance with AOC Guidelines, and

Whereas, court officials must comply with the State Health Officer’s “Safer at Home Order of April 28, 2020 and the Supreme Court’s Administrative Order No. 6, and

Whereas, on May 8, 2020 the Governor and the State Health Officer amended their “Safer at Home” Order to allow for the relaxation of certain requirements and guidelines and

Whereas, the crisis created by COVID-19 has not abated and there continues to be reported cases of COVID-19 in Montgomery County , and

Whereas, the Presiding Judge has the advice and consent of the various Judges of the Fifteenth Judicial Circuit, therefor be it Resolved, that the following is hereby Ordered:

A. General Steps, Tasks, Actions, and Requirements

- (1) As of May 1, 2020, **non-vulnerable** employees were allowed to return to work, and
- (2) Employees with certain conditions which may make them susceptible to COVID-19 and with childcare issues may continue to work remotely until May 15, 2020.
- (3) After May 15, 2020 vulnerable employees and employees who continue to struggle with childcare issues must use leave if they cannot come to their work site.
- (4) That **persons entering** the Montgomery County Courthouse to conduct court business in any manner must practice “**social distancing**” while on the courthouse premises. The Montgomery County Sheriff and his personnel shall “mark-off” a series of distances of **at least six-feet apart** for persons to observe from the front door to the courthouse and from the rear door entry.
- (5) That all persons must enter through a “**checkpoint**” operated by the Montgomery County Sheriff or his personnel working under the Sheriff’s direction and control. The Sheriff or his personnel shall ensure that everyone entering the Montgomery County Courthouse complies with the State Health Officer’s Safer at Home Order issued on April 28, 2020.
- (6) Every person entering, remaining and occupying the Courthouse shall use **Personal Protective Equipment (PPEs)** to include wearing a cloth face covering meeting Center for Disease Control Guidelines.

(7) **No person exhibiting signs, symptoms, and or evidence of having or suffering from COVID-19** shall be allowed in the Courthouse until they are no longer exhibiting signs, symptoms and or evidence of COVID-19.

(8) Each **office head** shall ensure that employees, any person, visitors, and or occupants in their office comply with the State Health Officer's Order dated April 28, 2020. If such person fails to adhere with a directive to comply with the Safer at Home Order, such person shall be removed from the Courthouse by Court Security.

(9) As ordered by the State Health Officer, under no circumstance while in the courthouse, any of its **offices, hallways, restrooms, holding cells, elevators or courtrooms** shall there be a gathering or group of more than **10 persons** who cannot maintain "social distancing".

(10) **No Judge** of the 15th Judicial Circuit shall convene and or preside over any court docket, hearing, status docket/conference, and or non-jury trial where 10 or more persons cannot maintain a "social distance" of six feet at all times.

(11) Whenever a Judge of the 15th Judicial Circuit convenes any court docket, hearing, status docket/conference, and or non-jury trial, it shall be the **duty of the Judge** to oversee that all persons in such proceeding complies with the State Health Officer's Safer at Home Order and it provisions.

(12) In addition to the challenge of the COVID-19 Pandemic, **the courthouse is undergoing renovations** to its facilities, which will require the Judges to share courtroom space, the sharing of courtrooms will require a sacrifice on behalf of each Judge and his or her staff.

(13) It is anticipated that around July/August, the Judges located on **the Fourth floor will relocate to the Lower Level** and will share a courtroom with a Judge on the Third Floor. This process will repeat as each floor is completed. This information is shared to alert Judges to factor the move into the setting of their dockets going forward.

(14) In accordance with the Supreme Court's Order, no persons shall be summoned for Jury Service prior to July 1, 2020, therefore, **there will not be any Jury Trials until the September Jury Term**. Such a Term will ensure that prospective jurors will not be confronted with childcare issues. Also, the

relocation of the Jury Assembly operations to the Lower Level should be completed.

(15) The AOC Director, Dr. Rich Hobson advises the continued use of **Video Conferencing** whenever appropriate to handle any matter accordingly for such provided that each **litigant's constitutional rights** are protected.

(16) We face several hurdles and limited space availability for court operations due to the required "social distancing." So, the number of courtrooms to be utilized and occupied are given the following priority of use:

- (a) The second-floor courtrooms which houses the District Court operations, shall have priority to conduct Frist Calls when such proceedings cannot be done by Video Conference,
- (b) Capital Murder proceedings shall have priority as outlined by Alabama law when Jury Trials resume,
- (c) Any matter in which an issue regarding "speedy trial" rights must be disposed of promptly,
- (d) Landlord/tenant matters as outlined by Alabama,
- (e) Emergency petitions, PFAs, TROs and such.

