

Zoom for the Workers' Compensation Practitioner

A Word from the Board

Honorable Frank R. McKay, Chairman



STATE BOARD OF WORKERS' COMPENSATION

Judge Frank R. McKay
Chairman
Judge Benjamin J. Vinson
Director
Judge Terry H. Chastain
Director

270 Peachtree Street, NW
Atlanta, GA 30303-1299
www.sbwgc.georgia.gov

Information
(404) 656-3875

ORDER OF THE STATE BOARD OF WORKERS' COMPENSATION

Whereas O.C.G.A. § 34-9-58 provides that the State Board of Workers' Compensation shall exercise all powers and perform all the duties relating to the enforcement of the workers' compensation laws; and

Whereas O.C.G.A. § 34-9-40 provides that the Board shall have full authority, power, and the duty to promulgate policies, rules and regulations for the administration of the workers' compensation laws; and

Whereas Governor Brian Kemp issued an Executive Order on March 14, 2020, declaring that a Public State of Emergency exists in the State of Georgia due to the public health emergency from the spread of COVID-19; and

Whereas Governor Kemp's Executive Order further provides that all resources of the State of Georgia shall be made available to assist in activities designed to address this emergency, control the spread of COVID-19, and aid recovery efforts; and

Whereas the Chief Justice of the Georgia Supreme Court issued an order on March 14, 2020, pursuant to the provisions of O.C.G.A. § 38-3-60 declaring a statewide judicial emergency due to the spread of COVID-19 in order to protect the health, safety, and liberty of all citizens of this state; and

Whereas the Chief Justice's order extends and otherwise grants relief from deadlines which can be applicable to workers' compensation claims such as the following: statutes of limitations, time within which discovery or any aspect thereof is to be completed, time within which to serve a party, time within which to appeal or to seek the right to appeal any order, ruling, or other determination;

NOW BE IT RESOLVED that the Board finds that these deadline extensions are applicable to workers' compensation claims for the period of the Chief Justice's Order of March 14, 2020 through April 13, 2020.

BE IT FURTHER RESOLVED that the payment of timely weekly benefits, payments pursuant to Board awards and orders approving settlement agreements and provision of authorized medical treatment constitute essential functions necessary to protect the health and safety of individuals. Therefore, the statutory requirements and Board rules relating to payment of benefits or provision of authorized medical treatment are not affected by this order.

The Board will continue to handle Petitions for Medical Treatment (PMTs), motions, conference calls and any emergency situation.

So ordered, this 17th day of March, 2020.

Frank R. McKay /s/

CHAIRMAN

Benjamin J. Vinson /s/

DIRECTOR

Terry H. Chastain /s/

DIRECTOR



STATE BOARD OF WORKERS' COMPENSATION

Judge Frank R. McKay
Chairman
Judge Benjamin J. Vinson
Director
Judge Terry H. Chastain
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Atlanta, GA 30303-1299
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ORDER OF THE STATE BOARD OF WORKERS' COMPENSATION

On March 14, 2020, Chief Justice Harold Melton of the Georgia Supreme Court issued an Order declaring a statewide judicial emergency due to the spread of COVID-19 in order to protect the health, safety, and liberty of the citizens of this state and extending and granting relief from any deadlines or other time schedules or filing requirements imposed by otherwise applicable statutes, rules, regulations or court orders in civil or criminal cases or administrative matters.

On March 17, 2020, this Board issued an Order finding that certain deadline extensions in the Chief Justice's Order were applicable to workers' compensation claims for the period of the Chief Justice's Order. The Chief Justice's Order was set to expire on April 13, 2020.

On April 6, 2020, the Chief Justice issued an Order extending the statewide judicial emergency order to May 13, 2020, due to the continuing transmission of Coronavirus/COVID-19. Consistent with the Chief Justice's Order, the Board hereby extends in its entirety its Order dated, March 17, 2020 to May 13, 2020.

It is so ordered, this 7th day of April, 2020.

Frank R. McKay /s/
CHAIRMAN

Benjamin J. Vinson /s/
DIRECTOR

Terry H. Chastain /s/
DIRECTOR



STATE BOARD OF WORKERS' COMPENSATION

Judge Frank R. McKay
Chairman
Judge Benjamin J. Vinson
Director
Judge Terry H. Chastain
Director

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ORDER OF THE STATE BOARD OF WORKERS' COMPENSATION

On May 11, 2020, the Honorable Harold D. Melton, Chief Justice of the Georgia Supreme Court, issued a Second Order Extending Declaration of Statewide Judicial Emergency which extends the judicial emergency through June 12, 2020. Consistent with the Chief Justice's order, the Board hereby extends its order dated April 7, 2020, through June 12, 2020, with the following clarifications, modifications, and directions.

Hearings and Mediations

In-person hearings will continue to be postponed through June 12, 2020. The parties are strongly encouraged to utilize virtual hearings as a preferred alternative to in-person hearings during the period of the judicial emergency to have prompt and efficient resolution of legal and factual issues in dispute. In the circumstance that a virtual hearing cannot be held, if a party believes it will suffer hardship, the parties should contact the assigned judge to discuss whether an in-person hearing can be held that would be in compliance with public health guidance provided by the federal Centers for Disease Control and Prevention (CDC), the Georgia Department of Public Health (DPH) and the local health department of the county in which the in-person hearing would be held.

Mediations should continue to be conducted telephonically and on video-conferencing platforms during the period of the judicial emergency.

Board Appellate Proceedings

Appellate oral arguments will continue to be held on a video-conferencing platform at the discretion of the Board during the period of the judicial emergency. Any party can elect to participate in the arguments virtually or waive oral argument and submit the issues for decision on briefs.

Deadline Extensions

The deadline extensions found applicable to workers' compensation cases in the Board's previous orders of March 17, 2020, and April 7, 2020, such as statutes of limitations and

time within which to appeal or seek the right to appeal any order, ruling, or other determination, will continue through June 12, 2020. However, in accordance with the Chief Justice's order of May 11, 2020, judges may reimpose or establish other deadlines on a case-by-case basis after considering the particular circumstances of the case, including any public health concerns and known individual health, economic, and other concerns regarding the litigants, lawyers, witnesses, and other persons who may be involved in the case. The judge must enter a written order in the record for the case identifying the deadlines that are being imposed. Judges should in particular consider reimposing deadlines that do not require any or only insignificant in-person contact, such as deadlines for filing and responding to pleadings, motions, briefs, written discovery, and scheduling depositions that may be taken remotely or require few participants.

Payment of Benefits; Provision of Authorized Medical Treatment

Payment of timely weekly benefits, payments pursuant to Board awards and orders approving settlement agreements, and provision of authorized medical treatment constitute essential functions necessary to protect the health and safety of individuals. Therefore, the statutory requirements and Board rules relating to payment of benefits or provision of authorized medical treatment are not affected by this order.

Professionalism

During this challenging time as always, attorneys practicing before the State Board of Workers' Compensation are reminded of their obligations of professionalism and requirement to comply with the ethical rules of the State Bar of Georgia.

It is so ordered, this 12th day of May, 2020.

Frank R. McKay /s/
CHAIRMAN

Benjamin J. Vinson /s/
DIRECTOR

Terry H. Chastain /s/
DIRECTOR



STATE BOARD OF WORKERS' COMPENSATION

Judge Frank R. McKay
Chairman
Judge Benjamin J. Vinson
Director
Judge Terry H. Chastain
Director

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ORDER OF THE STATE BOARD OF WORKERS' COMPENSATION

On June 12, 2020, the Honorable Harold D. Melton, Chief Justice of the Georgia Supreme Court, issued a Third Order Extending Declaration of Statewide Judicial Emergency which extends the judicial emergency through July 12, 2020. Consistent with the Chief Justice's order, the Board hereby extends its order dated May 12, 2020, through July 12, 2020, with the following clarifications, modifications, and directions.

Hearings

Pursuant to the Chief Justice's June 12, 2020, judicial emergency order, courts have discretion to conduct in-person judicial proceedings in compliance with public health guidance. The order directs each court to develop and implement operating guidelines as to how in-court proceedings will be conducted to protect the health of litigants, lawyers, judges, court personnel, and the public. The Board is in the process of developing guidelines that are in compliance with public health guidance for in-person hearings in Atlanta and all field locations in which Board hearings are held. In order to have these guidelines in place for all Board hearing locations, **in-person hearings will not be held until July 6, 2020, and in-person hearings will continue to be postponed until July 6, 2020.** Prior to July 6, 2020, notice of the guidelines for in-person hearings will be posted on the Board's website and provided to the parties of scheduled hearings. If the parties are ready to go forward with a hearing scheduled for July 6, 2020, or later, they should contact the office of the presiding judge to schedule a conference call to discuss the hearing logistics, including in-person hearing guidelines, number of witnesses, estimated length of the hearing and **to determine the actual date and time that the in-person hearing will take place.** A conference call is also appropriate when one party is ready to go forward with the hearing, and the other party objects to proceeding with the hearing at that time.

Mediations

In-person mediations will also not be held until July 6, 2020. Parties wanting to proceed with an in-person mediation should contact the Board's Alternative Dispute Resolution

Division to discuss the logistics of the mediation, including in-person mediation guidelines, number of people expected to attend the mediation, the estimated length of the mediation and **to determine the actual date and time that the in-person mediation will take place.**

Board Appellate Proceedings

Appellate oral arguments will continue to be held virtually via the Zoom video-conferencing platform. The Board may compel litigants and lawyers to participate in virtual appellate oral arguments until further notice. Parties may also elect to waive oral argument and submit the issues for decision on briefs. **In-person oral arguments will require a conference call with the Appellate Division Director to discuss logistics and determine the actual date and time the in-person oral argument will take place.**

Virtual Proceedings Still Available and Strongly Encouraged

Parties to workers' compensation hearings, mediations, and appellate oral arguments are strongly encouraged to continue to utilize virtual proceedings as an alternative to in-person proceedings for prompt and efficient resolution to disputes during and after the period of the judicial emergency.

Deadline Extensions

The deadline extensions found applicable to workers' compensation cases in the Board's previous orders of March 17, 2020, April 7, 2020, and May 12, 2020, such as statutes of limitations and time within which to appeal or seek the right to appeal any order, ruling, or other determination, will continue through July 12, 2020. However, in accordance with the Chief Justice's order of May 11, 2020, and reiterated in the order of June 12, 2020, judges may reimpose or establish other deadlines on a case-by-case basis after considering the particular circumstances of the case, including any public health concerns and known individual health, economic, and other concerns regarding the litigants, lawyers, witnesses, and other persons who may be involved in the case. The judge must enter a written order in the record for the case identifying the deadlines that are being imposed. Judges should in particular consider re-imposing deadlines that do not require any or only insignificant in-person contact, such as deadlines for filing and responding to pleadings, motions, briefs, written discovery, and scheduling depositions that may be taken remotely or require few participants.

Payment of Benefits; Provision of Authorized Medical Treatment

Payment of timely weekly benefits, payments pursuant to Board awards and orders approving settlement agreements, and provision of authorized medical treatment constitute essential functions necessary to protect the health and safety of individuals.

Therefore, the statutory requirements and Board rules relating to payment of benefits or provision of authorized medical treatment are not affected by this order.

Professionalism

During this challenging time as always, attorneys practicing before the State Board of Workers' Compensation are reminded of their obligations of professionalism and requirement to comply with the ethical rules of the State Bar of Georgia.

It is so ordered, this 17th day of June, 2020.

Frank R. McKay /s/
CHAIRMAN

Benjamin J. Vinson /s/
DIRECTOR

Terry H. Chastain /s/
DIRECTOR



STATE BOARD OF WORKERS' COMPENSATION

Judge Frank R. McKay
Chairman
Judge Benjamin J. Vinson
Director
Judge Terry H. Chastain
Director

Information
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ORDER OF THE STATE BOARD OF WORKERS' COMPENSATION

On July 10, 2020, the Honorable Harold D. Melton, Chief Justice of the Georgia Supreme Court, issued a Fourth Order Extending Declaration of Statewide Judicial Emergency which extends the judicial emergency through August 11, 2020. Consistent with the Chief Justice's order, the State Board of Workers' Compensation hereby issues this order with directions and instructions for Board proceedings as follows:

Hearings

As has been the direction since the Chief Justice's original judicial emergency Order, all Georgia courts must continue to conduct proceedings, remotely or in-person, in compliance with public health guidance, applicable statutes and court rules, and the requirements of the United States and Georgia Constitutions. The Chief Justice's order of June 12, 2020 directed each court to develop and implement operating guidelines as to how in-court proceedings will be conducted to protect the health of litigants, lawyers, judges, court personnel, and the public. The Board has developed guidelines for in-person hearings in Atlanta and all field locations in which Board hearings are held that follow public health guidance. The guidelines are posted on the Board's website, and the guidelines have been sent to the e-mail addresses of all attorneys registered with the Board. In-person hearings are being scheduled for dates in July 2020 and thereafter, in accordance with the limited availability of time slots and locations for in-person hearings due to Covid-19 safety precautions. Cases on hearing calendars in July and thereafter will continue to be reset in the same manner as before the judicial emergency. However, no hearing will go forward until the parties are ready to proceed to a hearing and they have had a conference call with the presiding judge to discuss the hearing logistics, including in-person hearing guidelines, number of witnesses, estimated length of the hearing and **to determine the actual date and time that the in-person hearing will take place.** A conference call is also appropriate when a hearing has been reset to a date in the near future and one party is ready to go forward with the hearing, and the other party objects to proceeding with the hearing at that time.

Mediations

In-person mediations will also be scheduled at the request of the parties. Parties wanting to proceed with an in-person mediation should contact the Board's Alternative Dispute Resolution Division to discuss the logistics of the mediation, including in-person mediation guidelines, number of people expected to attend the mediation, the estimated length of the mediation and **to determine the actual date and time that the in-person mediation will take place.**

Board Appellate Proceedings

Appellate oral arguments will continue to be held virtually via the Zoom video-conferencing platform. The Board may compel litigants and lawyers to participate in virtual appellate oral arguments until further notice. Parties may also elect to waive oral argument and submit the issues for decision on briefs. **In-person oral arguments will require a conference call with the Appellate Division Director to discuss logistics and determine the actual date and time the in-person oral argument will take place.**

Virtual Proceedings Available and Strongly Encouraged

The Chief Justice's order of July 10, 2020 states that all courts should continue to use and increase the use of technology to conduct remote judicial proceedings as a safer alternative to in-person hearings unless required by law to be in person or unless it is not practicable for technical or other reasons for persons participating in the proceeding to participate remotely. Accordingly, parties to workers' compensation hearings, mediations, and appellate oral arguments are strongly encouraged to utilize virtual proceedings as a preferred alternative to in-person proceedings for safe, prompt, and efficient resolution to disputes during and after the period of the judicial emergency.

Deadline Extensions Terminated

The deadline extensions found applicable to workers' compensation cases in the Board's previous orders of March 17, 2020, April 7, 2020, May 12, 2020, and June 17, 2020, are terminated as of the date of this order. This order reimposes all deadlines and other time schedules and filing requirements (referred to collectively herein as "deadlines") that are imposed by statutes, rules, regulations, or court orders in workers' compensation proceedings. For guidance in calculating time periods that include the period of deadline extensions imposed by previous Board orders, see the Chief Justice's order of July 10, 2020 and the attached appendix.

Payment of Benefits; Provision of Authorized Medical Treatment

Payment of timely weekly benefits, payments pursuant to Board awards and orders approving settlement agreements, and provision of authorized medical treatment constitute essential functions necessary to protect the health and safety of individuals. Therefore, the statutory requirements and Board rules relating to payment of benefits or

provision of authorized medical treatment have not been affected by previous Board orders during the judicial emergency and are not affected by this order.

Professionalism

During this challenging time as always, attorneys practicing before the State Board of Workers' Compensation are reminded of their obligations of professionalism and requirement to comply with the ethical rules of the State Bar of Georgia.

It is so ordered, this 15th day of July, 2020.

Frank R. McKay /s/
CHAIRMAN

Benjamin J. Vinson /s/
DIRECTOR

Terry H. Chastain /s/
DIRECTOR



STATE BOARD OF WORKERS' COMPENSATION

Judge Frank R. McKay
Chairman
Judge Benjamin J. Vinson
Director
Judge Neera Bahl
Director

Information
(404) 656-3875

ORDER OF THE STATE BOARD OF WORKERS' COMPENSATION

On August 11, 2020, the Honorable Harold D. Melton, Chief Justice of the Georgia Supreme Court, issued a Fifth Order Extending Declaration of Statewide Judicial Emergency which extends the judicial emergency through September 10, 2020. In response to the Chief Justice's prior judicial emergency order, this Board issued an order on July 15, 2020, with directions and instructions for Board proceedings. All of the provisions of the July 15, 2020 order remain in effect until changed by further order of this Board.

It is so ordered, this 20th day of August, 2020.


CHAIRMAN


DIRECTOR


DIRECTOR

Zoom for the Workers' Compensation Practitioner

Appellate Division Oral Argument

Lauren Loeb – Division Director, Appellate

zoom

Proceedings before



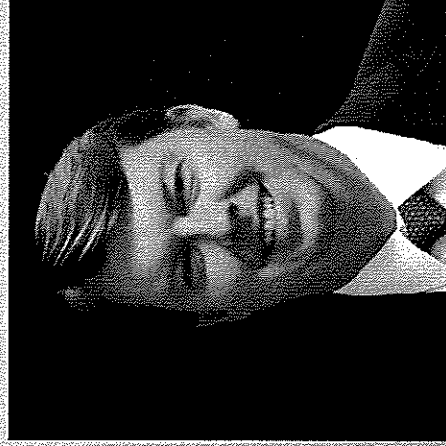
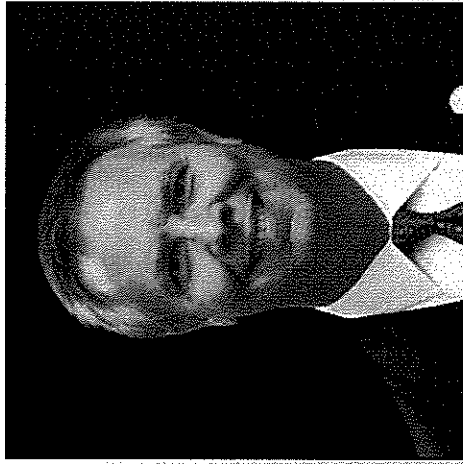
the Appellate Division

Lauren Loeb
Division Director, Appellate Division

Virtual Proceedings

- Per the Supreme Court's Statewide Judicial Emergency Orders, Courts are encouraged to use technology to conduct remote judicial proceedings as a safer alternative to in-person proceedings.
- In furtherance of their guidance, the Board has obtained licenses to hear proceedings via the Zoom video conferencing platform.
- Zoom video conferencing can be conducted through your web browser or by downloading the app. We have found it works best in Google Chrome.
- Contact the State Bar's IT Assistance Department if you need assistance. Zoom also has informative tutorials at <https://support.zoom.us/hc/en-us>

APPELLATE ORAL ARGUMENTS ON



zoom

- All participants are remote.
- The three Appellate Judges and our staff attorneys will be in attendance.
- Observers are allowed. Please let the Division Director know in advance who to expect.

