

**THIRTEENTH JUDICIAL CIRCUIT  
ADMINISTRATIVE ORDER 2020-03  
COURT OPERATIONS DURING COVID-19 PANDEMIC  
(6/12/20)**

On May 12, 2020, the Court entered Administrative Order 2020-02, adopting a phased approach to returning the Thirteenth Judicial Circuit to full capacity. In that order, the Court established criteria for five phases of operations. Pursuant to Administrative Order 2020-02, and after consulting with local health officials and reviewing local public health data, the Court has determined that operations in the Government Plaza Courthouse, including the annex at the Mobile Civic Center (collectively the “Courthouse”) should proceed pursuant to Phase Three as set out in Administrative Order 2020-02 and reiterated below:

**PHASE THREE**

1. In-person proceedings permitted, but social distancing requirements must be followed at all times. For most courtrooms, this means no more than twenty (20) persons in court, not including staff.
2. Limited jail inmates in court. No more than one inmate may be present in court at a time, and no inmates or corrections officers who are Covid-19 positive (or suspected positive) may be present in court.
3. To regulate and control the flow of persons in the Courthouse, the circuit and district judges operating in the Courthouse shall prepare and follow a schedule coordinating the activities on each floor of the Courthouse, throughout the Courthouse, and throughout the temporary Courthouse annex at the Mobile Civic Center.
4. No jury trials until September 14, 2020. A plan shall be developed by the circuit judges, in consultation with stakeholders, for assembling jurors, qualifying jurors, questioning jurors (“voir dire”), and conducting jury trials. Jury trials will not commence until an acceptable plan is in place.
5. Videoconferencing/teleconferencing is strongly encouraged if appropriate, efficient and practicable.
6. A pay window may be opened on the first floor of the Courthouse provided the mitigation measures in Appendix “A” are followed and enforced.

7. Courthouse staff may return, but the staff must be able to maintain social distancing standards. Teleworking is encouraged when feasible and practicable. Accommodations should continue to be made for persons to telework if they are particularly vulnerable to severe consequences from contracting the Covid-19 virus. Such accommodations should continue to be considered for persons who are subject to quarantine, have school-age children and schools are closed, or have young children and daycare facilities are closed. Employees are not to report to work if they are sick, exhibit any of the symptoms of Covid-19, or have had close contact within 14 days with someone who has been diagnosed with Covid-19.
8. All persons entering the Courthouse for Courthouse business or proceedings, including attorneys, parties, witnesses, members of the public, court officers, employees, judges and staff, shall comply with the “Measures to Mitigate the Spread of Covid-19” appended to Administrative Order 2020-02 and this Order as Appendix “A.”

As noted in Administrative Order 2020-01 (entered on May 15, 2020), the Alabama Supreme Court’s May 13, 2020 order made the re-commencement of in-person hearings in the municipal courts subject to this Court’s approval. Because the courts for the City of Mobile operate mostly out of the Courthouse, the Court included those courts within the scope of Administrative Order 2020-01. For the same reason, the Court includes the City of Mobile courts operating out of the Courthouse within the scope of this Order and Administrative Order 2020-02.

With respect to the other municipalities located in Mobile County (Bayou La Batre, Chickasaw, Citronelle, Creola, Dauphin Island, Mount Vernon, Prichard, Saraland, Satsuma and Semmes), the Court again finds that the municipal judges in those cities are in a better position than this Court to determine the propriety of, and manner of, conducting in-person hearings in their respective courtrooms and courthouses. Accordingly, the Court keeps in place the grant of authority to said municipal judges for making determinations about when and how in-person hearings will be handled in their respective courtrooms and courthouses. However, the Court directs the municipal judges to follow and observe the guidelines and protocols issued by the United States Centers for Disease Control and Prevention relating to COVID-19. Also, to mitigate the spread of COVID-19 during court proceedings, the Court strongly recommends that the municipal judges consider adopting measures like those set out in Appendix “A” attached to this Order and Administrative Order 2020-02.