B. In-person hearings, dockets, jury trials, bench trials, and

(1) Courtroom Operations

The 15th Judicial Circuit shall adhere to the following guidelines as we re-opened the courthouse and in-person hearings commence:

- a. With social distancing in mind, **demarcation lines** in hallways and courtrooms must be pre-planned.
 - 1. **Tape** shall be placed on the floor and on benches in the courtroom indicating safe spacing.
 - 2. **Excess** chairs and benches in the courtroom and halls shall be temporarily removed.
 - 3. The Sheriff, through Court Security, shall **control the number** of individuals who can enter the courthouse and courtroom. This will require coordination with the Sheriff.

4. **Hand sanitizer** will be available and freely accessible throughout the courthouse and courtrooms and all persons shall use cloth face coverings or protective masks.

5. Should the need arise **THE PRESIDING JUDGE** will implement the reclosing of the courthouse to the public due to a COVID-19 infected person entering the courthouse/courtroom or if there is a resurgence of COVID-19 cases in our area. This will require coordination with the County Commission and Sheriff.

(2) Jury Trials:

- a. **The Presiding Judge shall convene a** meeting of all court officials involved with jury trials and establish a plan to effectively manage jurors as efficiently and safely as possible. Juror yields are likely to decrease due to the public concern for contracting the virus.
- b. All courthouse stakeholders shall be notified of jury dates.
- c. Summoning slightly more prospective jurors is recommended.
- d. **No summonses** shall be mailed **6 weeks** prior to the service date. In extreme circumstances summonses may be mailed no less than 4 weeks prior to service date.
 - i. In order to reduce service apprehension of potential jurors, additional notice will be mailed, separate from the summons, regarding personal health and safety measures being observed by the court during the pandemic.
 - ii. Potential jurors will be informed of what to be prepared for when reporting for jury duty.

C. Longer than normal wait times to enter courthouse

(A) Medical screening prior to entering courthouse

(B) Inclement weather--for example, an umbrella for rain or shade, waiting in vehicle

e. Be prepared to cancel potential jurors or place them on standby for potential service.

f. Excusing practices should be examined to ensure that proper consideration is given to individuals that may not have the normal documentation of illness from a care provider.

g. Consider assembling and addressing jurors in small groups in order to follow social distancing mandates.

h. Consider the use of video conferencing for voir dire.

i. Jury box seating should be assessed to account for adequate social distancing.

j. Consider scheduling hearings for settlements, motions or continuances during the morning hours and jury trials and juror reporting in the afternoon to avoid unnecessary idle time for jurors.

k. Encourage parties to be prudent in their negotiations to eliminate last minute decisions that would result in an unnecessary use of court time.

C. Dockets

1. All court officials involved with establishing and commencing court dockets and hearings shall meet and establish policies and procedures to safely and effectively administer social distancing practices during court proceedings.

a. The following shall be adhered to when determining docket sizes:

i. All courthouse employees should be notified of docket dates.

ii. Evaluation of court room capacity to account for social distancing measures. “Safe Courtroom Capacity”

iii. Staffing – Some offices may still be operating on limited staffing when the courthouses open back up to the public.

2. Circuit Clerk’s Office – An adequate number of Court Specialists will be needed to re-establish dockets and mail court notices.
3. Judge’s Staff – JA’s and other judicial staff may be needed to perform duties outside of their normal routine, such as guiding defendants and parties to the proper place in the courthouse and courtroom.
4. Security or other building staff may also be needed to monitor court room entrances (One person in--one person out).
5. Dockets should be set on a staggered schedule with ample time for a docket to clear before another begins.
6. Additional time may be needed for cleaning and disinfecting between dockets.
7. Large traffic dockets should be split up into smaller dockets.
8. Re-examine the current allowance of traffic cases.
9. Consider rescheduling court dates that have already been filled to more than safe courtroom capacity.

D. REFERENCES

The following **References** were consulted before establishment of the above STEPS, TASKS, ACTIONS, RECOMMENDATIONS for re-opening the Montgomery County Courthouse in Response to COVID-19:

[1] The Alabama Supreme Court's Administrative Order, dated April 30, 2020

[2] The Governor's "Safer at Home Order, dated April 30, 2020

[3] The Order of the Alabama State Health Officer, dated April 28, 2020

[4] Directives from the Director of the Administrative Office of Courts, dated May 1, 2020

[5] Recommendations to the Supreme Court from the Alabama Circuit Judges Association, and

[6] Centers for Disease Control COVID-19 Pandemic Guidelines

It is hereby ordered that the above matters be spread upon the Minutes of the Court.

Done this the 12th day of May 2020

/s/ Johnny Hardwick,
Presiding Circuit Judge