Notice of Oral Argument

NOTICE OF ORAL ARGUMENT

Review of the above case by the Appellate Division is scheduled to be heard on **Thursday, October 8, 2020** between 9:30 a.m. to 12:00 p.m.

As of the date of this notice, **Appellate oral arguments are being conducted virtually via the Zoom video-conferencing platform** in accordance with the Board's Order dated July 15, 2020 and the Supreme Court of Georgia's Statewide Judicial Emergency Orders. Please look for an email calendar invitation from Division Director, Lauren Loeb with the Zoom meeting information, time of the argument, and further instructions. Exceptions to participation in the remote oral argument may be granted in limited and exceptional circumstances. **If you do not have an email address of record in iCMS, please contact the Court Clerk as soon as possible.**

In the event that this Appellate oral argument proceeds in-person, all parties will participate in a pre-argument conference call with Division Director, Lauren Loeb to discuss the attached guidelines for in-person proceedings and screen for Covid-19.

Oral argument shall be limited to five minutes for each party. All appeals are governed by O.C.G.A. § 34-9-103 and Board Rule 103. **NOTE:** You must notify the Appellate Division **at least 48 hours before** the scheduled appearance if you do not intend to appear. See Board Rule 103(b)(6). In addition, no postponement will be granted by the Appellate Division except on strict legal grounds.

STATE BOARD OF WORKERS' COMPENSATION

Cathy S. McNeil

Court Clerk, Appellate Division

4/1/2017

- When your case is set by the Court Clerk you will receive a notice of oral argument.
- Date and time range for the oral argument.
- **READ THE NOTICE!**
- Further instructions on what to expect.
- Call Court Clerk Cathy McNeil or me if you have any questions.


Calendar Invitation

	Title	Appellate Oral Argument - Case Name, Case Number			
	Required				
	Optional				
	Start time	Mon 8/24/2020		9:00 AM	<input type="checkbox"/> All day <input type="checkbox"/> Time zone
	End time	Mon 8/24/2020		9:30 AM	<input type="checkbox"/> Make Recurring
	Location	https://zoom.us/j/99575478241?pwd=b1c0NXN5V0lGdG1GQ0Q3RCendOdlJFkUT09			
	Video Oral Argument Considerations.docx				
	Join Zoom Meeting	https://zoom.us/j/99575478241?pwd=b1c0NXN5V0lGdG1GQ0Q3RCendOdlJFkUT09			
	Meeting ID: 995 7547 8241				
	Passcode: 273597				
	If joining audio by phone - dial in: 928-436-2866				
	If you need assistance logging into Zoom, there are wonderful tutorials on their website	https://support.zoom.us/hc/en-us/articles/201362193-joining-a-meeting https://support.zoom.us/hc/en-us/categories/201146643			

- Prior to the oral argument date, I will send an email calendar invitation with the date, time and Zoom meeting information.
- Once you accept the invitation, it will move from your email inbox to your Outlook calendar. Look for it on your calendar.
- You may forward the meeting invitation.
- Please let me know in advance if anyone other than the attorney of record will be in attendance.

Scheduling

- The Appellate Division is scheduling oral arguments one at a time at 30-minute intervals.
- Be Punctual!
 - Log in a few minutes early.
 - We are usually ready to begin at the start of the argument time.


Appellate Oral Argument - Case Name, Case Number

Required

Optional

Start time

End time

Location

Mon 8/24/2020

Mon 8/24/2020

<https://zoom.us/j/95575478241?pwd=b1c0NkNkN01Gd0Q0Z0RmdOUkFKUT09>

9:30 AM

9:30 AM

☐ All day
 ☐ Time zones

☐ Make recurring

Room Finder

Video Oral Argument Considerations.docx

20 kb

Join Zoom Meeting

<https://zoom.us/j/95575478241?pwd=b1c0NkNkN01Gd0Q0Z0RmdOUkFKUT09>

Meeting ID: 955 7547 8241

Passcode: 273597

If joining audio by phone, dial in 929.436.2866

If you need assistance logging into Zoom, there are wonderful tutorials on their website

<https://support.zoom.us/hc/en-us/articles/201322193-joining-a-meeting>
<https://support.zoom.us/hc/en-us/categories/201145643>

STATE BOARD OF WORKERS' COMPENSATION

Appellate Division

Video Conferencing Oral Arguments

Thank you for participating in Appellate oral arguments via video conferencing. We have tested this format in preparation for your argument and want to provide you with some information in preparation for what will occur during your upcoming video conference oral arguments.

Procedure

You will receive an email with the link, meeting room, and password to the Zoom video conference. Initially, you will be placed in a waiting room until the Judges are ready to admit participants and hear the case. We are calendaring cases individually.

Once admitted into the oral argument meeting, an audio/visual check will be performed to confirm the Appellate Judges and counsel can hear and see all participants. If, at any time, you cannot hear or see the Judges or Opposing Counsel, please let us know. It is our experience that clarity of speech and sound is not universal for each participant, so it is vital that you speak up if you cannot hear or see. Please note our staff attorneys will also be observing.

Judge McKay will call your case and the arguments will proceed in their normal fashion. A timer will sound when your time has expired. When the arguments are complete, Judge McKay will dismiss the parties and you may leave the meeting.

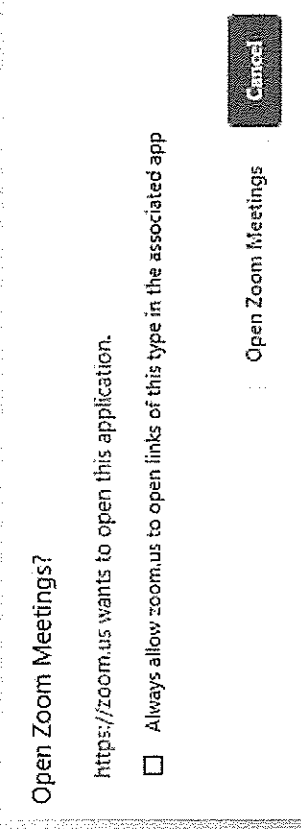
Considerations

1. The State Board of Workers' Compensation will use Zoom as the videoconferencing platform for Remote Hearings. Online tutorials are available on Zoom's website.
2. Ensure you have a secure and stable internet connection. Each attorney or party is responsible for the technology necessary to participate in video conferencing.
3. Prior to the argument, ensure both your video and audio components are functional and provide clear picture and sound.
4. Silence all other devices and ensure that your environment is free from background noise during the argument.
5. Normal courtroom decorum is expected, including appropriate courtroom attire and background.
6. Recording of any Board proceeding is prohibited without prior express permission pursuant to Board Rule 102(A)(6).
7. Any request for screen sharing must be approved in advance by the Division Director.
8. Please advise the Division Director in advance if an attorney other than the attorney of record on ICMS will be handling the oral argument.

Video Oral Argument Procedures and Considerations Attachment

- Contains a summary of background, procedure and ground rules.
- Any usual requests (i.e. screen sharing) must be coordinated in advance with the Division Director. You will also need to ask the Judges for permission during the argument.
- Recording of any Board proceeding without prior express permission is strictly prohibited.

Signing into the Zoom Meeting



- To sign in, click the link in the calendar invitation. Zoom will open in your web browser.
- Zoom can be run on their app by clicking "Open Zoom Meetings".
- Zoom can be run in your web browser by clicking "join from your browser."
- If using the web browser, Google Chrome works best.

If you have Zoom Client installed, launch meeting. Otherwise, download and run Zoom.


If you cannot download or run the application, join from your browser.

Signing into the Zoom Meeting

Join a Meeting

Your Name

☐ I'm not a robot

 reCAPTCHA
Privacy • Terms

Zoom is protected by reCAPTCHA and the Privacy Policy and Terms of Service apply

- You will then be prompted to enter your name and go through a reCAPTCHA verification. Please enter your preferred name.
- If using the Zoom app, please make sure your name is correct.

Signing into the Zoom Meeting

zoom

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JOIN A MEETING

Join a Meeting

Meeting ID or Personal Link Name

Join

JOIN A MEETING

- You can also sign into a Zoom meeting from the Zoom website- [Zoom.us](https://zoom.us)
- From the website, click
- When prompted, enter the Meeting ID and Passcode from the calendar invitation.

Join a Meeting

Meeting Passcode

Meeting Passcode

Join

Waiting Room

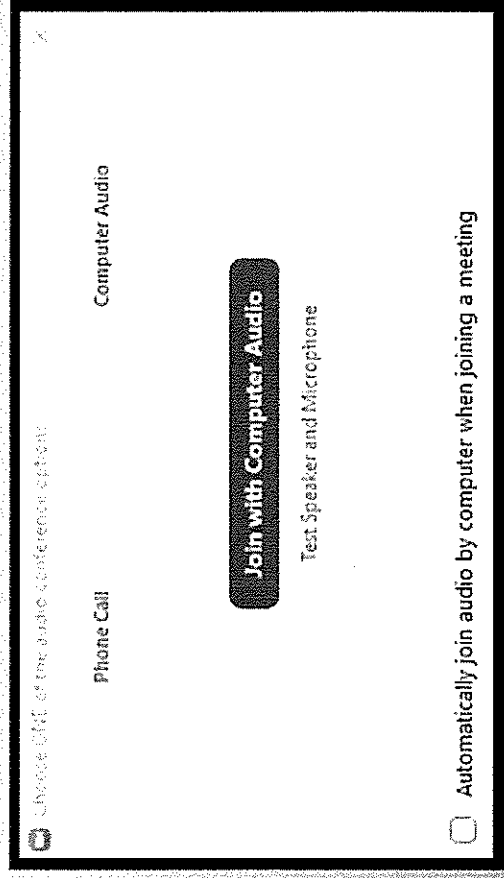
Please wait, the meeting host will let you in soon.

Appellate Oral Argument

- The Board utilizes waiting rooms as a security measure and to protect the integrity of the proceeding.
- Once you log in to the meeting, you will automatically be placed in the waiting room until the Judges are ready to hear the case.
- If you see the above screen, you are in the right place. We can see that you are in the waiting room and will admit you shortly. Please be patient.
- Do not attempt to log in multiple times.

Audio and Video Required

- Both audio and video are required for proceedings before the Appellate Division.
- Please test prior to the argument.
- Zoom has tutorials on their website <https://support.zoom.us/hc/en-us>



- If you enter the meeting without video, please click the button in the bottom left corner of the screen.



Procedure



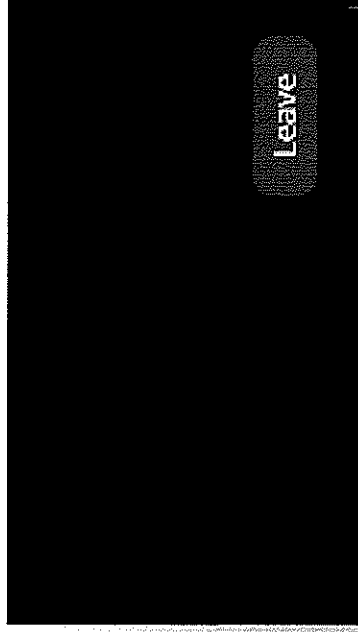
- Judge McKay will make opening remarks and lead the parties in an audio & video check.
- The three Appellate Judges will be visible.
- Staff attorneys will be present in the meeting, but the audio and video will be disabled.
- You can hide non-video participants if you prefer to simplify the screen.

Procedure




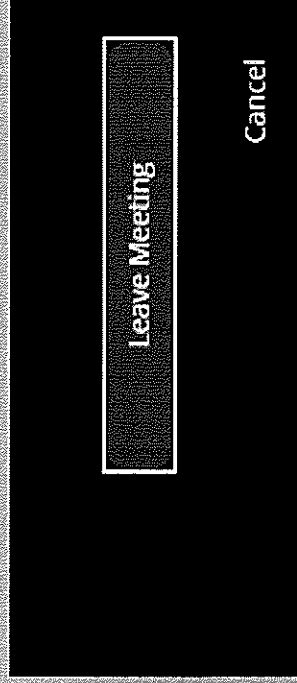
- Judge McKay will discuss the time allotment and ask the Appellant if they would like to reserve any time for rebuttal.
- Under the rules of appellate practice, only the Appellant has the opportunity for rebuttal.
- Judge McKay will call the case.
- A timer will sound when the time has expired.

Leaving the Meeting



- After the argument, Judge McKay will dismiss the parties from the proceeding and ask you to leave the meeting.

- To leave the meeting, click the  button in the bottom right of your Zoom screen. Then, click .

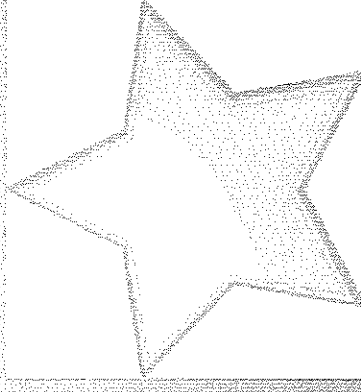
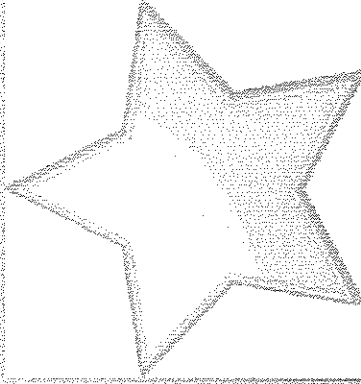


- **Both** buttons must be clicked to leave the meeting.

Making the Most of Your Zoom Appearance

You are the STAR of the oral argument!

- Eye contact
- Minimize outside noise
- Appropriate Background
- Appropriate Dress
- Do not multitask



Appellate Division Contact Information

Lauren Loeb

Division Director

loeb1@sbwc.ga.gov

(404) 656-2934

Cathy McNiel

Court Clerk

mcnielc@sbwc.ga.gov

(404) 656-9688

NOTICE OF ORAL ARGUMENT

Review of the above case by the Appellate Division is scheduled to be heard on **Day, Month D, YYYY** between **9:30 a.m. to 12:00 p.m.**

As of the date of this notice, **Appellate oral arguments are being conducted virtually via the Zoom video-conferencing platform** in accordance with the Board's Order dated July 15, 2020 and the Supreme Court of Georgia's Statewide Judicial Emergency Orders. Please look for an email calendar invitation from Division Director, Lauren Loeb with the Zoom meeting information, time of the argument, and further instructions. Exceptions to participation in the remote oral argument may be granted in limited and exceptional circumstances. **If you do not have an email address of record in ICMS, please contact the Court Clerk as soon as possible.**

In the event that this Appellate oral argument proceeds in-person, all parties will participate in a pre-argument conference call with Division Director, Lauren Loeb to discuss the attached guidelines for in-person proceedings and screen for Covid-19.

Oral argument shall be limited to five minutes for each party. All appeals are governed by O.C.G.A. § 34-9-103 and Board Rule 103. **NOTE:** You must notify the Appellate Division **at least 48 hours before** the scheduled appearance if you do not intend to appear. See Board Rule 103(b)(6). In addition, no postponement will be granted by the Appellate Division except on strict legal grounds.

STATE BOARD OF WORKERS' COMPENSATION

Cathy S. McNiel

Court Clerk, Appellate Division

STATE BOARD OF WORKERS COMPENSATION

Appellate Division

Video Conferencing Oral Arguments

Thank you for participating in Appellate oral arguments via video conferencing. We have tested this format in preparation for your argument and want to provide you with some information in preparation for what will occur during your upcoming video conference oral arguments.

Procedure

You will receive an email with the link, meeting room, and password to the Zoom video conference. Initially, you will be placed in a waiting room until the Judges are ready to admit participants and hear the case. We are calendaring cases individually.

Once admitted into the oral argument meeting, an audio/visual check will be performed to confirm the Appellate Judges and counsel can hear and see all participants. If, at any time, you cannot hear or see the Judges or Opposing Counsel, please let us know. It is our experience that clarity of speech and sound is not universal for each participant, so it is vital that you speak up if you cannot hear or see. Please note our staff attorneys will also be observing.

Judge McKay will call your case and the arguments will proceed in their normal fashion. A timer will sound when your time has expired. When the arguments are complete, Judge McKay will dismiss the parties and you may leave the meeting.

Considerations

1. The State Board of Workers' Compensation will use Zoom as the videoconferencing platform for Remote Hearings. Online tutorials are available on Zoom's website.
2. Ensure you have a secure and stable internet connection. Each attorney or party is responsible for the technology necessary to participate in video conferencing.
3. Prior to the argument, ensure both your video and audio components are functional and provide clear picture and sound.
4. Silence all other devices and ensure that your environment is free from background noise during the argument.
5. Normal courtroom decorum is expected, including appropriate courtroom attire and background.
6. Recording of any Board proceeding is prohibited without prior express permission pursuant to Board Rule 102(A)(6).
7. Any request for screen sharing must be approved in advance by the Division Director.
8. Please advise the Division Director in advance if an attorney other than the attorney of record on ICMS will be handling the oral argument.

