

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

ADMINISTRATIVE ORDER – SHELBY COUNTY COURTHOUSE (18th
Judicial Circuit) - In-Person Judicial Proceedings During Phase Two

To minimize the risk of potential harm posed by COVID-19 to the health and safety of the public and to court staff during in-person judicial proceedings and in accordance with the Administrative Order of the Supreme Court of Alabama dated May 13, 2020, and Governor Ivey's Safer at Home Order, the court finds it necessary to adopt the following procedures for use during Phase Two of the transition to normal court operations. Pursuant to the Supreme Court's Order entered this date, granting this court the authority to make decisions regarding the safety and welfare of all court personnel in all courts within the circuit and to protect court employees and other individuals accessing all courts within the circuit, the court has consulted with the judges of this judicial circuit, the Shelby County Sheriff, the Shelby County Manager, the Alabama Department of Health, the District Attorney, the Public Defender, the Circuit Clerk and the Chief Juvenile Probation Officer, and hereby ORDERS as follows:

Phase Two – Resumption of In-Person Hearings

The Courts and all State and County offices in the Shelby County Courthouse shall remain OPEN and continue to maintain regular business operations, but the courthouse facility shall remain CLOSED to the public until Tuesday, June 2, 2020.

Beginning Tuesday, June 2, 2020, the Shelby County Courthouse will be OPEN to the public, with LIMITED ACCESS during Phase Two of the resumption of in-person hearings. For the protection of the public and court staff, each person seeking access to the courthouse during Phase Two of the transition to normal court operations shall be checked for fever using a non-

invasive thermal scanner prior to entry. The thermal scanner shall be operated by a court deputy or other person designated by the presiding judge of this judicial circuit. Anyone attempting to enter the courthouse who exhibits signs of a respiratory infection, such as a cough or shortness of breath or who has a temperature of 100.4 degrees Fahrenheit or higher or who has been instructed by a medical provider to self-quarantine due to a positive test for, or possible exposure to, the coronavirus will be denied entry into the courthouse.

Procedure When Access Denied to Courthouse. When an individual seeking entry to the courthouse for a trial, hearing or call docket is denied entry pursuant to the forgoing criteria, a court deputy shall immediately inform the judge presiding over the court proceeding and the judge shall determine whether, and under what conditions, the individual should be allowed to enter. If entry is not permitted due to the presumptive 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.

When a presumptively ill individual seeks entry to the courthouse for any purpose other than attendance at a trial, hearing or call docket, a court deputy shall immediately inform the department head (or his or her designee) of the office to which entry is sought, who shall determine the manner in which some accommodation can be made that will not endanger the health and safety of others.

Individuals Permitted Entry To Courtrooms During Phase Two

During Phase Two, when the number of individuals who are allowed to assemble in a courtroom is restricted to permit compliance with social distancing and other requirements of

Governor Ivey's Safer at Home Order, access to courtrooms shall be limited to judges and court employees, plus an additional 15 individuals per courtroom, with the following exceptions:

10 individuals for courtrooms #1B, #2A, #2C,

8 individuals for #1A and #3A, and

6 individuals for #2B.

Access to the courtrooms and judicial areas shall be prioritized as follows:

- (1) Individuals who are parties to a case that is set for hearing or trial on the date and time entry is sought and their counsel of record,
- (2) 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,
- (3) Witnesses who have been subpoenaed for a trial or hearing on the date and time entry is sought,
- (4) Victims in criminal cases entitled to attend a court proceeding by statute,
- (5) An employee of the Alabama Department of Human Resources having a case set for hearing on the date and time entry is sought,
- (6) Members of the public and media desiring entry to view court proceedings that are historically open to the public.

Individuals who are merely providing transportation to the courthouse shall remain in their vehicle or at some other location rather than attempt to enter the courthouse.

Ingress and Egress to the Courthouse

The courthouse will be open to authorized members of the public from 8:00 a.m. to 4:30 p.m. The public may only enter the courthouse through the back entrance, immediately adjacent

to the parking lot. The back entrance doors will remain open for ENTRY ONLY and will be the only entry point into the courthouse for the public.

