

**THIRTEENTH JUDICIAL CIRCUIT
ADMINISTRATIVE ORDER 2020-02
COURT OPERATIONS DURING COVID-19 PANDEMIC
(6/12/20)**

On March 13, 2020, after the President of the United States declared a national emergency and the Governor of Alabama declared a state of emergency, the Alabama Supreme Court entered an administrative order suspending all in-person proceedings in all state and local courts in Alabama with limited exceptions. On May 13, 2020, the Alabama Supreme Court entered an administrative order authorizing in-person proceedings to resume in circuit courts, district courts, juvenile courts, municipal courts and probate courts: (1) subject to the approval of the Presiding Circuit Judge of each circuit, and (2) subject to the provisions of the supreme court's May 13, 2020 order. On May 15, 2020, this Court entered an interim order keeping in place the suspension of in-person proceedings.

In the May 15, 2020 order, the Court noted that Mobile County had the highest number of Covid-19 cases and deaths in Alabama. Unfortunately, that is still the situation today. The Court also noted in its May 15, 2020 order that the Government Plaza Courthouse presents a unique challenge to the many courts operating therein to handle heavy caseloads during a pandemic. Accordingly, on June 8, 2020, the Mobile County Commission passed a resolution designating the Mobile Civic Center as an annex to the Government Plaza Courthouse (collectively referred to herein as the "Courthouse").

As set out herein, the Court is adopting a phased approach to returning the Thirteenth Judicial Circuit to full capacity. This approach is modeled after the orders and guidelines established by the Michigan Supreme Court for the trial courts in Michigan. Essentially, the Court will increase or decrease the matters handled in the Courthouse, as dictated by certain Covid-19 benchmarks which will be set in consultation with local health officials after review of local public health data.

A review will be conducted every sixty (60) days to determine whether local Covid-19 data supports allowing the courts in Mobile County to increase activity and move to the next phase. If at any time local Covid-19 data indicates that court operations should be decreased, the Court may enter an immediate order to reduce activity and retreat to a lower phase of operations.

The local public health data to be monitored is the following: (1) confirmed positive tests of persons working in (or who visited) the courthouse, (2) the 14-day trajectory of documented cases of Covid-19, (3) the trajectory of positive tests as a

percent of total tests within a 14-day period, and (4) hospitalizations, specifically a determination whether the ICU capacity at local hospitals is stressed.

Phase One is the starting point for court operations. In Phase One, the courts handle only constitutionally-mandated or emergency matters in-person to the extent the matters cannot be handled remotely. To proceed to a next phase, the following criteria must be satisfied:

- A. Covid-19 Cases in Courthouse. No Covid-19 cases confirmed (or strongly suspected) in the Courthouse within a 14-day period, unless tracing and quarantining have contained the likely spread from the cases *and* deep cleaning has been performed in the areas likely touched or accessed by the infected persons.
- B. Community Spread of Covid-19. There is a downward trajectory of documented cases within a 14-day period, or there is a downward trajectory of positive tests as a percent of total tests within a 14-day period.
- C. Health System Capacity. Local hospitals ICU systems/beds are not stressed.

The subsequent phases gradually increase in-person proceedings and activities until reaching Phase Five, which is normal operations.

PHASE ONE

1. In-person proceedings limited to essential functions that cannot be conducted remotely, and no more than ten (10) persons in court, not including staff.
2. No jail inmates in court.
3. No jury trials.
4. Videoconferencing/teleconferencing required unless the matter is essential and cannot be conducted remotely.
5. A pay window may be opened on the first floor of the Courthouse provided the mitigation measures in Appendix "A" are followed and enforced.
6. Courthouse staff is to work from home and stay at home to the greatest extent possible. Accommodations should be made for persons to telework if they

are particularly vulnerable to severe consequences from contracting the Covid-19 virus. Such accommodations should 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.

7. All persons entering the Courthouse for Courthouse business or proceedings, including attorneys, parties, witnesses, members of the public, court officers, clerks, employees, judges and staff, shall comply with the “Measures to Mitigate the Spread of Covid-19” appended hereto as Appendix “A.”

PHASE TWO

1. In-person proceedings permitted, but no more than ten (10) persons in court, not including staff.
2. No jail inmates in court.
3. No jury trials.
4. Videoconferencing/teleconferencing is strongly encouraged and in-person proceedings should be limited to those matters which cannot be conducted remotely in an efficient and practicable manner.
5. A pay window may be opened on the first floor of the Courthouse provided the mitigation measures in Appendix “A” are followed and enforced.
6. Courthouse staffing should be kept to a minimum, and employees should minimize personal travel. Accommodations should be made for persons to telework if they are particularly vulnerable to severe consequences from contracting the Covid-19 virus. Such accommodations should 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.

7. All persons entering the Courthouse for Courthouse business or proceedings, including attorneys, parties, witnesses, members of the public, court officers, clerks, employees, judges and staff, shall comply with the “Measures to Mitigate the Spread of Covid-19” appended hereto as Appendix “A.”

PHASE THREE

1. In-person proceedings permitted, but social distancing requirements must be followed at all times. For most courtrooms, this means than 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, clerks, employees, judges and staff, shall comply with the “Measures to Mitigate the Spread of Covid-19” appended hereto as Appendix “A,” except that judges are granted the discretion to allow for the temporary removal of masks during certain courtroom proceedings (e.g., a testifying witness, an attorney examining a witness, a judge speaking behind plexiglass) to the extent that the required social distancing can be maintained and said temporary removal otherwise can be done safely).

PHASE FOUR

1. In-person proceedings permitted, but the latest social distancing requirements must be followed at all times.
2. Jail inmates allowed in court, but 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 encouraged if appropriate, efficient and practicable.
6. Pay windows may be opened above the first floor, although using pay windows on the first floor of the Courthouse is strongly encouraged.
7. All staff to return to Courthouse, but the staff must be able to maintain social distancing standards. Teleworking is still encouraged when it is feasible and

practicable. 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.

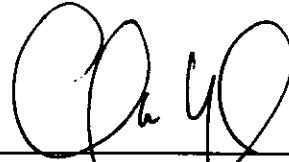
8. All persons entering the Courthouse for Courthouse business or proceedings, including attorneys, parties, witnesses, members of the public, court officers, clerks, employees, judges and staff, shall comply with items 1-8 of the “Measures to Mitigate the Spread of Covid-19” appended hereto as Appendix “A.” Items 9-10 concerning the wearing of masks are modified as follows: masks are required in public places (e.g., elevators) and courtrooms to the extent that the required social distancing cannot be maintained or as otherwise required by judges. Item 12 concerning temperature screening is deleted from the “Measures to Mitigate the Spread of Covid-19.”

PHASE FIVE

1. Return to normal operations.

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

Done this 12th day of June 2020



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**.¹

¹ 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.