Zoom for the Workers' Compensation Practitioner

Best Practices and Professionalism Before the Appellate Division

Appellate Division Judges State Board of Workers' Compensation

Lauren Loeb – Division Director, Appellate State Board of Workers' Compensation

STATE BOARD OF WORKERS COMPENSATION
Appellate Division
Video Conferencing Professionalism Tips

1. The State Board of Workers' Compensation will use Zoom as the videoconferencing platform for Remote Hearings. Online tutorials are available on Zoom's website.
2. Ensure you have a secure and stable internet connection. Each attorney or party is responsible for the technology necessary to participate in video conferencing.
3. Prior to the argument, ensure both your video and audio components are functional and provide clear picture and sound.
4. Silence all other devices and ensure that your environment is free from background noise during the argument.
5. Do not multitask during the virtual proceeding.
6. Normal courtroom decorum is expected, including appropriate attire and virtual backgrounds.
7. Do not talk over any other participant.
8. Recording of any Board proceeding is prohibited without prior express permission pursuant to Board Rule 102(A)(6).
9. Any request for screen sharing must be approved in advance by the Division Director.
10. Read notices and orders and respond to pre-proceeding correspondence from the Board in a prompt and timely fashion.
11. Attorneys are reminded of their professional obligation to work together and try to resolve issues before coming to the Board. Truly confer with opposing counsel first.
12. Treat opposing counsel with civility and keep in mind that others may have medical conditions or other concerns that prohibit in-person proceedings. In such instances, flexibility and willingness to participate in virtual proceedings is vital.
13. Do not refuse virtual proceedings in an effort to unreasonably delay adjudication of the case.

1

A LAWYER'S CREED



2 **To my clients**, I offer faithfulness, competence,
3 diligence, and good judgment. I will strive to represent you
4 as I would want to be represented and to be worthy of your
5 trust.

6 **To the opposing parties and their counsel**, I offer
7 fairness, integrity, and civility. I will seek reconciliation
8 and, if we fail, I will strive to make our dispute a dignified
9 one.

10 **To the courts**, and other tribunals, and to those who
11 assist them, I offer respect, candor, and courtesy. I will
12 strive to do honor to the search for justice.

13 **To my colleagues in the practice of law**, I offer
14 concern for your welfare. I will strive to make our
15 association a professional friendship.

16 **To the profession**, I offer assistance. I will strive to
17 keep our business a profession and our profession a calling
18 in the spirit of public service.

19 **To the public** and our systems of justice, I offer
20 service. I will strive to improve the law and our legal
21 system, to make the law and our legal system available to
22 all, and to seek the common good through the
23 representation of my clients.

ASPIRATIONAL STATEMENT ON PROFESSIONALISM

The Court believes there are unfortunate trends of commercialization and loss of professional community in the current practice of law. These trends are manifested in an undue emphasis on the financial rewards of practice, a lack of courtesy and civility among members of our profession, a lack of respect for the judiciary and for our systems of justice, and a lack of regard for others and for the common good. As a community of professionals, we should strive to make the internal rewards of service, craft, and character, and not the external reward of financial gain, the primary rewards of the practice of law. In our practices we should remember that the primary justification for who we are and what we do is the common good we can achieve through the faithful representation of people who desire to resolve their disputes in a peaceful manner and to prevent future disputes. We should remember, and we should help our clients remember, that the way in which our clients resolve their disputes defines part of the character of our society and we should act accordingly.

As professionals, we need aspirational ideals to help bind us together in a professional community. Accordingly, the Court issues the following Aspirational Statement setting forth general and specific aspirational ideals of our profession. This statement is a beginning list of the ideals of our profession. It is primarily illustrative. Our purpose is not to regulate, and certainly not to provide a basis for discipline, but rather to assist the Bar's efforts to maintain a professionalism that can stand against the negative trends of commercialization and loss of community. It is the Court's hope that Georgia's lawyers, judges, and legal educators will use the following aspirational ideals to reexamine the justifications of the practice of law in our society and to consider the implications of those justifications for their conduct. The Court feels that enhancement of professionalism can be best brought about by the cooperative efforts of the organized bar, the courts, and the law schools with each group working independently, but also jointly in that effort.

GENERAL ASPIRATIONAL IDEALS

48 **As a lawyer**, I will aspire:

- 49 (a) To put fidelity to clients and, through clients, to the common good, before selfish
50 interests.
- 51 (b) To model for others, and particularly for my clients, the respect due to those we call
52 upon to resolve our disputes and the regard due to all participants in our dispute
53 resolution processes.
- 54 (c) To avoid all forms of wrongful discrimination in all of my activities including
55 discrimination on the basis of race, religion, sex, age, handicap, veteran status, or
56 national origin. The social goals of equality and fairness will be personal goals for
57 me.
- 58 (d) To preserve and improve the law, the legal system, and other dispute resolution
59 processes as instruments for the common good.
- 60 (e) To make the law, the legal system, and other dispute resolution processes available
61 to all.
- 62 (f) To practice with a personal commitment to the rules governing our profession and
63 to encourage others to do the same.
- 64 (g) To preserve the dignity and the integrity of our profession by my conduct. The
65 dignity and the integrity of our profession is an inheritance that must be maintained
66 by each successive generation of lawyers.
- 67 (h) To achieve the excellence of our craft, especially those that permit me to be the moral
68 voice of clients to the public in advocacy while being the moral voice of the public
69 to clients in counseling. Good lawyering should be a moral achievement for both the
70 lawyer and the client.
- 71 (i) To practice law not as a business, but as a calling in the spirit of public service.

72 **SPECIFIC ASPIRATIONAL IDEALS**

73 **As to clients**, I will aspire:

- 74 (a) To expeditious and economical achievement of all client objectives.
- 75 (b) To fully informed client decision-making. As a professional, I should:
- 76 (1) Counsel clients about all forms of dispute resolution;
- 77 (2) Counsel clients about the value of cooperation as a means towards the
- 78 productive resolution of disputes;
- 79 (3) Maintain the sympathetic detachment that permits objective and independent
- 80 advice to clients;
- 81 (4) Communicate promptly and clearly with clients; and,
- 82 (5) Reach clear agreements with clients concerning the nature of the
- 83 representation.
- 84 (c) To fair and equitable fee agreements. As a professional, I should:
- 85 (1) Discuss alternative methods of charging fees with all clients;
- 86 (2) Offer fee arrangements that reflect the true value of the services rendered;
- 87 (3) Reach agreements with clients as early in the relationship as possible;
- 88 (4) Determine the amount of fees by consideration of many factors and not just
- 89 time spent by the attorney;
- 90 (5) Provide written agreements as to all fee arrangements; and
- 91 (6) Resolve all fee disputes through the arbitration methods provided by the State
- 92 Bar of Georgia.
- 93 (d) To comply with the obligations of confidentiality and the avoidance of conflicting
- 94 loyalties in a manner designed to achieve the fidelity to clients that is the purpose of
- 95 these obligations.

96 **As to opposing parties and their counsel**, I will aspire:

- 97 (a) To cooperate with opposing counsel in a manner consistent with the competent
- 98 representation of all parties. As a professional, I should:
- 99 (1) Notify opposing counsel in a timely fashion of any cancelled appearance;
- 100 (2) Grant reasonable requests for extensions or scheduling changes; and,
- 101 (3) Consult with opposing counsel in the scheduling of appearances, meetings,
- 102 and depositions.
- 103 (b) To treat opposing counsel in a manner consistent with his or her professional
- 104 obligations and consistent with the dignity of the search for justice. As a
- 105 professional, I should:

- (1) Not serve motions or pleadings in such a manner or at such a time as to preclude opportunity for a competent response;
- (2) Be courteous and civil in all communications;
- (3) Respond promptly to all requests by opposing counsel;
- (4) Avoid rudeness and other acts of disrespect in all meetings including depositions and negotiations;
- (5) Prepare documents that accurately reflect the agreement of all parties; and
- (6) Clearly identify all changes made in documents submitted by opposing counsel for review.

As to the courts, other tribunals, and to those who assist them, I will aspire:

- (a) To represent my clients in a manner consistent with the proper functioning of a fair, efficient, and humane system of justice. As a professional, I should:

- (1) Avoid non-essential litigation and non-essential pleading in litigation;
- (2) Explore the possibilities of settlement of all litigated matters;
- (3) Seek non-coerced agreement between the parties on procedural and discovery matters;
- (4) Avoid all delays not dictated by a competent presentation of a client's claims;
- (5) Prevent misuses of court time by verifying the availability of key participants for scheduled appearances before the court and by being punctual; and
- (6) Advise clients about the obligations of civility, courtesy, fairness, cooperation, and other proper behavior expected of those who use our systems of justice.

- (b) To model for others the respect due to our courts. As a professional I should:

- (1) Act with complete honesty;
- (2) Know court rules and procedures;
- (3) Give appropriate deference to court rulings;
- (4) Avoid undue familiarity with members of the judiciary;
- (5) Avoid unfounded, unsubstantiated, or unjustified public criticism of members of the judiciary;
- (6) Show respect by attire and demeanor;
- (7) Assist the judiciary in determining the applicable law; and,
- (8) Seek to understand the judiciary's obligations of informed and impartial decision-making.

As to my colleagues in the practice of law, I will aspire:

- (a) To recognize and to develop our interdependence;
- (b) To respect the needs of others, especially the need to develop as a whole person; and,
- (c) To assist my colleagues become better people in the practice of law and to accept

143 their assistance offered to me.

144 **As to our profession**, I will aspire:

145 (a) To improve the practice of law. As a professional, I should:

- 146 (1) Assist in continuing legal education efforts;
147 (2) Assist in organized bar activities; and,
148 (3) Assist law schools in the education of our future lawyers.

149 (b) To protect the public from incompetent or other wrongful lawyering. As a
150 professional, I should:

- 151 (1) Assist in bar admissions activities;
152 (2) Report violations of ethical regulations by fellow lawyers; and,
153 (3) Assist in the enforcement of the legal and ethical standards imposed upon all
154 lawyers.

155 **As to the public and our systems of justice**, I will aspire:

156 (a) To counsel clients about the moral and social consequences of their conduct.

157 (b) To consider the effect of my conduct on the image of our systems of justice including the
158 social effect of advertising methods. As a professional, I should ensure that any
159 advertisement of my services:

- 160 (1) is consistent with the dignity of the justice system and a learned profession;
161 (2) provides a beneficial service to the public by providing accurate information
162 about the availability of legal services;
163 (3) educates the public about the law and legal system;
164 (4) provides completely honest and straightforward information about my
165 qualifications, fees, and costs; and
166 (5) does not imply that clients' legal needs can be met only through aggressive tactics.

167 (c) To provide the pro bono representation that is necessary to make our system of
168 justice available to all.

169 (d) To support organizations that provide pro bono representation to indigent clients.

170 (e) To improve our laws and legal system by, for example:

- 171 (1) Serving as a public official;
172 (2) Assisting in the education of the public concerning our laws and legal system;
173 (3) Commenting publicly upon our laws; and,
174 (4) Using other appropriate methods of effecting positive change in our laws and
175 legal system.



SUPREME COURT OF GEORGIA

FILED

Administrative Minutes
August 11, 2020

Thérèse S. Barnes

Chief Court Executive

SUPREME COURT OF GEORGIA

FIFTH ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY

Thérèse S. Barnes

On March 14, 2020, in response to the COVID-19 pandemic, the Honorable Harold D. Melton, as the Chief Justice of the Supreme Court of Georgia, issued an Order Declaring Statewide Judicial Emergency pursuant to OCGA § 38-3-61. That Order has been extended four times, with modifications, by orders issued on April 6, May 11, June 12, and July 10, 2020. After consulting with the Judicial Council of Georgia and other judicial partners, recognizing again that most in-court proceedings compel the attendance of various individuals rather than allowing them to decide how best to protect their own health, and further recognizing that the novel coronavirus continues to spread in Georgia, it is hereby determined that the Order should be extended again.

Courts in Georgia have continued to perform essential functions despite the pandemic. In an effort to return to more robust court operations, many of the deadlines imposed by law on litigants in civil and criminal cases that had been suspended, tolled, or extended since the initial March 14 Order were reimposed as of July 14, allowing more pending and newly filed cases to move forward in the judicial process. However, given the current levels of COVID-19 around the state, this order continues the prohibition on all jury proceedings. This broad prohibition cannot last too much longer, even if the pandemic continues, because the judicial system, and the criminal justice system in particular, must have some capacity to resolve cases by indictment and trial. Accordingly, the Judicial COVID-19 Task Force is focusing on how grand jury and jury trial proceedings could safely be conducted even where levels of COVID-19 are high, including the possibility of conducting grand jury proceedings and jury selection remotely.

As has been the direction since the original Order, all Georgia courts must continue to conduct proceedings, remotely or in-person, in

compliance with public health guidance, applicable statutes and court rules, and the requirements of the United States and Georgia Constitutions, including the public's right of access to judicial proceedings and a criminal defendant's rights to confrontation and an open courtroom. All courts should continue to use and increase the use of technology to conduct remote judicial proceedings as a safer alternative to in-person proceedings, unless required by law to be in person or unless it is not practicable for technical or other reasons for persons participating in the proceeding to participate remotely. This order again delineates the health precautions required for all in-person judicial proceedings and requires courts to adopt and maintain operating guidelines consistent with the Georgia Court Reopening Guide and any more specific local public health guidance.

Accordingly, the Order Declaring Statewide Judicial Emergency, which would have expired on Tuesday, August 11, 2020, at 11:59 p.m., is further **extended until Thursday, September 10, 2020, at 11:59 p.m.** All Georgia courts shall continue to operate under the restrictions set forth in that Order as extended; **the provisions of this order below are identical to the July 10 extension order except for minor revisions to the language of Sections I (C), II (A), and IV (C) (2) and the deletion of Section IV (C) (4).** Where this order refers to "public health guidance," courts should consider the most specific current guidance provided by the federal Centers for Disease Control and Prevention (CDC), the Georgia Department of Public Health (DPH), and their local health departments.

I. Continued Prohibition on Jury Trial Proceedings and Most Grand Jury Proceedings

(A) Current public health guidance recommends social distancing and other measures that make it impracticable for courts to protect the health of the large groups of people who are normally assembled for jury proceedings, including jury selection. Accordingly, the suspension of jury trials shall remain in effect and until further order, all courts are prohibited from summoning new trial jurors and grand jurors and from conducting criminal or civil jury trials.

(B) Grand juries that are already impaneled or are recalled from a previous term of court may meet to attend to time-sensitive essential matters, but these grand juries shall not be assembled except when necessary and only under circumstances in which social distancing and other public health guidance can be followed. A guidance document about the continued authority of grand juries impaneled prior to the issuance of the Order is included in the Appendix to this order. Courts and counsel are reminded that many criminal cases may proceed on accusation and do not require a grand jury indictment.

(C) The Judicial COVID-19 Task Force continues to develop policies, procedures, and templates to allow the safe resumption of jury trials and grand jury proceedings. These materials will be publicized when ready.

II. Reimposition of Deadlines on Litigants

(A) The July 10 extension order reimposed all deadlines and other time schedules and filing requirements (referred to collectively herein as “deadlines”) that are imposed **on litigants** by statutes, rules, regulations, or court orders in civil and criminal cases and administrative actions and that have been suspended, tolled, extended, or otherwise relieved by the March 14, 2020 Order Declaring Statewide Judicial Emergency, as extended, on the following schedule and with the following exceptions and conditions:

(1) Consistent with Section I above, **deadlines for jury trial proceedings (including statutory speedy trial demands), deadlines for grand jury proceedings, and deadlines calculated by reference to the date of a civil or criminal jury trial or grand jury proceeding shall remain suspended and tolled.** This provision does not apply to deadlines calculated by reference to the date of non-jury (bench) trials. Until grand jury proceedings are generally authorized, statutes of limitation in criminal cases shall also remain tolled.

(2) **All other deadlines imposed on litigants shall be reimposed effective July 14, 2020, as further explained below.**

(3) **In cases that were pending before the March 14 Order**, litigants will have the same amount of time to file or act after July 14 that they had as of March 14. For example, if an answer in a civil case was due on March 20, that answer will now be due on July 20, and if a criminal defendant's pretrial motions were due on March 23, they will now be due on July 23.

(4) **In cases filed between March 14 and July 13, 2020**, the time for deadlines will begin running on July 14. For example, if a civil complaint was filed in June and the answer would have been due 30 days later, that 30-day period will begin on July 14 and the answer will be due on August 13.

(5) **In cases filed on or after July 14, 2020**, litigants shall comply with the normal deadlines applicable to the case.

(6) If the reimposed deadline falls on a **weekend or legal holiday**, the deadline will as normal be the next business day. See OCGA § 1-3-1 (d) (3).

(7) Any **extension of time** for a litigant's filing or action that was granted by a court, or was agreed or consented to by the litigants as authorized by law, before July 14, 2020 shall also extend the time for that filing or action after July 14. For example, if a litigant's filing was initially due on March 10 but she was granted a 10-day extension of that deadline (to March 20), the filing will be due on July 24 (10 days after July 14).

(8) Litigants may be entitled to additional time based on the provisions of a local judicial emergency order applicable to their case if such an order tolled applicable deadlines before the March 14, 2020 Order Declaring Statewide Judicial Emergency or tolls applicable deadlines after July 14, 2020.

(9) The tolling and suspension of deadlines imposed **on litigants** in civil and criminal cases that are **calculated by reference to terms of court** shall be lifted as of July 14, 2020, and any regular term of court beginning on or after July 14 shall count toward such

deadlines. See also the May 4, 2020 Guidance on Deadlines and Time Limits Defined by Reference to Terms of Court included in the Appendix.

(10) The 122 days between March 14 and July 14, 2020, or any portion of that period in which a statute of limitation would have run, shall be excluded from the calculation of that statute of limitation.

(11) Litigants may apply in the normal way for extensions of reimposed deadlines for good cause shown, and **courts should be generous in granting extensions particularly when based upon health concerns, economic hardship, or lack of child care.**

(B) Recognizing the substantial backlog of pending cases, **deadlines imposed on courts shall remain suspended and tolled.** All courts should nevertheless work diligently to clear the backlog and to comply with usual deadlines and timetables to the extent safe and practicable.

(C) If before July 14 a court reimposed deadlines by order in a specific case based on the authority to do so granted by prior extension orders, **the case-specific order reimposing deadlines shall control over the deadlines for the same filings or actions reimposed by this statewide order.**

(D) If in a divorce or adoption case a time period required by law actually passed or passes before the court entered or enters a consent order, consent judgment, or consent decree regarding the divorce or adoption, such order, judgment, or decree shall not be invalid based on any suspension or tolling of the applicable period by the March 14 Order as extended.