Employees. All courthouse employees who have been issued a courthouse access swipe card shall be checked for fever using a non-invasive thermal scanner prior to entry. The thermal scanner shall be operated by a court deputy or other person designated by the presiding judge of this judicial circuit. Such employees may only enter the courthouse through one of the following designated areas:

- 1) Private entrance ramp near Probate Office from 7:30 a.m.- 8:30 a.m., or
- 2) Private entrance in the space commonly known as the transport area from 7:30a.m.- 8:30a.m., or
- 3) Back entrance from 7:30 a.m.-4:30 p.m. Courthouse employees who have been issued a courthouse access swipe card and law enforcement officers shall proceed through a line separate from the public established by court deputies. This is the only entrance point for any employee arriving after 8:30 a.m.

Employees may not enter the courthouse through any other points of entry, however, they may exit through any location they choose.

The front door of the courthouse, directly adjacent to Main Street, will remain open for EXIT ONLY, and will be manned by deputies who will facilitate exit from, and prevent entry into, the courthouse. This is the only exit for the public, absent emergency circumstances.

Guidelines for Individuals Appearing in Courtrooms and Court Clerk Areas

Any member of the public wishing to enter one of the courtrooms shall present a copy of his or her court notice or subpoena, if available, to a court deputy at the time of entry. That

individual shall be given a color-coded decal to affix to his or her shirt above the heart at the time of entry that corresponds to a particular courtroom, according to the following:

Courtroom 1A - Green

Courtroom 1B - Grey

Courtroom 2A - Pink

Courtroom 2B - Orange

Courtroom 2C - Blue

Courtroom 2D - Red

Courtroom 2E - White

Courtroom 3A - Brown

Courtroom 3B - Yellow

Courtroom 5 - Black

Court deputies shall keep a record of each person entering a courtroom area, and when the number of people allowed entry equals the maximum number permitted for a courtroom area, no other individual seeking entry to that courtroom area shall be allowed entry to the courthouse until a person with a like colored circular decal has exited the courthouse.

Courthouse Entry. If an individual's entry is premature or the occupancy limit for his or her destination has been reached, court deputies shall obtain the individual's name and cell phone number and instruct him or her to wait in a vehicle or other location until called to return to the screening area.

Court Clerk's Judicial Space. Only 10 people shall be allowed into the courthouse to see a court clerk or magistrate at any one time. Those individuals wishing to see a court clerk or magistrate shall be given a purple circular decal upon entry to the courthouse, which the person

shall affix to his or her shirt above the heart and wear until exiting the courthouse. A designated court deputy shall keep a record of each person entering to visit a court clerk or magistrate and when the number of people allowed entry equals the maximum number permitted for the court clerk's area, no other individual seeking entry to visit the court clerk area shall be allowed entry to the courthouse until a person with a purple circular decal has first exited the courthouse.

Probate Court Judicial and Recording Areas. Only 10 people shall be allowed into the courthouse to see a judicial intake clerk or recording clerk at any one time. Those individuals wishing to see a judicial intake clerk or recording clerk shall be given a pink circular decal upon entry to the courthouse, which the person shall affix to his or her shirt above the heart and wear until exiting the courthouse. A designated court deputy shall keep a record of each person entering to visit a judicial intake clerk or recording clerk and when the number of people allowed entry equals the maximum number permitted for the probate area, no other individual seeking entry to visit the probate area shall be allowed entry to the courthouse until a person with a pink circular decal has first exited the courthouse.

Social Distancing. All individuals entering the courthouse shall consistently maintain a social distance of at least six feet between individuals, as recommended by the Centers for Disease Control and as ordered by the Alabama Supreme Court. Individuals who reside in the same household are not required to maintain social distance among themselves, but shall maintain social distance of at least six feet from any individual not residing in that same household.

