

**THIRTEENTH JUDICIAL CIRCUIT
ADMINISTRATIVE ORDER
COURT OPERATIONS DURING COVID-19 PANDEMIC
(5/15/20)**

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.

As set out below in this interim order, the Court is not approving a blanket resumption of in-person hearings at this time. The Court is working on a comprehensive administrative order which will establish a phased approach to returning the courts to full capacity. This approach will involve meeting certain benchmarks which will be set in consultation with local health officials after review of local public health data. In-person proceedings will be expanded with diligent regard for health and safety practices as determined in consultation with local health officials.

A review of the county-by-county COVID-19 cases and deaths in Alabama shows that Mobile County is the unfortunate leader in both categories, although it is not the most populous county in the state. The Government Plaza Courthouse ("Courthouse") is a ten-story building which houses courtrooms for ten circuit judges, four district judges and several municipal judges. The building has four public elevators to service the caseload in those courtrooms. A recent weighted caseload study shows that Mobile County judges handle the second highest caseload in Alabama, and during a typical pre-COVID-19 docket a single district court judge might have over a hundred persons entering his courtroom. To comply with the current social distancing standard of maintaining a minimum of six feet of separation between each person, the same district judge could accommodate only about twenty-five persons in his courtroom at a time.

Consequently, after conferring with the judges and stakeholders, the Court has determined it is inappropriate at this time for the judges housed in the Courthouse to recommence all in-person hearings. The Court has also determined that it is inappropriate at this time to recommence all in-person hearings at the Strickland

Youth Center, another very crowded and busy facility. Instead, the Court is continuing the suspension of in-person hearings in the Courthouse and Strickland Youth Center through June 12, 2020, subject to the following exceptions:

1. Bond-related matters and plea agreements for incarcerated individuals.
2. Arraignments, preliminary hearings and bench trials for incarcerated individuals.
3. Proceedings related to Protection from Abuse cases.
4. Proceedings related to emergency child custody, visitation matters and/or child protection.
5. Proceedings related to emergency matters for pendent lite financial relief in domestic relations cases.
6. Divorce trials where the parties are the only witnesses.
7. Other proceedings in domestic relations cases which require an immediate hearing, and for which a virtual hearing is impractical or unavailable, as specifically determined by the assigned judge.
8. Proceedings related to petitions for temporary injunctive relief.
9. Proceedings related to emergency mental health orders.
10. Proceedings related to emergency protection of elderly or vulnerable persons.
11. Proceedings directly related to the COVID-19 public health emergency.
12. Any emergent proceeding as needed by law enforcement.

The Court's May 1, 2020 Administrative Order closing the Clerk's payment window is not extended beyond May 15, 2020, and a pay window may be opened provided the window is on the first floor of the Courthouse and the mitigation measures outlined below are followed and enforced.

In accordance with the Alabama Supreme Court's administrative orders, the continued use and expansion of video conference hearings is strongly encouraged, and in-person hearings should be limited to those excepted matters which cannot be conducted remotely in an efficient and practicable manner.

In accordance with the Alabama Supreme Court's May 13, 2020 order, "jury trials" in Mobile County are suspended until September 14, 2020.

The Alabama Supreme Court's May 13, 2020 order made the commencement of in-person hearings in the Mobile County Probate Court subject to this Court's approval. After meeting with Probate Judge Don Davis, and reviewing the "General Order" issued by Judge Davis concerning the procedures he intends to follow to protect against the spread of COVID-19, the Court is satisfied

that in-person hearings may resume immediately in the Mobile County Probate Court.

The Alabama Supreme Court's May 13, 2020 order also made the re-commencement of in-person hearings in the municipal courts subject to this Court's approval. The courts for the City of Mobile operate mostly out of the Courthouse, and this Order continuing the suspension of in-person hearings is applicable to the City of Mobile courts operating out of the Courthouse. 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 finds that the municipal judges in those cities are in a better position than this Court to determine the propriety of continuing the suspension of in-person hearings in their respective courtrooms/courthouses. Accordingly, the Court grants said municipal judges the authority for making the determination when in-person hearings will resume in their respective courtrooms/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 below.

MEASURES TO MITIGATE THE SPREAD OF COVID-19

This Administrative Order supersedes the March 13, 2020 COVID-19 Response Plan for Mobile County Courts. In accordance with the State of Alabama emergency decrees, the orders entered by the Alabama Supreme Court, and the orders entered by this Court relating to the COVID-19 pandemic, and to mitigate the spread of the COVID-19 virus in Mobile County Courts, the following measures are being implemented immediately:

1. The guidelines of the United States Centers for Disease Control and Prevention, including the social distancing standard of maintaining a minimum of six feet of separation between each person, shall be utilized within the Courthouse and courtrooms at all times. Individual judges will schedule their dockets to accommodate such spacing parameters.
2. Entrance to the Courthouse will be monitored and screened by security personnel. Spacing parameters for the wait line have been established and will be enforced by security 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.

2. Attorneys are to contact their clients, witnesses and any unrepresented parties BEFORE a scheduled court hearing and provide them with a copy of this Revised COVID-19 Response Plan.
3. 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.
4. All attorneys and parties shall wear a face mask or covering upon entering the Courthouse and continuously wear said face mask or covering until departure from the Courthouse.
5. All attorneys and parties are directed to instruct their witnesses (subpoenaed or voluntary) that said persons shall wear a face mask or covering upon entering the Courthouse and continuously wear said face mask or covering until departure from the Courthouse.
6. Persons attempting to enter the Courthouse without a face mask or covering 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).
7. As soon as temperature screening equipment is procured and available, temperature screening will also 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.


8. Only four people may be present at a time in an elevator.
9. As soon as hand sanitizer dispensers are procured, installed and available, all persons entering the Courthouse shall utilize hand sanitizer upon entry into the Courthouse and again prior to entry into the courtrooms of the Courthouse.
10. In each courtroom, to maintain a minimum of six feet of separation between each person, there will be designated, marked places for attorneys, parties and witnesses to sit or stand. When those places are filled, no one else may enter the courtroom until a place becomes available.
11. In the hallway outside each courtroom, to maintain a minimum of six feet of separation between each person, there will be designated, marked places for attorneys, parties and witnesses to sit or stand. When those places are filled, no one else may enter the hallway until a place becomes available.
12. 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, marked places for attorneys, parties and witnesses to sit or stand. When the places within a staging area are filled, no one else may enter that staging area until a place becomes available.
13. Once the courtrooms, hallways and staging areas are full, no persons will be allowed to enter the Courthouse until space becomes available.
14. If an attorney due in court for a scheduled hearing is denied entry into the Courthouse due to space limitations, the attorney should contact and alert the staff of the judge handling the trial, hearing or other proceeding.
15. If a party due in court for a scheduled hearing 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 trial, hearing or other proceeding.
16. If a witness due in court for a scheduled hearing 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.

17. 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 hearings. 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.

Anyone not complying with the requirements of this administrative 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 15th day of May 2020



MICHAEL A. YOUNGPETER
Presiding Circuit Judge