III. Proceedings Conducted Remotely Using Technology

(A) All courts should continue to use and increase the use of technology to conduct remote judicial proceedings as a safer alternative to in-person proceedings, unless required by law to be in person or unless it is not practicable for technical or other reasons for persons participating in the proceeding to participate remotely.

(B) Courts should understand and utilize the authority provided and clarified by the emergency amendments made to court rules on videoconferences and teleconferences.

(C) Courts may compel the participation of litigants, lawyers, witnesses, and other essential personnel in remote judicial proceedings, where allowed by court rules (including emergency amendments thereto). Such proceedings, however, must be consistent with public health guidance, must not impose undue burdens on participants, and must not be prohibited by the requirements of the United States or Georgia constitutions or applicable statutes or court rules.

(D) In civil, criminal, juvenile, and administrative proceedings, litigants may expressly consent in the record to remote proceedings not otherwise authorized and affirmatively waive otherwise applicable legal requirements.

(E) Courts must ensure the public's right of access to judicial proceedings and in all criminal cases, unless affirmatively waived in the record, a criminal defendant's rights to confrontation and an open courtroom.

IV. In-Person Proceedings Under Guidelines for Safe Operations

(A) Courts have discretion to conduct in-person judicial proceedings, but only in compliance with public health guidance and with the requirements of the United States and Georgia constitutions and applicable statutes and court rules, including

the public's right of access to judicial proceedings and a criminal defendant's rights to confrontation and an open courtroom.

(B) **No court may compel the attendance of any person for a court proceeding if the court proceeding or the court facility in which it is to be held is not in compliance with this order, including in particular large calendar calls. Courts are also prohibited from compelling in-person participation in any court-imposed alternative dispute resolution session that is to be conducted in a manner inconsistent with applicable public health guidelines.**

(C) **Each court shall develop and implement operating guidelines** as to how in-court proceedings generally and particular types of proceedings will be conducted to protect the health of litigants, lawyers, judges, court personnel, and the public.

(1) The Judicial Council Strategic Planning Committee and the Judicial COVID-19 Task Force have issued a bench card entitled "Georgia Court Reopening Guide," which is included in the Appendix and should be used as the template for such operating guidelines, which at a minimum should include all subject matters contained therein. Courts should also consider guidance from local health departments and guidance provided by CDC and DPH; if local public health guidance is more restrictive than the bench card, the local public health guidance should be followed instead.

(2) With regard to everyone who works in a court facility, the operating guidelines shall require **isolation** of any person with known or suspected COVID-19 and **quarantine** of any person with COVID-19 exposure likely to result in infection, in accordance with the DPH Eighth Amended Administrative Order for Public Health Control Measures, a link to which may be found in the Appendix, or any subsequent version thereof.

(3) When there is reason to believe that anyone who works or has visited a court facility has been exposed to COVID-19, DPH or the local health department shall be notified and **notification** of persons

who may have been exposed shall occur as directed by DPH or the local health department.

(D) Courts of different classes that share courthouse facilities or operate in the same county should coordinate their operating guidelines, and should seek to coordinate operating guidelines with non-judicial entities sharing courthouse facilities.

(E) Each court must submit its operating guidelines to the Administrative Office of the Courts at <https://georgiacourts.gov/covid-19-court-operating-guidelines-form/> to be posted at <https://georgiacourts.gov/covid-19-court-operating-guidelines/> as a centralized website available to litigants, lawyers, and the public. Operating guidelines also should be prominently posted at courthouse entrances and on court and local government websites to provide advance notice to litigants, lawyers, and the public.

(F) Operating guidelines shall be modified as public health guidance is modified, and shall remain in effect until public health guidance indicates that they are no longer required.

V. Discretion of Chief Judges to Declare More Restrictive Local Judicial Emergencies

(A) Nothing in the Order Declaring Statewide Judicial Emergency as extended and modified limits the authority of the Chief Judge of a superior court judicial circuit under OCGA §§ 38-3-61 and 38-3-62 to add to the restrictions imposed by the statewide judicial emergency, if such additional restrictions are constitutional, necessitated by local conditions, and to the extent possible ensure that courthouses or properly designated alternative facilities remain accessible to carry out essential judicial functions. A Chief Judge may impose such additional restrictions only by a properly entered order.

(B) No court may disregard the restrictions imposed by the Order as extended and modified.

VI. Guidance on Application of the Order

Included in the Appendix are several guidance documents that clarify the application of the Order in particular contexts. Additional guidance documents may be posted on the AOC's website at <https://georgiacourts.gov/judicial-council/aoc/>. Guidance related to the tolling of deadlines should be read in light of the reimposition of deadlines by this order and by orders in specific cases.

VII. Professionalism

With regard to all matters in this challenging time, all lawyers are reminded of their obligations of professionalism. Judges are also reminded of their obligation to dispose of all judicial matters promptly and efficiently, including by insisting that court officials, litigants, and their lawyers cooperate with the court to achieve that end, although this obligation must not take precedence over the obligation to dispose of matters fairly and with patience, which requires sensitivity to health and other concerns raised by court officials, litigants and their lawyers, witnesses, and others.

VIII. Notice Provisions

(A) Notice will be provided as to the expected termination of the Order as extended and modified at least one week in advance to allow courts to plan for the transition to fuller operations.

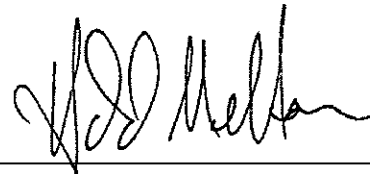
(B) The clerks and court administrators of trial courts that conduct jury trials and convene grand juries will be provided sufficient notice of the resumption of jury proceedings to allow the complicated process of summoning potential jurors to be completed.

(C) The impact of COVID-19 varies across the state, and the level of response and adjustment will likewise vary among courts. Courts should make available to the public the steps they are taking to safely increase operations while responding to the COVID-19 pandemic.

Recognizing that not all courts have a social media presence or website, the Administrative Office of the Courts will continue to post court-specific information as it becomes available on the AOC website at <https://georgiacourts.gov/covid-19-preparedness/>.

(D) Pursuant to OCGA § 38-3-63, notice and service of a copy of this order shall immediately be sent to the judges and clerks of all courts in this State and to the clerk of the Court of Appeals of Georgia, such service to be accomplished through means to assure expeditious receipt, which include electronic means. Notice shall also be sent to the media, the State Bar of Georgia, and the officials and entities listed below and shall constitute sufficient notice of the issuance of this order to the affected litigants, counsel for the affected litigants, and the public.

IT IS SO ORDERED this 11th day of August, 2020, and effective at 11:59 p.m.

A handwritten signature in black ink, appearing to read "H. D. Melton", written over a horizontal line.

Chief Justice Harold D. Melton
Supreme Court of Georgia

APPENDIX

Guidance on Tolling of Filing Deadlines (March 27, 2020)

Guidance on Tolling of Statutes of Limitation (April 6, 2020)

Guidance on Deadlines and Time Limits Defined by Reference to Terms
of Court (May 4, 2020)

Guidance on Grand Juries (May 4, 2020)

Further Guidance on Grand Juries (May 11, 2020)

Georgia Court Reopening Guide (June 11, 2020)

DPH Eighth Amended Administrative Order for Public Health Control
Measures (July 28, 2020)

Governor Brian P. Kemp
Lt. Governor Geoff Duncan
Speaker David Ralston
State Bar of Georgia
Administrative Office of the Courts
Judicial Council of Georgia
Council of Superior Court Clerks of Georgia
Department of Juvenile Justice
Criminal Justice Coordinating Council
Council of Accountability Court Judges
Georgia Commission on Dispute Resolution
Institute of Continuing Judicial Education of Georgia
Georgia Council of Court Administrators
Chief Justice's Commission on Professionalism
Judicial Qualifications Commission
Association County Commissioners of Georgia
Georgia Municipal Association
Georgia Sheriffs' Association
Georgia Association of Chiefs of Police
Georgia Public Defender Council
Prosecuting Attorneys' Council of Georgia
Department of Corrections
Department of Community Supervision
Georgia Court Reporters Association
Board of Court Reporting
State Board of Pardons and Paroles
Constitutional Officers Association of Georgia
Council of Magistrate Court Clerks
Council of Municipal Court Clerks

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the
minutes of the Supreme Court of Georgia.
Witness my signature and the seal of said court hereto
affixed the day and year last above written.

 , Clerk



STATE BOARD OF WORKERS' COMPENSATION

Judge Frank R. McKay
Chairman
Judge Benjamin J. Vinson
Director
Judge Terry H. Chastain
Director

Information
(404) 656-3875

ORDER OF THE STATE BOARD OF WORKERS' COMPENSATION

On July 10, 2020, the Honorable Harold D. Melton, Chief Justice of the Georgia Supreme Court, issued a Fourth Order Extending Declaration of Statewide Judicial Emergency which extends the judicial emergency through August 11, 2020. Consistent with the Chief Justice's order, the State Board of Workers' Compensation hereby issues this order with directions and instructions for Board proceedings as follows:

Hearings

As has been the direction since the Chief Justice's original judicial emergency Order, all Georgia courts must continue to conduct proceedings, remotely or in-person, in compliance with public health guidance, applicable statutes and court rules, and the requirements of the United States and Georgia Constitutions. The Chief Justice's order of June 12, 2020 directed each court to develop and implement operating guidelines as to how in-court proceedings will be conducted to protect the health of litigants, lawyers, judges, court personnel, and the public. The Board has developed guidelines for in-person hearings in Atlanta and all field locations in which Board hearings are held that follow public health guidance. The guidelines are posted on the Board's website, and the guidelines have been sent to the e-mail addresses of all attorneys registered with the Board. In-person hearings are being scheduled for dates in July 2020 and thereafter, in accordance with the limited availability of time slots and locations for in-person hearings due to Covid-19 safety precautions. Cases on hearing calendars in July and thereafter will continue to be reset in the same manner as before the judicial emergency. However, no hearing will go forward until the parties are ready to proceed to a hearing and they have had a conference call with the presiding judge to discuss the hearing logistics, including in-person hearing guidelines, number of witnesses, estimated length of the hearing and **to determine the actual date and time that the in-person hearing will take place.** A conference call is also appropriate when a hearing has been reset to a date in the near future and one party is ready to go forward with the hearing, and the other party objects to proceeding with the hearing at that time.

Mediations

In-person mediations will also be scheduled at the request of the parties. Parties wanting to proceed with an in-person mediation should contact the Board's Alternative Dispute Resolution Division to discuss the logistics of the mediation, including in-person mediation guidelines, number of people expected to attend the mediation, the estimated length of the mediation and **to determine the actual date and time that the in-person mediation will take place.**

Board Appellate Proceedings

Appellate oral arguments will continue to be held virtually via the Zoom video-conferencing platform. The Board may compel litigants and lawyers to participate in virtual appellate oral arguments until further notice. Parties may also elect to waive oral argument and submit the issues for decision on briefs. **In-person oral arguments will require a conference call with the Appellate Division Director to discuss logistics and determine the actual date and time the in-person oral argument will take place.**

Virtual Proceedings Available and Strongly Encouraged

The Chief Justice's order of July 10, 2020 states that all courts should continue to use and increase the use of technology to conduct remote judicial proceedings as a safer alternative to in-person hearings unless required by law to be in person or unless it is not practicable for technical or other reasons for persons participating in the proceeding to participate remotely. Accordingly, parties to workers' compensation hearings, mediations, and appellate oral arguments are strongly encouraged to utilize virtual proceedings as a preferred alternative to in-person proceedings for safe, prompt, and efficient resolution to disputes during and after the period of the judicial emergency.

Deadline Extensions Terminated

The deadline extensions found applicable to workers' compensation cases in the Board's previous orders of March 17, 2020, April 7, 2020, May 12, 2020, and June 17, 2020, are terminated as of the date of this order. This order reimposes all deadlines and other time schedules and filing requirements (referred to collectively herein as "deadlines") that are imposed by statutes, rules, regulations, or court orders in workers' compensation proceedings. For guidance in calculating time periods that include the period of deadline extensions imposed by previous Board orders, see the Chief Justice's order of July 10, 2020 and the attached appendix.

Payment of Benefits; Provision of Authorized Medical Treatment

Payment of timely weekly benefits, payments pursuant to Board awards and orders approving settlement agreements, and provision of authorized medical treatment constitute essential functions necessary to protect the health and safety of individuals. Therefore, the statutory requirements and Board rules relating to payment of benefits or

provision of authorized medical treatment have not been affected by previous Board orders during the judicial emergency and are not affected by this order.

Professionalism

During this challenging time as always, attorneys practicing before the State Board of Workers' Compensation are reminded of their obligations of professionalism and requirement to comply with the ethical rules of the State Bar of Georgia.

It is so ordered, this 15th day of July, 2020.

Frank R. McKay /s/
CHAIRMAN

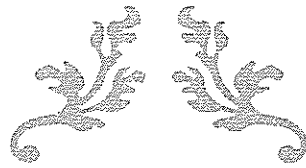
Benjamin J. Vinson /s/
DIRECTOR

Terry H. Chastain /s/
DIRECTOR

Zoom for the Workers' Compensation Practitioner

Mediating and Professionalism Before the ADR Division

Honorable Liesa Gholson – Division Director, ADR State Board of Workers' Compensation
Michelle Thomas, Esq. – Mediator State Board of Workers' Compensation



ZOOMIQUETTE

How to Demonstrate Professional Respect for the
Mediation Process



By Administrative Law Judge Liesa A. Gholson and
Michelle M. Thomas, Esq.

I. Introduction

Catastrophe drives change and innovation, and the COVID-19 pandemic has done exactly that. As news of COVID-19 began to indicate that a massive scale public health response might be necessary, SBWC ADR began considering options for continuing our business. When the shelter-in-place orders came, our initial response was to begin conducting mediations by telephone and now all the ADR division mediators and judges have Zoom Pro licenses.

Zoom Pro affords break-out rooms into which the host can separate the parties for private discussions, as well as a conference forum for all parties to meet. Participants can share documents on-screen. This platform allows a secure sign-on for multiple parties, with participation by video or simply by voice if a video device is not available. Video participants need a camera and voice connection as well as high-speed internet. Parties can use a desktop, laptop, tablet, or smartphone, and voice participants can use a landline, cell phone, or VOIP. There is no cost and no subscription required for participants.

Videoconferencing has allowed ADR mediators to cover conferences throughout the state including areas not regularly included in their schedules. Videoconferences also afforded the flexibility to “special set” a mediation conference with a specific mediator without the need for travel. This allows us to get claims onto the mediation calendar more quickly. Other advantages of videoconferences include providing mediation services to parties who would not be able to travel for reasons of health, transportation, workload, or even simply distance. Adjusters and employer representatives can be included in a videoconference with ease whereas their personal attendance could be more difficult.

There are advantages to videoconferencing which make it an option we will continue to use after we are able to return to a more traditional mediation format with in-person mediations. Attorney fee liens, change of physician requests, average weekly wage disputes, and additional medical treatment negotiations are particularly suited for videoconference mediations. Additionally, we are using videoconferences in place of some conference calls – seeing each other face-to-face often adds a helpful aspect to discussions. These matters are likely to continue by videoconference as demand warrants. We will also keep videoconferencing as an option at any time for parties for whom health and distance are barriers to travel.

Videoconferencing has proven to be a valuable tool; it will remain in our toolbox even as we transition back to more in-person mediation. However, while the ability to hold mediation conferences via Zoom has created the opportunity to move forward with mediations in this pandemic (The ADR Division did 170 mediation in the month of July 2020!), Zoom mediations also have some very specific considerations and concerns that need attention in each and every mediation. What follows are some helpful hints, suggestions, and professional considerations for moving through the mediation process with videoconferencing mediations.

II. Before mediation

As always, first things first: Read the notice. Since the beginning of the pandemic we have gone through several versions of the mediation notice, amending it repeatedly to provide parties with important and current information about mediations.

We understand that reading the notice may not be part of an attorney's usual routine. The notice may come to an email inbox that someone in the office checks and they send the

notice back out to the client, with a routine cover email or letter. This kind of routine procedure may accomplish what it needs to in normal circumstances, but these are not normal circumstances. Please read the notices and make sure your client is aware of the pertinent elements of that notice.

Next, talk to the other side. Is the case ready to go forward? If yes, decide whether you want to proceed via Zoom or telephonically. This decision should be made by the parties. All the mediators in the ADR division have Zoom licenses now. While there are times a request for a Zoom mediation will be unable to be accommodated, those times are likely to be fewer than they were at the outset of the pandemic. Make sure the person who is communicating with the Board, the mediator, and the other parties knows the format for the mediation.

However, in choosing a format, please think about whether there any special considerations that need to be addressed. Please give this issue some honest and deliberate thought. Is this a case where more than one party or more than one attorney per side will be participating? Is someone quarantining? Is someone unable to travel? Does someone have limitations on their ability to see or hear? And, perhaps most importantly, is someone “technology challenged?”

If the case is not ready to go forward, please let us know as soon as possible. Like everyone, we are working in extraordinary times and extraordinary circumstances. We too have had to make accommodations and adjustments to how we do things during this pandemic. Some of these accommodations, have given us more flexibility to quickly reset mediations, and we are happy to do that as needed, but it is just as important that we be able to allocate our resources (i.e., mediators) appropriately.

III. The day before mediation

Read the emails from the State Board. Again, while this is something that may not be part of the attorney's normal routine, it may be necessary in these times. Please devote some effort to responding promptly and timely to these emails, as this is essential for planning and allocating resources on a daily basis.

Notify the Board that the mediation is ready to go forward, along with the following information: Are the parties requesting Zoom mediation? If yes, provide the name, direct telephone number, and email address of every participant. Are the parties prepared to go forward telephonically? If yes, provide the name and direct phone number of every participant. This is an important note: If Jack is the attorney of record and he will not be handling the mediation, tell us. Furthermore, if Jack is the partner on the case, but the associate Jane has been handling the file, and she has a conflict so the associate Jill is going to cover for Jane, it is Jill's contact information we need. If all three are going to participate in the mediation, then we need the information for all three. Also, we need direct contact information-direct dial numbers, and/or cell phones, and direct emails-not the firm's main telephone number-for Zoom mediations. Also, even if you know the mediator has the information, please reiterate when it is asked for.

