

FILED IN OPEN COURT

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

This 12th day of August 2020
ELISABETH A. FRENCH B.W.
PRESIDING CIRCUIT JUDGE

TENTH JUDICIAL CIRCUIT OF ALABAMA
ADMINISTRATIVE ORDER NO. AO-2020-47

WHEREAS on May 13, 2020 in Administrative Order No. 7, the Supreme Court of Alabama extended the state of emergency for the Judicial Branch of the State of Alabama. Subject to the provisions of Administrative Order No. 7, the undersigned, as Presiding Judge of the Tenth Judicial Circuit, extended the suspension of in-person hearings until August 15, 2020. Judges were authorized to conduct in-person non-jury court proceedings within their discretion in accordance with the safety guidelines of Administrative Order No. AO 2020-032, which remain in effect.

WHEREAS, the following additional measures are now implemented effective August 17, 2020:

1. Judges retain the discretion to continue use of teleconferencing and Alacourt's Zoom for circuit, district and juvenile courts.
2. All five (5) courthouse entrances (main, CJC, Domestic Relations, Family Court and Bessemer) shall be monitored and screened by security personnel.
3. Spacing parameters have been established and shall be enforced by security personnel.
4. Attorneys shall contact their clients, witnesses and any unrepresented parties prior to all scheduled court appearances, advise them of the requirements contained herein and provide them with a copy of this Order.
5. Counsel and the parties must verify prior to court appearances that neither they nor their witnesses have been diagnosed with or exposed to COVID-19 in the last fourteen (14) days and that none of them cohabitate with anyone who has been exposed to or diagnosed with COVID-19 in the last fourteen (14) days.
6. Counsel and the parties shall be responsible for appropriate facial coverings, gloves (for use in handling any hard copies of exhibits) and hand sanitizer for themselves, their clients and their witnesses at trial.

7. Persons attempting to enter the courthouses without appropriate facial covering will not be allowed to enter and must immediately contact the Judge's chambers. Facial coverings may be provided for those demonstrating indigence.
8. Only four (4) people may be present at any time in all five (5) courthouse elevators (main, CJC, Domestic Relations, Family Court and Bessemer).
9. Any non-party witnesses must remain outside of the courthouse either in their personal vehicles or in another location during the trial. No witnesses may wait in the hallways outside of the courtrooms. When it is time for a non-party witness to testify, the Court may take a break to allow counsel to call the witnesses on the telephone and instruct the witness to enter the courthouse and then the courtroom to testify. As soon as a witness completes his or her testimony, he or she must leave the courthouse.
10. Each courtroom has been marked to maintain a minimum of six (6) feet of separation. Once the courtrooms have reached capacity as determined by each Judge, no persons will be allowed to enter the courtrooms until space becomes available. In the event that hallways become full and persons are not able to maintain six (6) feet of social distancing, no persons will be allowed to enter the courthouse until space becomes available. If an attorney, party, or witness scheduled for a court appearance is denied entry to the courthouse due to space limitations, that attorney or party should immediately contact the Judge's chambers.
11. Attorneys are directed to meet and confer with their clients outside of the courthouse prior to scheduled appearances. Attorneys are also directed to conduct settlement negotiations in advance of in-person hearings.
12. Protective barriers have been established utilizing plexiglass materials in some courtrooms, Clerks' offices and in some chambers. The Courts have requested that the Jefferson County Commission provide plexiglass protective materials in ALL circuit and district courtrooms for Judges requesting same.
13. The Courts have requested that the Jefferson County Commission arrange for deep cleaning and disinfectants of courtrooms and waiting areas to comply with CDC guidelines. Specifically, sanitizing each courtroom, clerk's offices, and all other public areas in all five (5) courthouses (main, CJC, Domestic Relations, Family Court and Bessemer) every week night following the conclusion of in-person hearings and admission of court visitors. Said sanitization must comply with CDC guidelines.

14. The Virtual Court Procedures described in Administrative Order No. AO-2020-32 remain in effect.

Family Court

The number of people in a hearing or trial should be limited to the lowest number necessary to conduct the hearing/trial. This includes the Judge, judicial assistant or court attendant, court reporter, bailiff, other court personnel as needed, parties and their attorneys, Guardian ad Litem, district attorney, probation officer, witnesses (one at a time), and service providers as needed. At the discretion of each Judge, certain trials, including but not limited to Termination of Parental Rights cases and hearings requiring witness testimony, will be held in person effective August 17, 2020. Administrative Order No. AO-2020-46 remains in effect as to Protection from Abuse cases.