The Alabama Supreme Court's May 13, 2020 order also made the commencement of in-person hearings in the Mobile County Probate Court subject to this Court's approval. On May 15, 2020, after reviewing the "General Order" issued by Probate Judge Don Davis concerning the procedures he intended to follow to protect against the spread of Covid-19, the Court authorized the Probate Court to resume in-person hearings. The Court is not aware of a single complaint about in-person proceedings in Probate Court since May 15, 2020. The Court finds that Probate Judge Don Davis is in a better position than this Court to determine the propriety of, and manner of, conducting in-person hearings in his courtrooms and courthouse. Accordingly, the Court grants Probate Judge Don Davis the authority to make determinations about when and how in-person hearings will be handled in his courtrooms and courthouse. However, the Court directs Probate Judge Don Davis to follow and observe the guidelines and protocols issued by the United States Centers for Disease Control and Prevention relating to COVID-19. Also, to mitigate the spread of COVID-19 during court proceedings and activities, the Court strongly recommends that Probate Judge Don Davis continue to implement measures like those set out in his "General Order."

The Court finds that Circuit Judge Edmond Naman is in the best position to determine the propriety of, and manner of, conducting in-person proceedings and other activities at Strickland Youth Center ("Strickland"). Accordingly, the Court delegates to Circuit Judge Edmond Naman the authority to make determinations about when and how in-person proceedings and other activities will be handled in the courtrooms and facilities at Strickland. However, the Court directs Circuit Judge Edmond Naman to follow and observe the guidelines and protocols issued by the United States Centers for Disease Control and Prevention relating to COVID-19. Also, to mitigate the spread of COVID-19 during court proceedings and activities, the Court strongly recommends that Circuit Judge Edmond Naman consider adopting measures like those set out in Appendix "A" attached to this Order and Administrative Order 2020-02.

The Court finds that District Judge George Brown is in the best position to determine the propriety of, and manner of, conducting in-person proceedings and other activities concerning Investigations & Recovery at the Bay Haas Building ("Bay Haas"). Accordingly, the Court delegates to District Judge George Brown the authority to make determinations about when and how in-person proceedings and other activities will be handled in the courtrooms and facilities at Bay Haas. However, the Court directs District Judge George Brown to follow and observe the guidelines and protocols issued by the United States Centers for Disease Control and Prevention relating to COVID-19. Also, to mitigate the spread of COVID-19 during

court proceedings and activities, the Court strongly recommends that District Judge George Brown consider adopting measures like those set out in Appendix "A" attached to this Order and Administrative Order 2020-02.

Anyone not complying with the requirements of this Order may be subject to contempt of court, and removal from the Courthouse.

This Order shall remain in effect until further order of the Court.

**Done this 12<sup>th</sup> day of June 2020**

A handwritten signature in black ink, appearing to read 'M. A. Youngpeter', written over a horizontal line.

**MICHAEL A. YOUNGPETER**  
**Presiding Circuit Judge**

## APPENDIX "A"

### MEASURES TO MITIGATE THE SPREAD OF COVID-19

1. The guidelines of the United States Centers for Disease Control and Prevention ("CDC") shall be utilized within the Courthouse and courtrooms at all times.
2. Entrance to the Courthouse will be monitored and screened by court police personnel. Spacing parameters for the wait line have been established and will be enforced by court police personnel. Persons entering the Courthouse should allow additional time to clear the security checkpoints, however, persons arriving very early for a hearing or proceeding may not be admitted until close to the time of the scheduled hearing or proceeding.
3. Attorneys are to contact their clients, witnesses (and if practicable) any unrepresented parties BEFORE a scheduled court hearing or proceeding and provide them with a copy of these "Measures to Mitigate the Spread of Covid-19."
4. With Courthouse and courtroom space at a premium, attorneys are ORDERED to meet and confer with their clients outside of the Courthouse. Also, attorneys are directed to conduct settlement negotiations in advance of in-person proceedings. If an in-person hearing or proceeding is necessary and authorized, attorneys and parties are strongly encouraged to bring to the Courthouse only those persons necessary for the scheduled hearing or proceeding. No more than three (3) persons are to accompany either a victim or a defendant in a criminal proceeding unless more are allowed by the judge.
5. Prior to entering the Courthouse, each attorney shall confirm with his or her clients and witnesses that none of those persons has COVID-19 (the "virus"), has symptoms of the virus, has been around anyone with the virus or with symptoms of the virus, or is otherwise sick. If any of those scenarios are applicable, the attorney, clients and witnesses SHOULD NOT ATTEMPT TO ENTER THE COURTHOUSE. Instead, the attorney should promptly contact all other parties in interest in the cause (or their lawyer) to advise of the circumstances and ascertain their position regarding continuance of the hearing or proceeding in question. The attorney or *pro se* party should also promptly contact the staff of the judge handling the trial, hearing or other proceeding.