Here is why: These are uncertain times and while you may be sure that a particular mediator is handling a particular mediation, things happen and things change. That mediator could become ill, she could be quarantined and not have the information you think she has. A party or counsel could have to quarantine, so the best place to reach him or her is no longer the office. This direct and up to date contact information is important. Furthermore, if you are empowering your staff to confirm mediations as ready to proceed, they need to be empowered to divulge the attorney's cell phone number to the State Board.

Make arrangements with your client as appropriate. If you have a Zoom mediation, either forward the informational email on to your client or arrange for them to be with you no less than 20 minutes before the mediation. If your client is not going to be physically co-located with you, make sure you and your client will be participating in the mediation from a secure location that maintains the integrity and confidentiality of the mediation process.

Make sure you and your clients have sufficient familiarity with Zoom to go forward with the mediation. Do not leave this until the day of the mediation and do not plan to be able to walk your client through Zoom in five minutes. Failure to plan in this regard is planning to fail. If an individual has never used videoconferencing before, adding the stress of figuring out unfamiliar technology to what is already a stressful situation can simply be too much for some people and can make the mediation process even more traumatic and anxiety provoking. Try scheduling a Zoom conference with your client to discuss the mediation beforehand. If someone cannot log on and make things work outside of the mediation, they are unlikely to be able to make Zoom work on the more stressful day of the mediation. Once you determine that your client can manage the technology, familiarize them with appropriate Zoom behavior.

IV. At mediation

Be on time and be respectful of everyone's time. Being on time for mediation no longer means rolling in on two wheels five minutes after the scheduled start time and no one is going to believe the excuse that anyone got stuck in traffic! To allow for technical difficulties, being on time means logging on 10 minutes prior to the mediation. This gives everyone a chance to log on, start their video, start their audio, and make sure they can

see and be seen and hear and be heard. Ten minutes lead time helps get the preliminaries out of the way without eating into the mediation time.

Pre-pandemic, many of you may have had mediations that occurred while the mediator was doing two mediations. While the Board mediators still frequently do more than one mediation a day, it is simply too complicated to try and do two mediations at once via Zoom or via the telephone.

However, generally speaking, anything you could do at an in-person mediation you can do in Zoom. You can meet privately with your client, you can talk directly with the other counsel, you can take a break. If you have any questions about this at all, ask the mediator.

Set aside all other business. At the time of the mediation, the mediation comes first. While we recognize that you may HAVE to deal with something limited that comes up, using mediation as an opportunity to multi-task is inappropriate. The mediation is expected to be your priority during the mediation. If it is not, the mediation needs to be rescheduled.

As an aside, if you do have a mediation that occurs telephonically, answering the call from the mediator is your priority. Forcing the mediator to leave repeated messages or listen to hold music is not an appropriate use of the mediation.

Maintain the integrity of the mediation by having everyone who will or will need to participate in the mediation ready to go forward at the beginning of the mediation. Everyone participating in the mediation needs to be prepared to be involved in the mediation from start to finish.

Everyone means everyone. If an attorney starts a mediation, he or she should also finish it. There is no designated hitter or relief pitcher in mediations. This also means that the adjuster's supervisor cannot decide to join for the last 15 minutes because her other

meeting ended or the claimant's uncle cannot come in to "help out at the end." Just as if the mediation were occurring in person, anyone participating in the mediation needs to be prepared to participate in the mediation and be bound by the rules of the mediation. Furthermore, the physical location where everyone begins the mediation needs to be where everyone remains for the duration. To protect the confidentiality and integrity of the mediation, it is not appropriate to be in a car, a store, a doctor's office, a child's school, a restaurant, a park at any time during the mediation. All of these create the potential for the confidentiality of the mediation to be compromised and are unprofessional and unacceptable. If the mediator senses this is happening, he or she may suspend the mediation. Again, mediation is not an opportunity to multi-task. If you need to be somewhere else, you need to reschedule the mediation.

Likewise, there should be no whispering in Zoom mediations. If you need to speak with someone about something in private, tell the mediator. If you need to step away for a minute to deal with a matter of urgency, do so. If you need to talk to your client privately, tell the mediator and they can leave the breakout room. But there is no reason to be whispering something to someone off camera about the mediation. There is no such thing as clandestine participation in mediation.

If your client is not in your physical proximity, stay in contact with them, either in the breakout room or on the telephone.

As matters of more general courtesy and bearing in mind that mediation is still a consequential and important process for the participants, be respectful of the other participants.

While a discreet beverage is fine, slurping on straws, eating, and gum chewing is not. Dress appropriately. Again, mediation involves big decisions for a lot of people. The

process needs to be treated with respect. While no one may know that you are wearing yoga pants (and if you are, think before you stand up!) they will know if you are wearing golf shirts and tank tops.

Put aside and/or mute other distractions. Televisions, while omnipresent, should be turned off. Texting, internet surfing, or other calls should also not occur, as they are both distracting and potentially compromise the mediation process. Likewise, there communications between the parties should be limited to those that are within the mediation process. Texting opposing counsel during the mediation is also not generally appropriate and texting should not be used to circumvent the mediator.

Do not move around. There is nothing so distracting, or frankly, nauseating, as talking to someone while they are walking. Be considerate of those who might suffer from motion sickness if forced to go on a wander through your backyard.

Be conscious of light, shade, and position. If you are backlit, it becomes hard to see your face, making the video superfluous. If you are front lit, you could be washed out. If the camera is in your lap, the view everyone has may be straight up your nose-not really anyone's best side-or of your ceiling fan, which can also be nausea inducing. Moreover, participating from bed, beaches, bathrooms, and bars is discouraged.

Also consider how many people will be in the shot. If you and your client and his wife are all going to be using one computer, you may need to adjust to allow everyone to be on camera. Test out your lighting and camera position before hand to get the most out of the experience.

V. Conclusion

These are strange and challenging times for everyone. We are lucky to be able to work together to continue to move claims forward through the mediation process for the

injured workers' of Georgia and look forward to continue to work with all the stakeholders in the process through this unprecedented situation. We are proud to offer videoconferencing mediations and will continue to do so. We appreciate everyone's willingness to work together, with professionalism, dedication, consideration, and respect for the mediation process, and one another, as we navigate these new waters.

PROFESSIONALISM PRACTICES IN MEDIATIONS

SBWC – ADR DIVISION

We are offering teleconference and videoconference mediations while COVID-19 health concerns persist. Please observe the following guidelines to make these processes run more smoothly.

SCHEDULING A MEDIATION

- Mediations are requested as usual – by the filing of a WC-100 for settlement mediations and a WC-14 for any other issues – please do not try to schedule a settlement mediation via a Form WC-14 as this can cause delay.
- If there is a particular date and time that works for all parties, call 404-656-2939 – we will accommodate you if possible.
- Additionally, “special set” mediations can be scheduled with an individual mediator for a specific date and time – contact the mediator directly to request available dates and times. If there is an unforeseeable reason you cannot proceed on the date the mediator has blocked out for you, you must contact that mediator to see when an alternate date might be available. If you request a reset in any other manner, your mediation will go onto the regular mediation calendar at the first available date.
- Mediations will be held by teleconference unless a Zoom mediation is requested beforehand – **Zoom arrangements are first come, first served. We look forward to wider availability in the near future.** Zoom participation requires a phone or computer with a camera and a secure internet connection; public wi-fi is not secure.

THE PROCESS

- On the business day prior to the scheduled mediation, an ADR Legal Secretary will contact the attorneys to collect updated contact information. PROVIDE A PRIMARY TELEPHONE NUMBER AND A SECONDARY NUMBER SUCH AS A CELL PHONE NUMBER FOR THE ATTORNEYS WHO WILL BE HANDLING THE MEDIATION to ensure the mediator can reach you when necessary. Do not provide a partner’s number if an associate will be handling the mediation.
- For Zoom, attorneys are responsible for forwarding the emailed invitation to their clients.
- If you are requesting a Zoom mediation, you must respond to the email and provide accurate contact information early. Since at this time these are first come, first served, delayed confirmation and contact information can mean your request comes too late for us to accommodate.
- On the day of the mediation, be ready 15-30 minutes ahead of the scheduled time for the mediator to reach out with preliminaries. The mediator will go over the process and address any questions or concerns you have before the formal mediation begins. If a party is not available at the number provided at the appointed time, the mediation may be removed from the calendar as a “no show.”

GROUND RULES

- In addition to the customary ground rules for in-person mediations, there are some special ground rules which must be observed for teleconference or videoconference mediations:
- The mediation process is confidential:
 - ABSOLUTELY NO RECORDING.
 - Be in a quiet room, without interruptions or distractions.
 - Only the parties to the mediation should be present. If anyone joins you, you must let the mediator know.
 - Your mediator will ask if you are in a secure and private location. If this changes at any time during the process, let your mediator know. If privacy cannot be maintained, your mediator may reset the conference to another date to meet this need.
- Attorneys have the same duties when communicating with their clients by telephone or video as exist in an in-person mediation. If at any time communication cannot occur (call drops, internet goes down, etc.) let your mediator know. There should be a plan in place to re-establish contact.
- The time required for a teleconference or videoconference mediation should be approximately the same as an in-person mediation. To the extent possible, be prepared to give the mediation your undivided attention. **Please block out appropriate time in your schedule and be respectful of the other parties’ time. Please be respectful of your mediator’s time as well – they’re often handling more than one mediation per day.**

We’re in business, just not quite business as usual! We look forward to helping you reach resolution.

STATE BOARD OF WORKERS' COMPENSATION

NOTICE OF MEDIATION

At the request and by agreement of the parties, this matter has been set for a mediation conference for the purpose of negotiating an all issues settlement of the employee's workers' compensation claim arising out of the above referenced accident date with this employer.

A mediation conference is hereby ordered set:

On: [Day], [Date], at [time].

The mediation will be conducted either as a teleconference (over the telephone) or as a videoconference (via Zoom Pro). See the enclosed information sheet for procedures and ground rules.

Zoom arrangements are available on a first come, first served basis.

No party or party representative should report for mediation in person at any Board office or other location.

In order for the maximum benefit to be obtained from the settlement negotiations, the parties are directed to have sufficient authority at the time of the conference to resolve all pending issues. Each party's representative at the conference should have at least a working knowledge of all factual and legal aspects of the case. Prior to the mediation, the parties should exchange any documents which need to be discussed in order to resolve the dispute.

No continuance will be granted except upon strict legal grounds. *Prior to the mediation date, the party asserting a legal excuse for cancellation or postponement of the scheduled mediation is responsible for notifying opposing counsel, or the appropriate representative, of the need for a postponement and for initiating a conference call with the Board for the purpose of rescheduling the mediation.*

In addition, if the parties settle this claim prior to the mediation date or if the parties would like to jointly request that the mediation date be rescheduled, the parties shall immediately notify the ADR Division, first by telephone and then by a follow up letter if requested, prior to the scheduled mediation conference. Failure to timely notify the Board of a cancellation results in critical mediation time slots being unused and causes additional delays for others waiting to participate in the mediation process. **Therefore, failure to appear or follow the postponement or cancellation policy above shall result in the assessment of civil penalties against the offending party, parties, or attorneys. See Board Rule 100(h).**

Any questions regarding the mediation should be directed to the Board's Atlanta office at the above number at least 24 hours prior to the scheduled date of the mediation.

Failure of former counsel to participate in the conference and present argument and evidence in support of any fee lien could result in the dismissal of the lien. See Board Rule 108(e).

[DATE]

[SIGNATURE BLOCK]

Zoom for the Workers' Compensation Practitioner

Consenting to a Zoom Hearing,
Submitting Evidence, and
Professionalism Before the Trial
Division

Mock Pre-Hearing Zoom
Conference

Mock Zoom Hearing

Honorable Sharon Reeves – Administrative Law Judge, State Board of Workers' Compensation
Bobby Allen, Division Director, Information Technology, State Board of Workers' Compensation
Honorable Johnny Mason – Administrative Law Judge, State Board of Workers' Compensation
Tommy Goddard, Esq. – Goddard & Hammontree, LLC
Cristine Huffine, Esq. – Swift, Currie, McGhee & Hiers, LLP
Honorable Ricky Sapp – Administrative Law Judge, State Board of Workers' Compensation

OneDrive for Attorneys

- 1) The recipient will receive an email similar to this one:

Bobby Allen shared the folder "My Share Folder" with you.

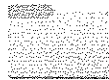


Bobby Allen
To • Bobby Allen

Enter message here.



This link will work for anyone in State Board of Workers' Compensation.



My Share Folder

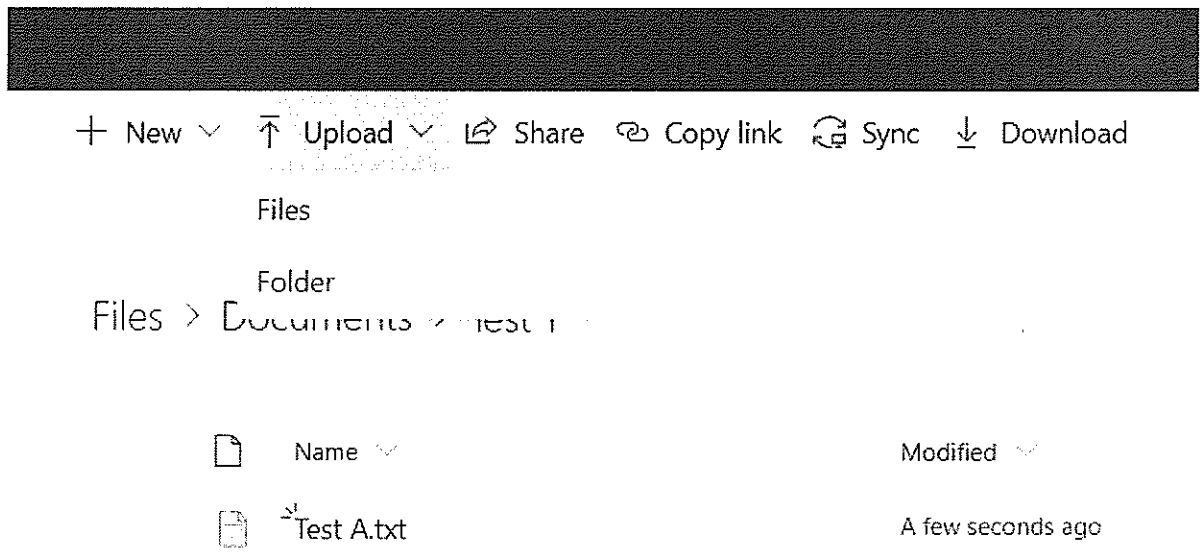
Open



Microsoft OneDrive

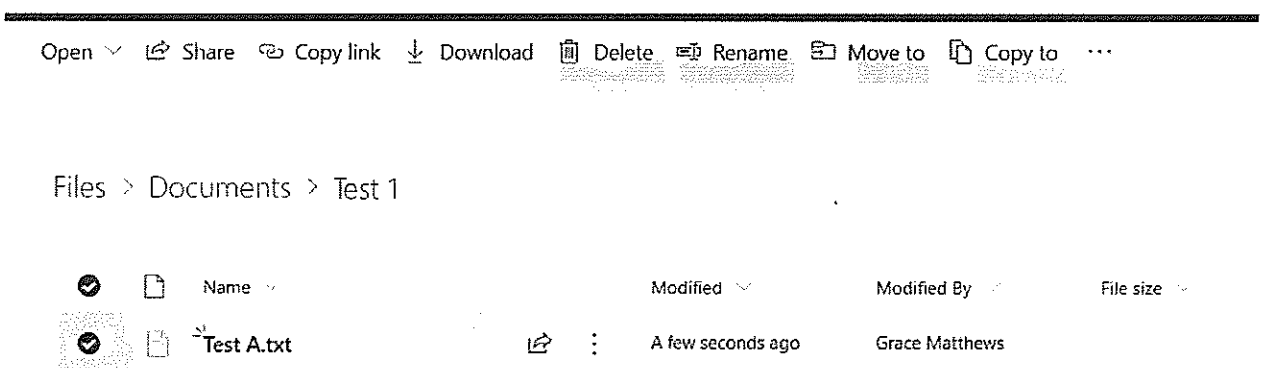
Microsoft respects your privacy. To learn more, please read our [Privacy Statement](#).
Microsoft Corporation, One Microsoft Way, Redmond, WA 98052

- 2) Once a recipient opens the shared folder, they will be able to View/Edit depending on the level of access granted.
- 3) The link to the shared folder will expire in 7 days.
- 4) If Edit permissions are granted, the recipient(s) will have the ability the upload files and folders. ***Please note that the Upload option works more consistently than the Drag Drop option.***



Note: You, the recipient, would click the "Files" or "Folders" options, whichever you prefer. You will be shown a window to your own computer's file explorer, which will show all your documents and folders. You will select the document(s) or folder(s) you want from there and then click the command that completes your upload. A notification will automatically be sent to the original sender telling the sender that you have completed your upload. You in turn will be sent a notification saying the sender has received and/or opened it.

5) You can also Delete, Rename, Move, Copy, and edit a selected file.



(Suggested language for consent order for a virtual hearing-specific terms to be determined by the parties and the judge)

[INSERT CAPTION OF CLAIM]

CONSENT ORDER FOR REMOTE EVIDENTIARY HEARING

In keeping with the directives of the Governor of Georgia and the President of the United States to practice social distancing and protect the health of citizens during the COVID-19 pandemic, the State Board of Workers' Compensation is making remote hearings temporarily available by consent of all parties.

NOTICE OF DATE AND TIME OF REMOTE HEARING

The above-captioned matter will come before the presiding administrative law judge for an evidentiary hearing on [] day, [], [], 2020, at [] AM/PM. There will be no separate notice of hearing. This consent order supersedes any previously issued hearing notice. Call-in/login information will be distributed by the presiding administrative law judge's administrative assistant to attorneys for the parties no later than the day before the hearing. Videoconferences may be held for technology checks and pre-trial conferences at the discretion of the presiding administrative law judge. Attorneys are responsible for distributing the call-in/login information to their clients and witnesses.

PRELIMINARY STIPULATIONS

The parties stipulate to the following: The State Board of Workers' Compensation has jurisdiction over this matter. The place of the alleged accident is in [] County, Georgia. The parties have all consented to hold the hearing via telephone and/or videoconference in lieu of the provisions in OCGA § 34-9-102(b) regarding the place of hearing.