Domestic Relations

Cases will be pre-evaluated by each Judge to determine if each hearing or trial may be handled virtually or in-person. In some cases, like Protection from Abuse or other emergency or temporary relief filings matters, pre-screening may not be possible due to the *ex parte* nature of the pleadings.

Criminal Cases

The following priorities are implemented recognizing constitutional and statutory preferences may be raised in specific cases:

1. Oldest criminal case (Defendant in custody)
2. Oldest criminal felony case (Defendant not in custody)
3. Criminal misdemeanor cases (Defendant is not in custody)
4. Municipal Appeal (Defendant is not in custody)

The provisions established in Administrative Order No. AO-2020-29 regarding non-violent felony and misdemeanor bond limits remain in effect until further notice.

The Search Warrant and Bail procedure outlined in Administrative Order No. AO-2020-030 remains in effect until further notice.

**Alabama Board of Pardons and Paroles, UAB Department of Psychiatry and Neurobiology
(formerly TASC) and Jefferson County Sex Offender Unit**

Community Corrections and Probation conditions remain as modified in Administrative Order No. AO 2020-26.

The Substance Abuse Division Phased Re-Opening Plan attached to Administrative Order No. AO-2020-37 remains in effect.

Defendants subject to conditions of the Sex Offender Registration and Notification Act (SORNA) are required to continue reporting to the Jefferson County Sheriff's Jail lobby for additional instructions.

Drug Court

To accommodate the need for social distancing, the lower court room is reserved for use as an over-flow waiting area, with priority given to Grand Jury proceedings and Drug Court. All other uses of the lower courtroom remain suspended.

Proceedings involving symptomatic Jail Inmates

1. The Sheriff's Office is directed to maintain consistent and frequent communication with Judges regarding whether any in-custody Defendants have tested positive for COVID-19.
2. Judges should continue to collaborate with the jail for communicating with inmates through virtual or telephonic means to minimize transport needs. Bailiffs shall transport symptomatic inmates to a designated, secured area, other than the courtroom, where the individuals can be held with proper security, personal protective equipment, and cleaning precautions.

Birmingham Division Clerk's Office

1. Appropriate facial coverings must be worn by the public prior to entering the Clerk's office.
2. To protect the health of the Clerk's office staff and the public, only two members of the public will be allowed in the Clerk's office at a time.
3. Six (6) feet of social distancing shall be observed by all members of the public, attorneys and court personnel at all times in the Clerk's offices.

4. Parties who wish to deliver correspondence and documents to the Clerk's office may utilize the drop box located on the Ground Floor of the main courthouse and outside of each Clerk's office location.

Bessemer Clerk's Office

1. Appropriate facial coverings and gloves will be provided for each employee and are mandatory to wear at all times while in the office.
2. Six (6) feet of social distancing shall be observed by all members of the public, attorneys and court personnel at all times in the Clerk's offices.
3. To protect the integrity and health of the Clerk's office staff, only two members of the public will be allowed in the Clerk's office and lobby areas at a time.
4. The break room on the 2nd Floor located inside of the District Clerk's Office is converted into a Warrant waiting area.
5. Public use of a drop box located outside of each office (Circuit and District) for ALL documents, filings and payments, (all documents date stamped for that day), along with E-filing is encouraged.
6. Magistrates are available on Mondays, Wednesdays and Fridays from 1:30-4:30pm and on an emergency basis. Officers should email their reports to magistrates.

District Attorney's Office (Birmingham Division)

Visitors to the District Attorney's office shall utilize the posted telephone number to contact administrative staff for assistance.

Jury Trials

Unless otherwise directed by this Court, jury trials in the Birmingham and Bessemer divisions remain suspended until November 16, 2020.

DONE AND ORDERED on this the 12th day of August, 2020.



Elisabeth A. French
PRESIDING JUDGE
10TH JUDICIAL CIRCUIT

Via Email Distribution:

Honorable Tom Parker, Chief Justice
Dr. Rich Hobson, Administrative Director of Courts
Julia Jordan Weller, Clerk, Supreme Court of Alabama
All Circuit Judges, Tenth Judicial Circuit
All District Judges, Tenth Judicial Circuit
All Municipal Judges
All Probate Judges
Jacqueline Anderson Smith, Circuit Clerk, Tenth Judicial Circuit
Karen Dunn Burks, Deputy Circuit Clerk, Bessemer Division
Bonita Conley, Court Administrator