

37th Judicial Circuit
Requirements for Safe Operation of the Court
May 18, 2020 – September 13, 2020

In Administrative Order No. 6, the Supreme Court of Alabama extended its State of Emergency for the Judicial Branch of the State of Alabama in response to Governor Ivey's "Safer at Home" Order, which was placed into effect on April 30, 2020, and is set to expire on May 15, 2020. Administrative Order No. 6 extends the suspension of in-person court proceedings and all prior Administrative Orders issued in relation to the COVID-19 pandemic, but authorizes court officials to begin preparing offices and courtrooms for in-person court proceedings that comply with recommendations and requirements of the Safer at Home Order.

To remain in compliance with the above Orders currently in effect, trial courts will continue to conduct hearings by teleconference and videoconference to limit in-person contact, except for the emergent proceedings set forth in prior Administrative Orders. Should circumstances mandate in-person court proceedings, no more than ten persons shall be in any courtroom at a given time, inclusive of the judge, court staff, and court security. If needed, court security will admit persons into the courtroom during court when five of the available seats are empty or as otherwise directed by the court.

These rules shall remain in effect until May 15, 2020, at 5:00pm. All non-emergency, in-person court proceedings currently set between now and May 15, 2020 are to be immediately continued or converted to virtual hearings. The Circuit Clerk has been directed to prepare a spreadsheet displaying all dockets that are currently set between May 6, 2020 and May 15, 2020. All dockets are to be continued immediately unless it fits within the emergency exceptions set forth in prior Orders. Orders for this purpose, including orders converting dockets to virtual hearings, must be filed in the clerk's office by 05/07/2020 and must include the new court date and time(s).

The Alabama Supreme Court entered Administrative Order No. 7 on May 13, 2020. Pursuant to it, beginning May 18, 2020, and extending through July 24, 2020, the following protocols will be placed in effect to prevent the risk of infection and safely conduct business in the Justice Center:

I. Building Protocols & Accommodations to Protect the Health and Safety of All Occupants:

A. Outer Entrance Area of the Justice Center:

- Markers will be placed seven feet apart on the sidewall of the exterior entrance of the Justice Center to indicate safely-distanced areas where individuals or persons who share the same household can wait if they arrive prior to their scheduled court appearance time or until they are otherwise allowed to enter the Justice Center.
- Signs will be posted at the entrance of the Justice Center that state the following:

1. In the interest of public health and safety, **DO NOT** enter the building if in the past 14 days you have recently experienced FEVER, SHORTNESS OF BREATH, FLU-LIKE SYMPTOMS, OR IF YOU HAVE BEEN IN CONTACT WITH ANYONE DIAGNOSED WITH COVID-19.
 2. If you are scheduled to appear in court but are ill and/or exhibit symptoms of COVID-19, please notify a deputy and await further direction.
 3. Anyone entering the Justice Center will be asked to undergo a health screening and will be required to wear a mask while inside the Justice Center.
 4. Anyone entering the Lee County Justice Center acknowledges that the 37th Judicial Circuit/Lee County does not guarantee you will be not be exposed COVID-19/Coronavirus while on the premises and that there is a risk of such exposure by being in any public place. Any person who refuses to submit to the medical protocol and/or refuses to wear a mask while inside the building will not be permitted to enter. Anyone who refuses to comply with these rules or obey the instructions of security or court personnel will be subject to punishment for contempt of court.
- Entry into the Justice Center will be limited to persons needing to visit the Clerk's Office; Court Referral Office ("CRO"); Parole and Probation Office; and parties, attorneys, and necessary witnesses for a court proceeding.
 - It shall be made clear to visitors in advance that admittance into the Justice Center for court proceedings will be at or near the time of a person's scheduled court appearance. In an effort to remain in compliance with social distancing and maximum occupancy mandates, children or visitors who are not parties or necessary witnesses in a court case or whose presence is not required in the Clerk's Office will not be allowed to enter the Justice Center. If a courtroom is at the designated capacity and no properly distanced/marked waiting areas are available in the hallways, parties, even attorneys and witnesses, will be asked to wait outside the Justice Center.

B. Entrance and Common Areas of the Justice Center

- To best organize and monitor occupancy of courtrooms and other gathering places within the Justice Center, the two security stations in the front entry will be separated. One will be used for individuals going to the Clerk's Office, CRO, or Parole/Probation Office and the other used for individuals entering to attend court proceedings.. Each person will be asked by designated personnel to submit to a temperature check and answer the following 3 screening questions:
 - In the past 14 days, have you
 - 1. Been coughing?
 - 2. Experienced shortness of breath?
 - 3. Had contact with anyone diagnosed with COVID?
- Upon satisfactory completion of the health screening, visitors who do not already have a face mask will be issued one. Face masks are required to be worn while in the building. However, a judge may ask an individual to remove his/her mask when appearing before the Court.