DOCUMENTARY EVIDENCE

At least two business days before the hearing, the parties **shall** identify each document that may be tendered as an exhibit at the hearing, exchange copies of such documents with one another, and provide copies to the presiding administrative law judge via a OneDrive link provided by the judge. Exhibits shall be marked in compliance with Board Rule 102(F)(4). In unusual circumstances, at the discretion of the presiding administrative law judge, exhibits may be submitted by U.S. Mail only if the exhibits can be received by the opposing parties and the judge at least 2 business days before the hearing.

Parties wishing to tender audio or video evidence shall contact the presiding administrative law judge via conference call at least 2 business days before the hearing to discuss submission. Audio and video evidence should not be uploaded to OneDrive.

WITNESSES

Each party is responsible for arranging for its witnesses to be available to participate in the hearing by calling in or logging in at the time set for the hearing or by being on a line with a party representative. Witnesses must

be presented by video unless prior arrangements are made by agreement of the parties with consent of the presiding administrative law judge. Nothing in this order shall prevent the presentation of witnesses by deposition testimony as otherwise permitted by law.

COURT REPORTER

All parties agree that a certified court reporter shall be present telephonically or via videoconferencing; and further agree that his/her presence and reporting through such means shall be as effective as if the court reporter appeared in person before each witness, attorney, and the administrative law judge. The parties therefore agree that the court reporter's appearance by phone/video complies with all legal requirements for court reporters and the parties waive all other formalities and legal requirements.

OATH AND AFFIRMATION

All parties agree that the oath and affirmation will be administered telephonically or through videoconferencing by the presiding administrative law judge and will have the full force and effect of OCGA § 34-9-102(c) as if presented in person.

RIGHT TO REPRIMAND OR EXCLUDE

All parties agree that the presiding administrative law judge shall have the right to reprimand or exclude from the remote hearing any person for any indecorous or improper conduct committed in the presence of the administrative law judge as allowed by OCGA § 34-9-102(c) as if the administrative law judge observed such conduct personally.

SUBPOENAS

The usage and enforcement of subpoenas shall continue to be governed by OCGA § 24-13-1 et seq. pursuant to Board Rule 102(E) but the witness shall be deemed to have complied with the subpoena so long as he/she appears by phone or video as outlined in the subpoena at the scheduled date/time.

RECORDING OF HEARINGS

Board Rule 102(A)(6) governs remote hearings, and no party shall make any audio, video, photographic, electronic recording or court transcription of a Board proceeding unless expressly permitted by the Board after full compliance with this Rule and express permission from the presiding administrative law judge. No video recording of the hearing will be captured by the Board.

BEST PRACTICES

The parties will read the attached list of best practices.

Agreed upon on behalf of ourselves and our clients, this ____ day of _____, 2020:

ATTORNEY FOR EMPLOYEE

Attorney's name:

Primary contact phone number:

Secondary contact phone number:

Email address:

ATTORNEY FOR EMPLOYER/INSURER

Attorney's name:

Primary contact phone number:

Secondary contact phone number:

Email address:

SO ORDERED this ____ day of _____, 2020:

ADMINISTRATIVE LAW JUDGE

Presiding ALJ's name:

Primary contact phone number:

Secondary contact phone number:

Email address:

BEST PRACTICES

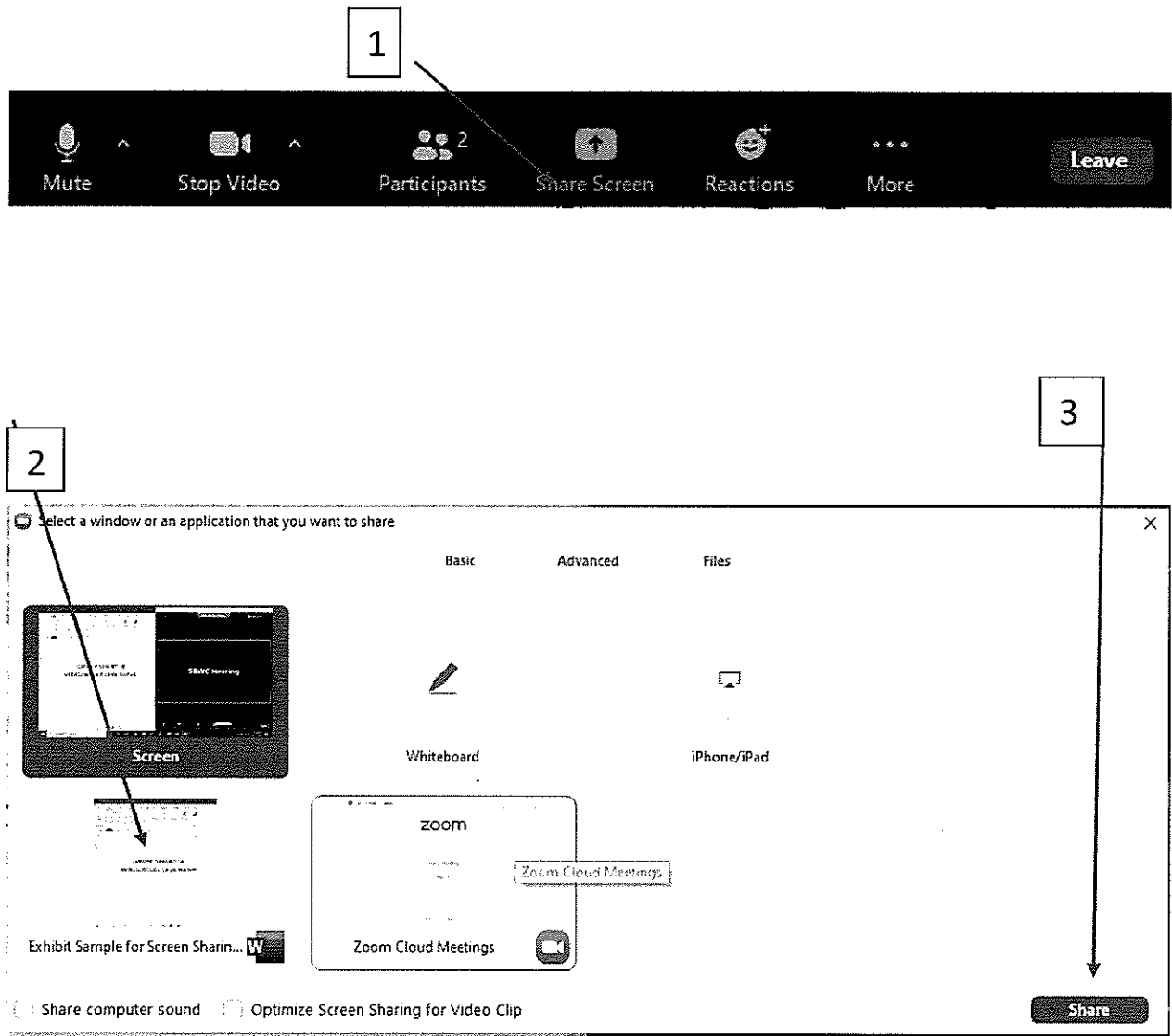
1. The State Board of Workers' Compensation will use Zoom as the videoconferencing platform for Remote Hearings.
2. These are trying times and all parties should exercise the utmost professionalism in their dealings with others. Normal courtroom decorum is expected, including appropriate attire.
3. Please secure good internet connectivity for all attorneys and witnesses prior to commencement of the hearing. Each attorney is responsible for the technology necessary to effectively present his/her client's case, including presentation of witnesses and evidence by electronic means. Often a hard wire internet connection is the most reliable where available. Silence all other devices and ensure that your environment is free from background noise.
4. You will receive links from the judge's office for uploading your exhibits. If you do not, contact the judge's office. You should be able to upload your exhibits and any joint exhibits. You should be able to view the opposing party's exhibits. You should upload each exhibit separately, with each file named accordingly (for example, C-1, C-2, or D-1, D-2, etc.). The parties are reminded that submitting this evidence, whether by OneDrive or by mail, is not a judicial determination of admission into evidence. That decision will be made by the presiding judge during the course of the hearing, as it normally would be.
5. Not all documents used in court will be tendered as evidence. Our platform, Zoom, has the ability to share documents on the screen through "Screen Share." Please make sure all documents you want to display to the court and/or a witness during the hearing are uploaded onto your computer for display via screen sharing during the hearing. Before the hearing, please familiarize yourself with the Zoom tutorial on screen sharing. This is the feature you would use for displaying an impeachment document to a witness, such as a deposition. You should have the deposition or other document downloaded onto your computer and available on your screen before the hearing. During the hearing, you will ask the judge to allow you to "share your screen" when you are ready to use it for impeachment.
6. Parties desiring to present audio or video during a hearing should view the online tutorial on the Zoom website for accomplishing this.
7. Please make sure you have all contact information including alternatives for all of your witnesses so that you can reach them during the hearing and in the event of technical difficulty.
8. The administrative law judge will have the ability to sequester witnesses through Zoom upon motion. The judge will also have the ability to put you and your client or you and opposing counsel in a private "breakout room" for consultation if needed; just ask.
9. If an interpreter is needed, the party presenting testimony through an interpreter will be responsible for securing the logistics of those services and informing the court and opposing counsel in advance of the hearing.
10. Each party should email a list of witnesses it may call and an index to its exhibits to the ALJ's administrative assistant the day before the hearing. The administrative assistant will send these to the court reporter for her use during the hearing.

Please wait, the meeting host will let you in soon.

SBWC Hearing's Zoom Meeting

8/17/2020

SHARE SCREEN IN ZOOM



Zoom for the Workers' Compensation Practitioner

Ethical Issues Related to Zoom Proceedings

Honorable Melodie Belcher – Administrative Law Judge State Board of Workers' Compensation

Honorable Kimberly Boehm – Administrative Law Judge State Board of Workers' Compensation

Honorable Viola Drew – Administrative Law Judge State Board of Workers' Compensation

Tracee Benzo, Esq. Benzo Law LLC

William A. White, Esq. Welch, Webb & White, LLC

Ethical Considerations Applicable to Workers' Compensation Zoom Proceedings

Georgia Supreme Court Justice Harold Melton stated in his judicial emergency order that even during the pandemic, courts must ensure the public's right of access to judicial proceedings. The Chief Justice's order provided further that all courts should continue to use and increase the use of technology to conduct remote judicial proceedings as a safer alternative to in-person proceedings. In accordance with the Chief Justice's order, the State Board of Workers' Compensation has issued corresponding orders strongly encouraging parties in workers' compensation cases to utilize virtual proceedings as a preferred alternative to in-person proceedings for safe, prompt, and efficient resolution of disputes during the pandemic.

The Board has been making its proceedings available by Zoom for several months. While multiple mediations and appellate arguments before the Board have taken place, there has been some difficulty in obtaining consent of all parties to Zoom hearings.

1. Consent to a Zoom hearing

The Preamble to the State Bar of Georgia Rules of Professional Conduct provides that a lawyer has the responsibility to be an effective representative of his or her client, to be an officer of the legal system and has a special responsibility for the quality of justice. Virtually all difficult ethical problems arise from conflict among a lawyer's responsibilities to clients, the legal system and to the lawyer's own interest in doing the right thing. To have workers' compensation claimants seeking disability benefits and medical treatment wait for months for a hearing due to circumstances of the pandemic is a denial of access to justice for these claimants and violates the basic tenet of lawyer professional responsibility to foster the administration of justice.

There can be no real dispute that refusing to consent to a Zoom hearing just for the sake of delay is a violation of lawyer ethics. See the comment to Rule 3.2 which provides that dilatory practices bring the administration of justice into disrepute. However, a lawyer who falsely represents to the judge and the opposing party that his client will not allow him to consent to a Zoom hearing also violates several ethical rules. If the lawyer has either not spoken with the client about the possibility of a Zoom hearing, or has persuaded the uninformed client

that it is in the client's best interest to wait for an in-person hearing, the lawyer who claims it is the client who is refusing to go forward with a Zoom hearing may be engaging in misrepresentation and failure to be candid with the court.

GEORGIA RULE OF PROFESSIONAL CONDUCT 4.1. TRUTHFULNESS IN STATEMENTS TO OTHERS ¹

In the course of representing a client a lawyer shall not knowingly:

- a. make a false statement of material fact or law to a third person; or
- b. fail to disclose a material fact to a third person when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client, unless disclosure is prohibited by Rule 1.6.

The maximum penalty for a violation of this Rule is disbarment.

Comment

Misrepresentation

[1] A lawyer is required to be truthful when dealing with others on a client's behalf, but generally has no affirmative duty to inform an opposing party of relevant facts. A misrepresentation can occur if the lawyer incorporates or affirms a statement of another person that the lawyer knows is false. Misrepresentations can also occur by failure to act.

Rule 3.3 CANDOR TOWARD THE TRIBUNAL

A lawyer shall not knowingly make a false statement of material fact or law to a tribunal.

The maximum penalty for a violation of this Rule is disbarment.

Rule 8.4 MISCONDUCT

It shall be a violation of the Georgia Rules of Professional Conduct for a lawyer to engage in professional conduct involving dishonesty, fraud, deceit or misrepresentation.

2. Competence to handle a Zoom proceeding

Perhaps a lawyer does not want to try his case via Zoom because he is not familiar with Zoom and does not feel that he can be effective in the virtual world. During

¹ All references to rules, with the exception of Board Rule 102(A), are State Bar of Georgia Rules of Professional Conduct

the pandemic, when Zoom hearings are the safer, more expeditious way to try a case, a lawyer may indeed have an ethical obligation to obtain the skills necessary to practice via Zoom.

Rule 1.1 COMPETENCE

A lawyer shall provide competent representation to a client. Competent representation as used in this rule means that a lawyer shall not handle a matter which the lawyer knows or should know to be beyond the lawyer's level of competence without associating another lawyer who the original lawyer reasonably believes to be competent to handle the matter in question. Competence requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

The maximum penalty for a violation of this rule is disbarment.

Comment

A lawyer may accept representation where the requisite level of competence can be achieved by reasonable preparation.

3. Law Firm's policy not to participate in Zoom hearings

A lawyer who refuses to participate in a Zoom hearing because of firm policy may be disregarding his ethical responsibilities to his clients. It may be in the best interest of a client under certain circumstances to proceed with the most expeditious and cost-efficient method to get to a hearing, which may very well be a Zoom hearing. Each case needs to be independently evaluated as to the interest of that client, rather than following a general firm policy that does not take into consideration the particular situation of each client.

RULE 1.2 SCOPE OF REPRESENTATION AND ALLOCATION OF AUTHORITY BETWEEN CLIENT AND LAWYER

- a. ... a lawyer shall abide by a client's decisions concerning the scope and objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation.

The maximum penalty for a violation of this rule is disbarment.

Comment

Allocation of Authority between Client and Lawyer

[1] Paragraph (a) confers upon the client the ultimate authority to determine the purposes to be served by legal representation, within the limits imposed by law and the lawyer's professional obligations. The decisions specified in paragraph (a), such as whether to settle a civil matter, must also be made by the client. See Rule 1.4 (a) (1) for the lawyer's duty to communicate with the client about such decisions. With respect to the means by which the client's objectives are to be pursued, the lawyer shall consult with the client as required by Rule 1.4 (a) (2) and may take such action as is impliedly authorized to carry out the representation.

[2] On occasion, however, a lawyer and a client may disagree about the means to be used to accomplish the client's objectives. Clients normally defer to the special knowledge and skill of their lawyer with respect to the means to be used to accomplish their objectives, particularly with respect to technical, legal, and tactical matters. Conversely, lawyers usually defer to the client regarding such questions as the expense to be incurred and concern for third persons who might be adversely affected. Because of the varied nature of the matters about which a lawyer and client might disagree and because the actions in question may implicate the interests of a tribunal or other persons, this rule does not prescribe how such disagreements are to be resolved. Other law, however, may be applicable and should be consulted by the lawyer. The lawyer should also consult with the client and seek a mutually acceptable resolution of the disagreement. If such efforts are unavailing and the lawyer has a fundamental disagreement with the client, the lawyer may withdraw from the representation. See Rule 1.16 (b) (4). Conversely, the client may resolve the disagreement by discharging the lawyer. See Rule 1.16 (a) (3).

4. Zoom proceedings make it easier for those with authority to be a part of the mediation or hearing facilitating communication prior to major decisions in accordance with ethical rules.

Rule 100(g) provides that the employer shall have in attendance at the mediation conference a representative of the employer/insurer who has authority to resolve all pending issues. The requirement of the presence of the employer/insurer's representative shall not be satisfied by the presence of legal counsel for the

employer. While everyone is aware of this attendance requirement, in the pre-Zoom mediation world, having an adjuster with settlement authority available by phone is all that was expected. In the context of Zoom mediations, adjusters are able to fully participate in mediations from the comfort of their offices without incurring the expense and lost time of attending a mediation in person. Communication during the mediation between the lawyer and client is improved resulting in a better outcome for all participants.

RULE 1.4. COMMUNICATION.

- a. A lawyer shall:
 1. promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0 (h), is required by these rules;
 2. reasonably consult with the client about the means by which the client's objectives are to be accomplished;
 3. keep the client reasonably informed about the status of the matter;
 4. promptly comply with reasonable requests for information; and
 5. consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Georgia Rules of Professional Conduct or other law.
- b. A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

The maximum penalty for a violation of this rule is a public reprimand.

Comment

[1] Reasonable communication between the lawyer and the client is necessary for the client effectively to participate in the representation.

Communicating with Client

[2] If these rules require that a particular decision about the representation be made by the client, paragraph (a) (1) requires that the lawyer promptly consult with and secure the client's informed consent prior to taking action unless prior

discussions with the client have resolved what action the client wants the lawyer to take. For example, a lawyer who receives from opposing counsel an offer of settlement in a civil controversy or a proffered plea bargain in a criminal case must promptly inform the client of its substance unless the client has previously indicated that the proposal will be acceptable or unacceptable or has authorized the lawyer to accept or to reject the offer. See Rule 1.2 (a).

[3] Paragraph (a) (2) requires the lawyer to reasonably consult with the client about the means to be used to accomplish the client's objectives. In some situations - depending on both the importance of the action under consideration and the feasibility of consulting with the client - this duty will require consultation prior to taking action. In other circumstances, such as during a trial when an immediate decision must be made, the exigency of the situation may require the lawyer to act without prior consultation. In such cases the lawyer must nonetheless act reasonably to inform the client of actions the lawyer has taken on the client's behalf. Additionally, paragraph (a) (3) requires that the lawyer keep the client reasonably informed about the status of the matter, such as significant developments affecting the timing or the substance of the representation.