Personal Protective Equipment. All court clerks and judicial employees shall be provided masks, disposable gloves and sanitizer. Masks shall be worn by all court clerks and judicial employees during any in-person interaction with the public unless separation by plexiglass or other clear screen is present, and may be worn at any other times. Plexiglass or other clear screens shall

be erected at all court clerk payment and filing counters, magistrate interview rooms and similar locations to provide a clear barrier between judicial employees and members of the public and law enforcement availing themselves of any judicial service requiring in-person interaction with a court clerk or judicial employee. To the extent practicable, plexiglass or other similar barrier shall be erected around each court clerk's workstation of a sufficient height and width to prevent or inhibit transmission of the COVID-19 virus. Each judge may determine whether it is practicable or desirable to erect plexiglass or other clear screens in his or her courtroom

Subpoenas and Court Notices. All court notices, summons or subpoena shall include the date, time, name of the judge presiding over the case and courtroom number, and shall also include an instruction for the individual receiving the court notice, summons or subpoena to bring the document with them to the judicial proceeding to show court deputies when seeking entry to the courthouse. Individuals having a case set on a court docket may not be permitted entry into a courtroom until the time designated on his or her court notice. Notwithstanding the foregoing, if an individual appears for a court proceeding at the time designated in his or her summons or court notice, and a court hearing immediately preceding it has not yet concluded, court deputies shall not permit entry into the courtroom until the courtroom has been cleared. It shall be the responsibility of each judge's judicial assistant to notify the court deputies if a trial, hearing or docket call extends beyond its designated time.

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

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. Tape shall be placed at one foot intervals on all courtroom bench seating areas to denote safe seating distances and signs

shall be placed at the entrance to each courtroom instructing individuals to sit with at least six intervals between individuals and/or family units so social distance is maintained. Typically, this will permit a court bench to be occupied only by two individuals/family units seated near each end of a bench so that social distancing rules are not violated when a person is leaving his or her seat. As individuals residing in the same household are not subject to the social distancing requirements as to each other, they may sit closer together if they choose, but must still maintain a social distance of at least six from other individuals/family units. Further, before court proceedings commence, court deputies assigned to assist with crowd control in each courtroom shall periodically announce that individuals must remain at least six feet apart from other individuals who are not residing together in the same household and explain the purpose of the social distancing markers being used.

Violations of Social Distancing Rules. It shall be the responsibility of each deputy assigned to a courtroom to remind those in attendance of the social distancing protocols mandated by court order and, if necessary, report violations of the order to the appropriate judge. 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, individuals shall not loiter about the courthouse after concluding court business, and shall leave the premises immediately upon conclusion of that business.

Masks/Face Coverings. It is *recommended* and *strongly encouraged* that any individual entering the courthouse wear a mask/face covering for his or her own protection and for the protection of others. Masks shall be worn by any individuals involved with a judicial proceeding if directed to do so by the judge presiding over the proceeding. Masks worn in court proceedings shall not contain writing or any image that would be inappropriate for a courtroom setting. If an

individual is wearing a mask inside the courthouse, the court or deputies may require that the mask be temporarily removed:

- (1) For identification purposes,
- (2) If the mask substantially interferes with the ability of the judge, parties, lawyers, court reporter, or deputies to understand the individual, or
- (3) If wearing the mask prevents an authorized recording device from accurately recording what is being said by an individual who is speaking.

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 shall 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 established herein. To avoid needless trial delays, all “on call” witnesses should be contacted by phone call or text message sufficiently in advance of their testimony to allow them to arrive shortly before his or her testimony is needed. Where feasible, the witnesses should remain in their vehicles until notified that 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, counsel may request a brief recess to communicate confidentially with his or her client in a nearby private conference room.

Exhibits. Disposable gloves shall be 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. Nothing in this order shall prohibit a judge of this circuit from imposing additional regulations regarding the safe handling of exhibits in his or her courtroom.

Jury Trials and Large Docket Calls.