6. As soon as hand sanitizer dispensers are procured, installed and available, all persons entering the Courthouse shall use said dispensers upon entry into the Courthouse and again upon entry into the courtrooms of the Courthouse.
7. Social Distancing Requirements: the current CDC social distancing standard is to maintain a minimum of six feet of separation between each person.
  - a. In each courtroom, to maintain a minimum of six feet of separation between each person, there will be designated places for attorneys, parties and witnesses to sit. When those places are filled, no one else may enter the courtroom until a place becomes available.
  - b. In the hallway outside each courtroom, to maintain a minimum of six feet of separation between each person, there will be designated places for attorneys, parties and witnesses to sit. When those places are filled, no one else may enter the hallway until a seat becomes available.
  - c. Staging areas will be established to regulate the flow of persons into the hallways and courtrooms of the Courthouse. In the staging areas, to maintain a minimum of six feet of separation between each person, there will be designated places for attorneys, parties and witnesses to sit. When the places within a staging area are filled, no one else may enter that staging area until a seat becomes available.
  - d. Once the courtrooms, hallways and staging areas are full, no persons will be allowed to enter the Courthouse until space becomes available.
  - e. If an attorney due in court for a scheduled proceeding is denied entry into the Courthouse due to space limitations, the attorney should contact and alert the staff of the judge handling the proceeding.
  - f. If a party due in court for a scheduled proceeding is denied entry into the Courthouse due to space limitations, the party should contact his or her attorney. If a party is unrepresented by counsel, the *pro se* party should contact the staff of the judge handling the proceeding.
  - g. If a witness due in court for a scheduled proceeding is denied entry into the Courthouse due to space limitations, the witness should contact the

attorney who issued the subpoena, summons or request for the presence of the witness.

- h. Only four (4) people may be present at a time in an elevator.
8. Persons attempting to enter the Courthouse for Courthouse business or proceedings without a face mask covering their mouth and nose **WILL NOT BE ALLOWED TO ENTER THE COURTHOUSE**. (Persons who have been granted indigent status, or who can demonstrate indigence, will be provided a mask).
9. All attorneys, parties, witnesses, and members of the public entering the Courthouse for Courthouse business or proceedings, shall wear a face mask covering their mouth and nose upon entering the Courthouse and continuously wear said face mask covering their mouth and nose until departure from the Courthouse.
10. All attorneys and parties are directed to instruct their witnesses (subpoenaed or voluntary) that said persons shall wear a face mask covering their mouth and nose upon entering the Courthouse and continuously wear said face mask covering their mouth and nose until departure from the Courthouse.
11. All Courthouse personnel, including court officers, clerks, employees, judges and staff shall wear a face mask covering their mouth and nose upon entering the Courthouse and while in public spaces in the Courthouse, including courtrooms. The wearing of masks or coverings in private office spaces of the Courthouse will be under the control of the judge or supervisor in each office.
12. As soon as temperature screening equipment is procured and available, temperature screening will be performed on persons desiring to enter the Courthouse. If security personnel determine that a person's temperature is above an acceptable limit, that person **WILL NOT BE ALLOWED TO ENTER THE COURTHOUSE**.<sup>1</sup>

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<sup>1</sup> The maximum acceptable temperature is 100.4 degrees Fahrenheit. Any person arriving at the Courthouse with a temperature of 101 degrees Fahrenheit or above will not be allowed to enter the Courthouse. Persons with a temperature measuring 100.5 degrees up to 100.9 degrees will be allowed a brief waiting period to cool down for temperature re-screening.