[4] A lawyer's regular communication with clients will minimize the occasions on which a client will need to request information concerning the representation. When a client makes a reasonable request for information, however, paragraph (a) (4) requires prompt compliance with the request, or if a prompt response is not feasible, that the lawyer, or a member of the lawyer's staff, acknowledge receipt of the request and advise the client when a response may be expected. A lawyer should promptly respond to or acknowledge client communications. The timeliness of a lawyer's communication must be judged by all the controlling factors. "Prompt" communication with the client does not equate to "instant" communication with the client and is sufficient if reasonable under the relevant circumstances.

Explaining Matters

[5] The client should have sufficient information to participate intelligently in decisions concerning the objectives of the representation and the means by which they are to be pursued, to the extent the client is willing and able to do so. Adequacy of communication depends in part on the kind of advice or assistance

that is involved. For example, where there is time to explain a proposal made in a negotiation, the lawyer should review all important provisions with the client before proceeding to an agreement. In litigation a lawyer should explain the general strategy and prospects of success and ordinarily should consult the client on tactics that are likely to result in significant expense or to injure or coerce others. On the other hand, a lawyer ordinarily will not be expected to describe trial or negotiation strategy in detail. The guiding principle is that the lawyer should fulfill reasonable client expectations for information consistent with the duty to act in the client's best interests, and the client's overall requirements as to the character of representation.

5. Adequate preparation is an ethical duty a lawyer owes to his client in every case.

For zoom proceedings, this means that in addition to preparation on the merits of the case, the lawyer needs to ensure that he, his client, and any witnesses are technologically prepared to use Zoom. There has been inadequate preparation for a Zoom proceeding if it is not until the date of the hearing or mediation that the lawyer discovers that his client or witness does not have the necessary equipment or wi-fi connectivity to access and maintain the connection for the Zoom proceeding. As part of preparation for the Zoom hearing or mediation, connectivity issues need to be worked out in advance of the hearing or mediation so that the client or witness can be at a location with the necessary equipment and sufficient w-fi connectivity to participate fully in the zoom proceeding.

Comment to Rule 1.1 COMPETENCE

Thoroughness and Preparation

[5] Competent handling of a particular matter includes inquiry into and analysis of the factual and legal elements of the problem and use of methods and procedures meeting the standards of competent practitioners. It also includes adequate preparation. The required attention and preparation are determined in part by what is at stake; major litigation and complex transactions ordinarily require more elaborate treatment than matters of lesser consequence

6. Ethical rules requiring honesty, integrity, diligence, client loyalty, independent judgment and all the other rules of professional responsibility are applicable to Board Zoom proceedings as they are to practice before the Board generally.

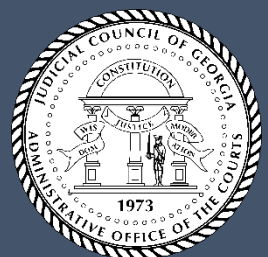
See Rule 102(A). Practice of Law.

- (1) Attorneys Entitled to Practice before the Board:
- (2) The Rules and Regulations for the Organization and Government of the State Bar of Georgia, as now in effect or as hereinafter amended, are controlling as to the practice of law before the Board and its Administrative Law Judges.

The background of the left half of the cover is a dark teal color with a microscopic view of COVID-19 virus particles. The particles are spherical with a textured surface and numerous protruding spike proteins. They are scattered across the page, with some in sharp focus and others blurred in the background.

JUDICIAL COVID-19 TASK FORCE REPORT

Guidelines, Best Practices, and
Resources





Judicial Council of Georgia

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

August 14, 2020

Dear Members of the Judiciary:

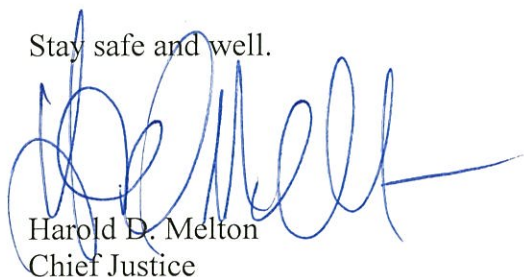
The landscape in which we operate has been fluid and unpredictable in the months since creating the Judicial COVID-19 Task Force. Given this constant state of flux, it would be nearly impossible to create hard and fast rules – let alone law – that address the ever-changing environment this pandemic has created. That is why creating rules or suggesting laws were not the charge of the Task Force.

This report, “Guidelines, Best Practices, & Resources” is aptly named. It is the work product of many hours of discussion, research, and debate by the Task Force Members. It is the thoughtful culmination of Task Force members considering “What happens when...?” scenarios so we may benefit from their ideas and solutions and spend our time going about the business of the court.

The contents of this report should not be construed or interpreted as having the force and effect of law. Nor it does supersede any current or future orders or rules. These recommendations represent the best efforts of the Task Force based on a snapshot in time of the best information and data available.

My sincere thanks to Judge Shawn LaGrúa for leading this complex project alongside her other considerable duties. I appreciate Judge LaGrúa fostering open communication and a collaborative culture – it’s reflected in this report. To the Task Force members and advisors, thank you for giving generously of your time and talents for the benefit of Georgia. Your resilience and resourcefulness during this global health crisis is greatly appreciated.

Stay safe and well.



Harold D. Melton
Chief Justice

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Task Force Mission

The Judicial COVID-19 Task Force was established on May 14, 2020, by Chief Justice Harold D. Melton as an ad hoc committee of the Judicial Council with the mission of assisting courts in conducting remote proceedings and restoring more in-court proceedings, including jury trials and grand jury proceedings, during the COVID-19 pandemic. The Task Force includes judges from all classes of court and advisory members from the State Bar of Georgia, Prosecuting Attorneys' Council, Public Defender Council, criminal defense attorneys, civil plaintiff and defense attorneys, court clerks, sheriffs, healthcare professionals, and the general public.

Task Force Members


Judge Shawn Ellen LaGrua, Atlanta Judicial Circuit, Chair
Chief Justice Harold D. Melton, Supreme Court of Georgia
Judge Kenneth B. Hodges III, Court of Appeals of Georgia
Judge Walter Davis, State-wide Business Court
Chief Judge Kathlene Gosselin, Northeastern Judicial Circuit
Chief Judge Russ McClelland, State Court of Forsyth County
Judge Lindsay Burton, Juvenile Court of Hall County
Judge Melanie Bell, Probate Court of Newton County
Chief Judge Brendan F. Murphy, Magistrate Court of Cobb County
Judge Norman Cuadra, Municipal Court of Suwanee
Elizabeth Fite, State Bar of Georgia
Cindy Mason, Clerk of Superior and Juvenile Courts of Columbia County
Cynthia Clanton, Director of the Administrative Office of the Courts
Bryan Webb, Office of the Georgia Attorney General
Doug Ashworth, Director of the Institute of Continuing Judicial Education
Chuck Boring, Director of the Judicial Qualifications Commission
Cathy Vandenberg, Atlanta Legal Aid
Robin Rooks, Georgia Council of Court Administrators
Robert Smith, Prosecuting Attorneys' Council
Jimmonique R.S. Rodgers, Georgia Public Defender Council
Adam Malone, Georgia Trial Lawyers Association
David Nelson, Georgia Defense Lawyers Association
Don Samuel, Georgia Association of Criminal Defense Lawyers
Debra Nesbit, Association County Commissioners of Georgia
William Custer, Georgia Chamber of Commerce Law and Judiciary Committee
Marial Ellis, Georgia Department of Community Health
Phil Sellers, Department of Community Supervision
Terry Norris, Executive Director of the Georgia Sheriffs' Association
Sheila Ross, Prosecuting Attorneys' Council
Michael Lucas, Atlanta Volunteer Lawyers Foundation
Dr. Mark Swancutt, Fulton County Board of Health

Former Task Force Members

Chief Judge Reuben Green, Cobb Judicial Circuit
Kristin Miller, Georgia Department of Public Health

Task Force Staff

Christopher Hansard, Administrative Office of the Courts
Cheryl Karounos, Administrative Office of the Courts



The Task Force members are grateful for the help and input of many judges, attorneys, clerks, court administrators, court professionals, and staff who attended subcommittee meetings and contributed to this report. These influential advisors worked mainly behind the scenes to provide subject matter expertise to Task Force members. Their contributions to this report are invaluable.

The Importance of the Task Force

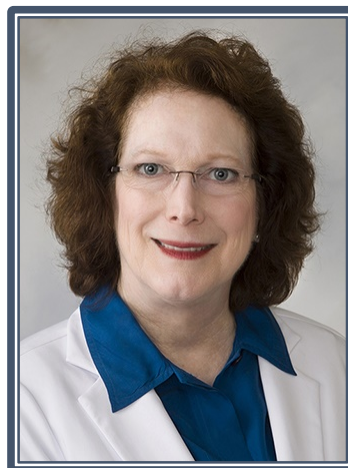
A Letter from Task Force Chair, Judge Shawn Ellen LaGrua

Dear Colleagues and Friends,

I am so honored to have been asked by Chief Justice Harold D. Melton to chair his COVID -19 Task Force. Considering the involvement of attorneys from all sides, health officials, and the JQC, it has been amazing to witness the collegiality, cooperation, and compromise of these individuals, without a single snide remark or rebuke. If attorneys always practiced law this way, we would be better for it. The attached report seeks to guide judges and practitioners as we work in our various professions and fulfill our duties in an unprecedented and challenging time. There are no absolutes, and courts will have to deal with issues as they deem appropriate. However, we hope that these best practices, which were developed by some of the best legal minds from all corners of our profession, will result in efficient and effective litigation. Administering justice during a pandemic will take time, effort, and creative thinking. The Judicial Branch should never be the cause of the unnecessary spread of this horrible virus as we move forward and maintain justice.

I am so grateful to the members of the task force for their hard work and dedication. I would also like to thank Dr. Mark Swancutt for his wise advice and counsel.

The Task Force dedicates this report to the friends and colleagues we have lost during this crisis, notably Judge Horace Johnson of the Alcovy Judicial Circuit and Judge Nancy Stephenson of the Dougherty County Probate Court.



Section 1: Guidelines

The following are guidelines all courts should follow to ensure the safety of participants and staff and the legal rights of litigants. Guidelines in this section include:

Judicial Emergency Orders

General Safety

Sample Safety Guidelines

General Considerations for All Proceedings

Access to Justice

Procedures and Interpreter Protocols

Judicial Emergency Orders

All judges and court personnel must comply with the Emergency Orders issued by the Chief Justice of the Supreme Court of Georgia and the Chief Superior Court Judge of their respective judicial district, including conducting in-person proceedings according to the guidelines outlined in said orders and public health guidance regarding social distancing, maximum group size, and other restrictions and precautions.

[Governor Kemp's July 15, 2020, Executive Order](#) "Providing additional guidance for Empowering a Healthy Georgia in response to COVID-19" does not impact the ability of the courts to establish safety protocols and control court operations.

ORDERED: That pursuant to Code Section 38-3-28, other than orders issued pursuant to the authority of Code Section 38-3-60 *et seq.*, any state, county, or municipal law, order, ordinance, rule, or regulation that requires persons to wear face coverings, masks, face shields, or any other Personal Protective Equipment while in places of public accommodation or on public property are suspended to the extent that they are more restrictive than this Executive Order.

The Governor's [April 3, 2020, Executive Order](#) "Expanding the definition of Essential Services and clarifying enforcement provisions in Executive Order 04.02.20.01" also recognizes the independence of the Judicial Branch of government.

To the extent portions of courthouse facilities are shared with non-court entities, courts should seek to coordinate on operating guidelines, but courts should ensure that all persons working for the court or attending court proceedings are protected consistent with the most recent Order Extending Declaration of Statewide Judicial Emergency.

General Safety

To ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing the courts, follow the guidelines below.

- All judges and court personnel should use all reasonable efforts to conduct proceedings remotely when lawful and practical to do so.
- Courts should consult with the local health authority for updates and suggestions for their local courts.
- Courts must follow the *Georgia Court Reopening Guide* (Section 3: Resources) on:
 - General Infection Control Measures
 - Providing Notice to the Public of Increased Health and Safety Measures
 - Providing Healthy and Safe Access to the Courtroom
 - Maintaining a Healthy and Safe Courtroom
 - Ensure Healthy and Safe Court Employees, and
 - Ensure Healthy and Safe Inmates and Detainees
- Provide written notice to attorneys, parties, and self-represented parties of the physical procedures and restrictions planned for use during the proceeding.
- Have specially set in-person proceedings, and have informal status conferences to review physical arrangements, scheduling, and coordinating witness appearance, where parties/counsel can sit, where witnesses will testify (if not in the usual location), and where the public can sit or observe the proceedings.
- Determine any special needs of parties, counsel, and other participants before in-person proceedings.
- Coordinate with other courts also conducting business in the courthouse to stagger scheduling of court proceedings to limit the number of persons coming in and out of the courthouse and waiting in common areas like hallways. Stagger hearing times throughout the day to reduce the number of people arriving for a morning or afternoon calendar.

- Consider using alternate locations such as other locations/courtrooms within the courthouse or other county-owned properties (county administration buildings, commissioner meeting rooms, agricultural centers.) Any change of location should be emphasized on the court notice and must comply with any applicable laws about where court can be held such as OCGA §§ 15-6-18 and 38-3-61 (c).
- Before moving court off-site, judges should consult with the Sheriff's Office and ensure the public has access to the venue and adequate security can be provided.

The public, courthouse staff, and attorneys should receive notice of general safety guidelines. Notice methods will vary across the judicial circuits. Whatever the notice method, courts should work to ensure prompt notice.

General Considerations for All Proceedings

Vulnerable Persons

"Vulnerable Persons" are those individuals who are at increased risk for severe illness from the novel coronavirus as currently defined by the Centers for Disease Control and Prevention and the Georgia Department of Public Health as individuals who are over age 60 and individuals with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune systems are compromised by chemotherapy or other treatments for medical conditions. Those persons who live with or care for a vulnerable person may also need accommodations, including alternatives to in-person court appearances and avoiding the need to travel to the courthouse.

Courts or clerks should include information with notices or other communications notifying individuals who are vulnerable persons of the ability to contact the court to identify themselves as a vulnerable individual and to receive accommodations. The court should also post a notice with this information in conspicuous locations around the court building.

Courts should work diligently to eliminate the need for vulnerable persons to attend court in-person. If the courts are unable to make such accommodations, vulnerable persons scheduled for court must be provided masks if they do not have their own, and courts must take additional efforts to reduce their exposure to communicable diseases

to the greatest extent possible. If a continuance is necessary to effectuate such accommodations, courts should grant such a continuance for good cause shown.

Self-Represented Vulnerable Persons

For litigants with counsel, their attorneys will likely have appropriate digital access to assist their clients. For self-represented litigants, courts may need to especially consider if the litigant can participate in court given their access to and experience with technology. Courts may find the following options useful for handling self-represented vulnerable persons.

- Consider placing a physical drop box outside the courthouse, or set up a cloud-based depository, to allow litigants to file documents with the clerk's office without entering the building.
- Consider the feasibility of a Mobile Legal Help Center, which would provide most of the services available in a traditional Help Center, but in a vehicle. A mobile center accommodates litigants who are homebound, disabled, otherwise unhealthy, or who are unable to travel to a courthouse by driving into communities to provide legal services in place of individuals needing to go to a courthouse.

If an attorney is a vulnerable person and has technology access issues, these same guidelines would apply.

Virtual Proceedings

During emergency declarations and even after emergency declarations end, judicial circuits may choose to continue court in-person and remotely as local circumstances allow. Each circuit will recognize that current technological limitations, including the ability of litigants to maintain reliable internet connections, impact courts' ability to conduct virtual proceedings. Therefore, proceedings held in-person while implementing proper social distancing guidelines have advantages.

In-person hearings limit the impact of potential technical issues and generally ensure adherence to the requirements of Uniform Superior Court Rule ("USCR") 22. USE OF ELECTRONIC DEVICES IN COURTROOMS AND RECORDING OF JUDICIAL PROCEEDINGS and the equivalent rules for others classes of courts. For example, in virtual hearings

involving non-jury domestic matters, reliance on a party's affirmation that he or she is adhering to the requirements of USCR 22 may be an insufficient safeguard against unauthorized recording. Additionally, the ability to utilize demonstrative evidence and confront witnesses with documents is sometimes limited or difficult with remote technology.

However, in-person proceedings present challenges as well. Size and configuration of courtrooms, wearing of masks or face shields, and the unwillingness or inability of necessary participants to attend can cause these hearings to be interrupted, disrupted, or delayed. Therefore, a judge must weigh each proceeding's format carefully, considering all these factors, in determining the appropriate manner of hearing.

Due to varying levels of access to technology throughout the state, a single, uniform rule on conducting non-jury proceedings is unfeasible. Several judicial circuits' courthouse staff, attorneys, or defendants lack access to the internet and internet-connected devices. In those circuits, conducting virtual proceedings may not be possible.

Virtual proceedings are time-consuming and pose numerous technological challenges. However, virtual proceedings present the benefit of reducing the risk of COVID-19 transmission. Virtual proceedings reduce in-person court time, providing courts the opportunity to devote more time to handle matters which must be handled in-person.

The judge should provide verbal instructions at the beginning of the proceeding to the parties, participants, and members of the public, reminding them not to record the proceeding, except in accordance with USCR Rule 22 or the equivalent rule of other classes of courts and informing them of the court's method of recording the proceeding.

Provide an announcement on the record that a judicial emergency is in effect because of COVID-19 and explain how the proceeding will occur. The judge should then obtain consent from the parties and counsel to proceed as described.

Due Process in Virtual Hearings

During the virtual proceeding, courts must ensure a method for protecting attorney-client communications. A dedicated phone line or a breakout room that allows the each

party to be able to communicate with his or her attorney privately may accomplish privileged communication needs.

Notice to the public and either streaming the proceeding virtually or having the judge physically present in an open courtroom may satisfy open courtroom requirements. Another option would be to have the information as to a particular judge's proceedings published on a local website with a number for the public to call if they wish to observe. The assigned judge should carefully consider the nature and sensitivity of a proceeding before using livestreaming as a means of ensuring an open courtroom. For example, issues related to family law are particularly sensitive and may be better suited for having the judge physically present in an open courtroom.