No jury trials will be conducted during Phase Two, as the Supreme Court of Alabama has suspended jury trials until September 14, 2020. Further, any docket calls in which more than the capacity limit established herein (exclusive of judges and necessary court employees) will be present in a courtroom at any one time shall not be held. However, dockets may 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. To minimize the number of individuals required to appear at the courthouse during any given day during Phase Two, the judges of this circuit have agreed to only conduct in-person hearings on the days listed below:

<u>Monday</u>	<u>Tuesday</u>	<u>Wednesday</u>	<u>Thursday</u>	<u>Friday</u>
Bostick	Alvis	Alvis	Bostick	Crowson
Crowson	Bostick	Boyd	Boyd	Joiner
Kennedy	Boyd	Kennedy	Crowson	Kennedy
Kramer	Moore	Kramer	Moore	Kramer

On the days the judges are not conducting in-person hearings they will conduct virtual hearings and otherwise tend to the duties of their respective offices.

Cleaning Requirements

Frequently touched surfaces including, but not limited to, courtroom benches, tables, doorknobs, light switches, seats, witness stands, computers keyboards, countertops at the court clerk's filing and payment window, tables, chairs, and all surfaces frequently touched in judicial areas shall be sanitized by cleaning staff or court staff at regular intervals throughout the day. At a minimum, each courtroom shall be sanitized according to CDC recommendations at the conclusion of each court proceeding and before individuals involved with the next proceeding are allowed entry into the courtroom. 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 over the age of 65 years of age, or who has an underlying health condition that makes him or her more susceptible to COVID-19, or who is otherwise classified as a "vulnerable person" or subject to quarantine under the Safer at Home Order entered by Governor Ivey, may file a request to appear using video conference technology that has been approved by the court, which may grant or deny the request. The testimony of the person appearing by use of video conference technology may be considered by the court pursuant to an 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 that is filled to the maximum capacity allowed by this order may wait in line outside the courthouse in an area designated for members

of the public wanting access to a judicial proceeding, subject to the provisions of this order. As a member of the public who is not a participant in the judicial proceeding leaves the courtroom, a member of the public in the waiting area shall be permitted to enter the courtroom according to his or her placement in the line.

Circuit Clerk's Office

No person shall enter the offices of the Circuit Clerk except as expressly authorized by the Circuit 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 plexiglass or other clear screen separating the clerk or magistrate from another individual, the meeting shall occur in a room designated for that purpose. 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.

Waiting Area Adjacent to Clerk's Filing Windows. Implementation of the color code system established herein should prevent the number of people waiting to see a court clerk from

exceeding the maximum allowed for the area. However, if the number of people in the waiting area established for individuals wishing to file legal documents, make payments or to request information from the clerk should exceed the maximum occupancy allowed for the area, court deputies shall obtain the name and cell phone number of each individual whose entry has caused the maximum occupancy violation and instruct each individual to wait in his or her vehicle or other location until called to return to the court clerk's court filing and payment waiting area. As additional space becomes available in the waiting area, the deputy or other designated person shall call each individual on the list in the order the person initially appeared and inform the person he or she may return to the waiting area.

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 should 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 set out in this court's Administrative Order – Virtual Court Hearings entered April 6, 2020, and the judge presiding over the case approves the request.

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 courthouse, except for individuals residing in the same home. Individuals residing in the same household shall maintain social distance of at least six feet from any individual not residing in that same household. Failure to abide by these requirements may be subject to the courts' contempt powers." Social distancing signs reminding individuals to maintain a distance of at least six feet from others shall also be posted at regular intervals in the hallways adjacent to the courtrooms, inside the courtrooms, and in the public spaces near the court clerk's area.

Resumption of All Court-Order Random Drug and Alcohol Screens

Any person previously ordered by a judge of this circuit to submit to random drug and alcohol screens as a condition of release or probation in a criminal case shall resume such screening on Tuesday, June 2, 2020. The suspension on such screens shall be LIFTED as of June 2, 2020.

Any provision of any administrative order previously entered by this court not in conflict with the provisions established herein remain in full force and effect. The Clerk of Court shall spread a copy of this order among the minutes of the court, post a copy of this order on her official website, <https://18jc.alacourt.gov/index.aspx>, and provide a copy of this order to the Alabama Administrative Office of Courts.

DONE and ORDERED this the 13th day of May, 2020.

/s/ William H. Bostick, III
Presiding Circuit Judge
18th Judicial Circuit
State of Alabama