

Ronald M. Adams, Clerk of Court, Glynn County



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MEMORANDUM

TO: BJC Sheriff's Offices
BJC Juvenile Court Judges
BJC ADR Office
BJC Clerks of Superior Court
BJC Official Court Reporters
BJC Bar Associations

FROM: BJC Superior Court Judges

DATE: May 15, 2020

RE: **COURT PROCEEDINGS DURING COVID-19**

FILED
CLERK'S OFFICE
2020 MAY 15 P 3:52
Ronald M. Adams
CLERK SUPERIOR COURT

In accordance with the Governor's Declaration of a State of Emergency and the Chief Justice's Order Extending Declaration of Statewide Judicial Emergency, the Brunswick Judicial Circuit ("BJC") Superior Court Judges will handle matters to the extent feasible and consistent with said Declarations, public-health guidance, and the Constitutions of the United States and the State of Georgia. The procedures set forth herein shall remain in effect until further notice.

We ask for your patience as we navigate this new landscape. This memorandum represents a work in progress, subject to change as we receive further instruction from the Supreme Court, as well as from State and local government. As we move forward, we will inevitably learn what is working and what is not working, and we will take that into account as we continually assess how to most effectively serve this community.

Beginning May 18, 2020, to the extent possible, non-jury court proceedings shall take place virtually via WebEx, which can be downloaded at no cost to a computer, tablet, or smartphone. All courthouses and courtrooms in the circuit remain open to the public during this time, however the public is encouraged to stay home unless they have business at the courthouse. Where available, and to accommodate the public, the Court has set up remote video monitors in the jury assembly room of some courthouses so that the public may observe proceedings taking place inside the courtroom.

For those hearings which cannot take place virtually via WebEx and must therefore take place in-person in the courtroom, the Superior Courts of the BJC have adopted a Covid-19 Operating Plan, which is being published contemporaneously herewith.

1. NON-JURY CIVIL AND NON-JURY DOMESTIC CASES

Beginning May 18, 2020, the BJC Superior Court Judges will recommence holding civil non-jury hearings and domestic chambers calendars, following the procedures set forth below:

- *Uncontested Cases.*
In the event a case or issue is uncontested or resolved, and the parties are able to reach a resolution before the date the case is scheduled to come before the Court, the parties shall so advise the Clerk's Office (so it can mark its calendar accordingly) and shall send a copy of the pleadings, as well as proposed order(s), to the office of the Judge assigned to the case for entry. In this instance, neither the parties nor counsel need to appear in court on the scheduled chambers calendar date.
- *Pro Se Parties.*
If the parties to a case are *pro se*, they are to appear in court on the scheduled calendar date. In domestic cases, the *Pro Hac* Juvenile Court Judge assigned to assist the Judge presiding over that chambers calendar will take up the cases as soon as possible. Other civil matters will be taken up immediately or will be re-scheduled at a time certain later that day or as soon as practicable.
- *One Party Represented by Counsel/One Party Pro Se.*
If one party to the case is represented by counsel and the other is *pro se* and they are unable to reach a resolution before the scheduled court date, upon appearance and announcement in court on the scheduled court date, the Court will either take up the case immediately or will schedule the case for a hearing at a time certain later that day or as soon as practicable.
- *Both Parties Represented by Counsel.*
If both parties are represented by counsel and are unable to reach a resolution before the scheduled court date, they are to contact the office of the Judge assigned to the case in writing at least three business days before the scheduled court date to so advise. Such correspondence shall include the case caption, a brief statement of the issue(s), whether witness(es) will be necessary (and if so, how many), how long the hearing is anticipated to take, and whether a court reporter will be necessary. The Judge's office will then schedule the hearing for a time certain on the scheduled court date, or as soon as practicable. The Judge's office will send counsel an invitation for the WebEx hearing. The invitation will set forth the specific time at which the hearing will be held. It is the responsibility of the parties to ensure that the Judge's office has the information necessary to set up the hearing and send the invitation. See (3) below for WebEx procedures to be followed.

2. WEBEX PROCEDURES.

For hearings to be held via WebEx, the Court will use the following procedures:

- *Time*
Counsel have grown accustomed to having ample time before hearings to discuss evidentiary issues, stipulations, and possible resolutions with opposing counsel. In this new virtual hearing landscape, this is no longer possible. With that in mind, please work with opposing counsel well before the scheduled WebEx hearing to discuss these issues. When the Court commences the WebEx hearing, it expects counsel to be prepared, ready to move forward without delay, and mindful of the time limit set for the hearing.
- *Exhibits*
Parties shall have all exhibits organized and delivered to witnesses, opposing counsel, and the Court no less than two business days before the scheduled WebEx hearing. If counsel intends to address specific exhibit pages with a witness, those pages need to be numbered, as counsel will not be able to approach witnesses as in the courtroom.
- *Background Noise*
To ensure everyone's ability to properly hear argument and testimony, background noise will need to be kept to a minimum. Keeping your phone or microphone on mute helps, but where objections may need to be made, that may not be possible.

3. CRIMINAL CASES.

For all cases where the defendant has been arraigned, the Judge assigned to preside over that case will be entering an order requiring counsel to file a Status Report setting forth any motions to be heard in the case, a detailed description of any outstanding discovery issue(s), and whether the case is ready for trial.

The Court will schedule contested probation revocation hearings at a time certain on criminal non-jury days already appearing on the Court's calendar. Where appropriate, the Court may also schedule hearings on other non-jury criminal matters.

4. JURY TRIALS.

The Court will resume jury trials – both criminal and civil – in compliance with any further orders of the Supreme Court relative to same.

5. MEDIATION.

Beginning May 18, 2020, mediation through the Circuit's ADR Office shall resume. Mediations may be completed via teleconference or videoconference at the discretion of the mediator, the attorneys and the parties. For those civil cases in which the Court ordered mediation through the Circuit's ADR Office and the deadline expired between March 13, 2020 and May 18, 2020, the deadline shall be extended 60 days from May 18, 2020, or no later than July 18, 2020.