- Visitors will be encouraged to use hand sanitizer located at the entry of each courtroom and at various stations throughout the building. If hand sanitizer is not available, visitors will be directed to the restroom to wash their hands.
- Markings will be clearly visible in all hallways that comply with social distancing requirements, and visitors will be required to maintain the designated separation (except those who share the same household) and wear a facemask.
- No one will be allowed in the Justice Center hallways except for witnesses present for a case currently being heard in a courtroom or to visit the CRO office or parole/probation office pursuant to an appointment. Designated seats that comply with social distancing requirements will be strategically placed in the hallways for witnesses or parties waiting to be called into the courtroom.
- Elevators may only be used by one person at a time. (Signs will be placed at each elevator)
- Public restrooms may be used by no more than two people at a time. (Signs will be placed at the entry door of each restroom).

C. Clerk's Office:

- The Clerk's Office shall take appropriate measures to designate locations within the lobby where visitors can stand in compliance with social distancing regulations. To prevent visitors from coming into close contact, the door closest to the building's main entrance will be the entry door and the door farthest from said entrance will be the exit door.
- Court Security will assist in assessing maximum occupancy of the Clerk's Office lobby to manage the flow of visitors entering the building for the Clerk's Office.

D. Court Referral Office:

- One person will be permitted to enter the CRO office suite at a time. CRO officers are strongly encouraged to see clients through the glass window in the office but may use their discretion in individual cases. Those clients shall also be informed in advance not to come to the Justice Center until just before their scheduled appointment. If a client has to wait to be seen he or she will remain outside the building entrance in a place permitted by security personnel, until summoned.

E. Parole/Probation Office

- The parole/probation office will resume in-person visits beginning June 2, 2020. Between June 2, 2020, and June 5, 2020, officers will meet with a large number of clients –

approximately 160 spread out, over the day, each of those four days. These visits will all take place outside the building. Thereafter, one officer each day will see approximately 15 clients having an appointment, spread throughout the day.

- The parole/probation office and court security shall coordinate the process by which clients are admitted into the building and directed down the hall to the parole/probation office.

II. Courtroom Protocols & Accommodations to Protect the Health and Safety of All Occupants:

- Beginning May 18, 2020 at 8:00am (or when the above guidelines are amended) and extending until July 24, 2020, each courtroom's maximum capacity as clarified by regulations will be determined by parameters defined by the law and will be clearly posted at the entrance to and inside of each courtroom.
- Each courtroom will have designated seating/standing areas for attorneys and clients. Seating in the gallery will be clearly designated in compliance with social distancing requirements.

III. Docket Protocols:

- From May 18, 2020 until July 24, 2020, the court must consider both the maximum number of persons allowed in each courtroom and other dockets set at the same time for other courts to determine the number of cases set on each docket. Dockets should be spread out in increments of time to reduce wait times and the number of people outside and inside the Justice Center at any given time. Consideration is to be given to witnesses required for the type of case to set. The safe seating in each courtroom has been established by court security. Judges shall not permit more than this number of people (excluding court personnel) to be scheduled for a court appearance every thirty minutes.
- Any hearings/dockets scheduled between May 18, 2020 and July 24, 2020, that do not meet the above requirements must be modified to comply. This will require new court settings and notices to be issued to all parties. The Clerk is to prepare a spreadsheet of all dockets currently set for each judge to assist him in assessing occupancy issues on any given day to determine which dockets to modify in increments of time or continue altogether. Orders to modify or continue currently set dockets shall be provided to the Clerk's office no fewer than ten days prior to the hearing/docket date. If for some reason notice is not given the Clerk ten days ahead of time, the office staff of the notifying Court shall assist the Clerk, as directed by her, in getting notice out.
- Court administrator Patricia Campbell is designated the courtroom clearinghouse coordinator. She shall be given notice of all hearings being set in each courtroom and will maintain a master list indicating when each courtroom is in use each hour of each day. She shall instruct the various court staffs how she wishes to be notified of this. She and the judges should work together in order to arrive at creative ways to allocate courtrooms in order to maximize efficiency and safety.


- Judges who have adjoining courtrooms are encouraged to communicate and plan to stagger hearing/docket dates and times. Dockets held simultaneously and/or which require multiple attendees could result in the hallways and common areas being congested in violation of safe occupancy laws as well as create confusion.
- Offices arranging for people to enter the Justice Center shall be conscious not just of congestion in courtrooms or offices, but in hallways, the building doorway, and parking lot. Court security shall manage the manner in which people approaching the building will be permitted to leave their cars, wait by the doors, enter the building, and the like. The various offices and court security will, of course, work together, but court security will be deferred to in matters concerning the parking lot and building entrances.
- JUDGES ARE ENCOURAGED TO CONTINUE TO CONDUCT REMOTE/VIRTUAL HEARINGS/DOCKETS.

IV. Employee Protocols:

- All employees who work inside the Justice Center will be required to wear a mask inside the building when they are outside their designated work station.
- All employees are encouraged to practice frequent hand washing.
- Officials are encouraged to develop protocols within each office that comply with “best practices” set out by the CDC and Governor Ivey.

The 37th Judicial Circuit will comply with the requirements as outlined above in a cooperative effort and spirit to help reduce, as best as possible, the spread of the COVID-19/Coronavirus. However, despite the best efforts of the officials, deputies, and court staff, there is no guarantee that persons will not come into contact with the virus while conducting business at the Lee County Justice Center.

Signed this the 14th Day of May, 2020



Presiding Circuit Judge Christopher J. Hughes