Virtual proceedings should be conducted pursuant to the applicable rules of court (as amended) or the current Order Extending Declaration of Statewide Judicial Emergency.

Access to Justice

Access to Technology Resources

To minimize in-person appearances to the greatest extent possible, technology access is essential, including internet access, WiFi, "Zoom" remote meeting technologies, or other such technologies. Access to technology is inequitable, creating a persistent socioeconomic "digital divide." Many Georgians do not have access to the technologies needed to participate in remote proceedings conducted using online videoconferencing or to conduct their court business otherwise online. Access considerations require creative and inclusive practices.

If a litigant has a device but no internet

If a litigant has a computer, laptop, or some other kind of internet-connected device but still needs access to a reliable internet connection, several options exist. Many public libraries, county law libraries, or private businesses offer free WiFi. WiFi should be password protected or via another secure mechanism. For instance, libraries typically require patrons to use their library credentials.

If a litigant has internet but no device

Solutions for this scenario include courthouse “Zoom Rooms,” courthouse kiosks, or local community resources. Public libraries, county law libraries, and private businesses may offer a workspace that includes the computer and internet access. Again, WiFi should be password protected or via another secure mechanism. These accommodations may not be appropriate for vulnerable persons.

It may be possible in some areas to establish temporary or mobile internet access facilities.

If a litigant has neither internet nor a device

A phone-based connection (landline, mobile) is an option. The phone does not need to be a “smart” phone.

If none of the above options are available, or in the case of a litigant who is not “tech-savvy,” an option is to continue the case until it becomes feasible for the litigant to appear in person at the courthouse.

Access to Legal Resources

Legal information is critical to empower litigants (especially those who are self-represented) to take action in their cases, particularly in circumstances where courts may be operating in-person on a limited basis and court staff may not be as available to the public as they would be during traditional court processes. Court staff may be able to answer questions via an online chat, send people links to legal information resources posted on court websites, or assist in navigating new court processes. Staff will need clear guidance on the difference between legal information and legal advice.

Courts should post information about free access to legal information and legal representation for the indigent.

- Self help resource centers-online/courthouse-based/law library-based/mobile or virtual
- Contact information for Legal Aid offices, community organizations, bar association information, and courts.

GeorgiaLegalAid.org is Georgia's statewide access to justice sponsored self-help website that provides general information, step-by-step interactive guides for court and legal forms, answers to FAQs, educational materials, brochures, and videos on legal issues including family law, public benefits, and housing.

- Include lists of local internet access options (such as courthouse-based/public library and law library-based, private businesses providing secure WiFi or other technology services.)

Procedures and Interpreter Protocols

Guidance for Specific Interpreter Functions, Roles, Responsibilities, and Considerations for Specific Settings

Understanding the interpreters' roles will ensure that courts and interpreters work together cohesively and allow all parties (English speakers, Limited English Participants ("LEP"), and Deaf/Hard of Hearing ("DHH")) to communicate and have access to justice.

Document/Video Translations

- Consider the increased need for the availability of court documents already translated into various languages.
- Ensure planning when sight translations are required.
- If possible, provide documents/videos to the interpreter in advance.
- Consider pre-recording repetitive colloquies or instructions in advance for many spoken languages, especially those played for the audience on video. Make the recordings available on audio/video recording for the LEP parties, and for American Sign Language ("ASL") parties, create a video recording that can be viewed on a tablet, dedicated screen, or shown in an interpreter box or split-screen in conjunction with the main video and ensure it has at least one language subtitled and other written translations available.

In-Person Interpretation

Ensure that new COVID-19 safety policies do not alter the currently required provisions of services when necessary to ensure effective communication by and with LEP or DHH participants (litigants, witnesses, and spectators).

- Although the safest place for the interpreters to work is in their office, a safe alternative must be explored, such as creating a designated space in the courtroom for interpreters and the use of remote interpreting equipment, etc.
- Give the interpreter discretion within the safety parameters to take off his or her mask or wear other alternatives such as face shields. Consider the impact on the interpreter of working for long periods of time with a facemask, including cognitive load and fatigue.
- Participants should be available to pre-conference with the interpreter(s).
- Consider practical guidelines regarding the physical placement of interpreters inside and outside the courtroom. Defer to the interpreter as to the best placement.
- Use face masks and face shields for LEPs and Interpreters. Default to the Interpreter to determine which face mask works best in each setting and allow the interpreter to conference with the LEP/DHH for their preference.

Remote Interpretation

- Create guidelines for technical briefings and pre-sessions with interpreters to make sure that all parties understand the mechanics of participating in remote proceedings. Include techniques to control turn-taking and requests for repetitions or clarifications.
- Create uniform communication guidelines between all parties to address the process for swearing-in, interpreter interventions on the record, and handling video or audio lags, etc.
- Create guidelines for maintaining confidentiality and protecting privilege during remote proceedings and consider conflicts of the interpreters for multi-role work.

- Ensure that the record reflects whenever an interpreter appears remotely via telephone or videoconferencing.
- Identify in advance and have all parties understand possible impediments to the performance by interpreters during remote interpreting sessions.
- Defer to interpreter to determine the best mode of interpretation for remote proceedings and the most appropriate mode of interpreting within a given platform (consecutive interpretation, simultaneous interpretation, or sight translation); ensuring that suitably qualified interpreters will use existing best practices to measure decisions which may conflict with current situational demands.
- Parties should be willing to share court documents, direct and cross-examination questions, and topics of questioning with interpreters in advance of the proceeding.
- Training for stakeholders and participants: judges, attorneys, clerks, stakeholders
- The angle of cameras and lighting: some participants may be difficult to see in the video due to improper angles or lighting, which may be perceived as inadequate preparation for the proceeding. Proper camera angles and proper lighting helps participants be recognized as more professional and comfortable with video settings.
- Muting/Unmuting: Parties need to unmute/mute their microphones as necessary during video proceedings. Parties may mute when they do not have to speak continually. Background noise can also be an issue when a party has not muted his or her microphone.
- Consider how the visual backgrounds of all participants can be just as distracting to DHH participants as background noise is to hearing participants.
- An echo in the speaker's voice can occur when the volume of the participants' speakers is too high, making it very confusing for the interpreter to understand the message.
- When DHH individuals connect via telephones they are holding in their hands, the phone can be an obstruction to communication. Work with the interpreter to determine the best ways to resolve these issues.

- Guide LEP/DHH individuals regarding how technology may influence the interpreted message, including but not limited to bandwidth, holding the phone or tablet in your hand, the angle of the camera, and lighting.
- Often, LEPs need guidance through the initial connection process. Parties ideally could coordinate in advance having a bilingual staff member or the interpreter contact the LEP via phone to guide the LEP in the connection process. Although outside the role of the interpreter, this might be the critical step that will allow the LEP to attend.
- Give the Interpreter time to conference with LEP/DHH individuals on the best processes for access to the hearing and the interpreter, i.e., pinning the interpreter, backgrounds, etc.
- Avoid utilizing services known to be unfriendly or ineffective to users, even when those platforms are free of cost.
- Provide a breakout room for interpreters to address issues for sidebar when appropriate.

Hybrid Modality of Interpretation

To achieve effective and efficient communication between LEP parties/individuals and the court, even more advanced coordination will be required before the beginning of the proceedings.

Courts should consider several issues when using a hybrid approach, depending on which individuals are remote and which are present. Having the LEP individual present in the courtroom while the interpreter is remote, having the interpreter present in the courtroom while the LEP individual is remote, or having the non-LEP party present while the LEP party is remote, all require different considerations for effective communication.

If proceedings are held utilizing a hybrid approach, avoid having the interpreter remote while the LEP/DHH individuals are present in the courtroom with other people.

Section 2: Best Practices

The following are best practices for different types of court cases and scenarios that may be useful depending on local circumstances. Courts are encouraged to implement them as practicable as possible, keeping in mind the guidelines above. Topics in this section include:

Criminal Matters

Civil Matters

Alternative Dispute Resolution

Criminal and Civil Jury Trials

Juvenile Court

Probate, Magistrate, and Municipal Courts

Criminal Matters

Courts will continue to use and increase the use of technology to conduct remote judicial proceedings as a preferred alternative to in-person proceedings, both to ensure that essential court functions are continued and to conduct non-essential proceedings to limit the backlog of such matters when the judicial emergency is terminated

Courts will also conduct essential and non-essential in-person judicial proceedings, but only in compliance with public health guidance and with the requirement of the United States and Georgia constitutions and applicable statutes and court rules, including the public's right of access to judicial proceedings and a criminal defendant's rights to confrontation and open courtrooms.

Grand Juries

The Judicial COVID-19 Task Force continues to work on more detailed guidance for conducting grand jury proceedings, including the possibility for remote grand jury proceedings and grand jury selection.

- To the extent that the emergency order authorizes in-person meetings of a grand jury: All members of the grand jury should be seated a minimum of six feet away from any other person, including the District Attorney and witness. Most existing grand jury rooms will not allow for such spacing, so the courts should consider other locations in the courthouse and other county buildings where the distancing requirements can be accomplished while maintaining the statutory secrecy required of grand jury proceedings.
- Due to the intimate nature of grand jury presentations and deliberations, each grand juror, witness, and the District Attorney should wear a mask or other face-covering at all times while the grand jury is meeting.
- Witnesses should be scheduled to arrive at staggered times to discourage the practice of waiting together in a witness room where social distancing would be challenging to maintain. Witnesses should be encouraged to leave upon the completion of testimony and avoid congregating in hallways or other public areas.

- District Attorneys or their designated staff should educate law enforcement and witnesses prior to the grand jury meeting about staggered arrival times and the need to be on time for their presentation to the grand jury.
- When showing evidence, if possible, technology should be utilized to avoid passing evidence between the grand jurors. When evidence must be passed between the grand jurors, gloves and hand sanitizer should be made available.
- Counties should consider utilizing concurrent grand juries pursuant to OCGA §15-12-63. This will allow the grand jury to meet more frequently without further hardship to those who are working and allow a more expedient resolution of any backlogs caused by the judicial emergency. Furthermore, if a member of one of the grand juries should test positive for COVID-19 and that grand jury is required to stop meeting for a period of time, the concurrent grand jury will be able to continue deliberating on cases.
- Grand juries are required to inspect the offices of the Clerk of Superior Court, District Attorney, Probate Court, and Tax Commissioner once every three years. OCGA §15-12-71. If no inspection is required in 2020, grand juries are encouraged to allow their successors to conduct those inspections in the next calendar year. If an inspection is required during this calendar year, the grand jury should, if possible, utilize technology to conduct the inspection. If the inspection must be conducted in person, all guidelines of the CDC, Georgia Department of Public Health ("DPH", and local public health departments should be followed.
- Grand juries are required to inspect the county jail every year. OCGA §§15-12-71, 15-12-78. If the grand jury did not inspect the county jail prior to the judicial emergency, technology should be utilized to complete the inspection, if possible. If the inspection must be conducted in person, all guidelines of the CDC DPH, and local public health departments should be followed.
- Grand juries are permitted, when necessary, to inspect or investigate any county office or building. OCGA §15-12-71. If a grand jury determines that such an inspection or investigation is required, the grand jury should, if possible, utilize technology to conduct the inspection. If the inspection must be conducted in person, all guidelines of the CDC, DPH, and local public health departments should be followed.

Arraignment

When appropriate, judges should accept waiver of arraignment in writing.

Civil Matters

Motions Practice

For hearings on motions without witnesses judges are encouraged to:

- Utilize to the greatest extent possible the authority granted pursuant to USCR 9.1 9.2, or a similar rule, to require remote proceedings without the consent of parties/counsel.
- Rule “on the paper” in chambers when possible.
- Use virtual proceedings over in-person hearings.
- Hold a hearing if a party objects to an in-person proceeding.
- USCR 6.4
 - Enforce strict compliance with USCR 6.4 by requiring counsel/parties to “confer” prior to involving the court in a discovery dispute and remind attorneys of their professionalism obligation.
 - Take an active role in assisting attorneys in resolving discovery disputes.

Depositions

Where the parties are unable to reach stipulations or when entering scheduling orders or case management order in appropriate cases, judges are encouraged to adopt the following practices:

- Pursuant to OCGA 9-11-30(b)(4), a deposition may be taken by telephone or other remote electronic means by order of this Court.
- Absent a showing of good cause, telephone or other remote electronic means depositions should be permitted. Refusing to participate in an electronic means deposition (such as via Zoom or a similar platform) standing alone is not good cause.

- Except as otherwise provided, the rules governing the practice, procedures, and use of depositions apply to remote electronic-means depositions.

Nothing in this these best practices should compel any party's physical attendance or prohibit any party from physically attending and being present with the deponent during the deposition, at that party's expense, provided, however, that a party attending a deposition should give written notice of that party's intention to appear at the deposition to all other parties within a reasonable time prior to the deposition.

If a witness objects to an in-person deposition because of valid concerns over COVID-19, counsel should attempt to reach a reasonable accommodation to include an agreed-upon location where social distancing and compliance with prevailing public health guidelines can be maintained, or if unable to resolve the valid concern of the witness by agreement, counsel should proceed with a remote electronic-means deposition.

- The court reporter may administer the oath remotely.
- Any exhibits or other demonstrative evidence to be presented to the deponent by any party at a remote electronic-means deposition must be visible to all participants. Parties are encouraged to provide exhibits to the officer administering the oath and all other parties within a reasonable period prior to the deposition when possible.
- No recording of a remote electronic-means deposition should be made other than the recording disclosed in the notice of deposition or by explicit agreement of counsel on the record.

Civil Trial Dockets

- Discourage mass calendar calls for trial announcements, etc.
- Allow written announcements by email, letter, or pleading.
- Space out trial dates.
- Schedule in-person appearance at specific times to comply with social distancing and other public health guidelines in effect.
- Conduct a virtual or telephonic pre-trial conference in all cases after the initial discovery period and enter scheduling orders, including trial dates, if possible.
- Cooperate with scheduling in-person hearings and in-person appearances so that resources of the courthouse are not overburdened.

- Conduct pre-trial status conferences remotely by video or telephone.
- Bench trials may be conducted remotely with the consent of the parties pursuant to the rules and the most recent Order Extending Declaration of Statewide Judicial Emergency. Courts should encourage and allow bench trials to be conducted when the parties consent.

When trials resume, it may be advisable that, those matters currently scheduled (“Pending Trials”) should be taken up first, and to the extent an opening occurs because of a continuance or settlement, the trials which were continued as a result of the COVID-19 pandemic (“Continued Trials”) should be taken up as the trial court’s calendar allows. Witnesses (both lay and expert) should be advised to be available during those timeframes, and counsel/litigants should be preparing for trial with reasonable expectation that their matters will only be continued in the event a court will not be able to move forward with civil jury trials because of public safety guidelines.

While Continued Trials should be reset as soon as practicable, forcing a hard reset on all trial dates will result in far more disruption than maintaining Pending Trials and using Continued Trials as a back-up. Continued Trials become the first back-up to Pending Trials. A trial court may have already reset a Continued Trial. Courts should not continue Pending Trials in favor of those Continued Trials.

Family Law

Sensitive Issues to Consider When Video Conferencing

Unfortunately, due to the almost universal recent adoption of videoconferencing across the world, it does not appear that any group has published best practices or guidelines on how to protect sensitive information in virtual proceedings. Virtually all information related to videoconferencing internationally or locally at the state and federal level has focused solely on making sure those using the technology know how to use it to participate in their respective hearings properly. Family law is more likely to deal with the following sensitive issues, and therefore, a greater level of care should be taken when considering virtual hearings, including:

- Mental health and substance abuse allegations and diagnoses,
- Confidential and private financial information and proprietary business information,
- Potential for identity fraud given the evidence presented, and

- Potential for bullying/harassment during a remote video hearing.
- Testimony involving minor children, including Guardian ad Litem reports.
- Testimony regarding allegations of abuse.

Before closing any proceeding or part of a proceeding to the public, a judge should apply the four-part test outlined by *Waller v. Georgia*, 467 U. S. 39, 48 (1984), including making findings on the record.

Alternative Dispute Resolution

The use of dispute resolution processes is an effective means for helping the judiciary utilize its resources more efficiently. While most court case management plans include a dispute resolution process, courts may want to consider expanding its use to offer litigants additional options for resolving their dispute. Using a layered Alternative Dispute Resolution (“ADR”) approach would allow courts to provide such options throughout the entirety of a case, thereby increasing litigants’ access to justice, reducing delay, and generally increasing availability through which disputes can be resolved. Virtual platforms, such as Zoom and WebEx, may also be used to create a safe environment for all parties, especially in sensitive or high-conflict cases. The Commission on Dispute Resolution supports and encourages the use of video technology to allow parties, attorneys, and representatives to appear remotely for a dispute resolution session.

- Encourage all forms of ADR, especially virtual mediation, and consider requiring mediation in all pending cases.
- Strategies for judges and lawyers on how and when to best use ADR.
- Explore non-traditional methods of ADR for certain cases as appropriate.
- Consent of parties required.
- Facts and legal issues have to be appropriate for summary jury trial.
- Lawyers have to trust and respect one another.
- Reluctance to reveal trial strategy and possible impeachment may affect attorneys’ willingness to use this form of ADR.

- Judicially hosted mediation or case evaluation via remote videoconference or in-person conference (e.g., Fulton County program).
- Non-binding arbitration – similar to late case evaluation.

Virtual Platform: Encourage remote participation for all dispute resolution processes

- Available resources from the Georgia Office of Dispute Resolution:
 - Video Mediation: A Guide for Parties and Attorneys
 - Video Mediation: A Guide for Mediators
 - Best Practices: Video Mediation in Court ADR Programs
 - Supreme Court ADR Rules, Appendix A, Uniform Rules for Dispute Resolution Programs

Training: Georgia Office of Dispute Resolution is willing to provide training for judges and attorneys to emphasize a new landscape of ADR during and after the pandemic, including: (1) strategies on how and when to best use ADR; (2) best practices for virtual mediation; and (3) how to incorporate a layered approach to ADR in case management plans.

Criminal and Civil Jury Trials

The Judicial COVID-19 Task Force continues to develop guidelines for the resumption of criminal and civil jury trials, including the possibility of conducting certain jury proceedings virtually. Sufficient guidance will be provided separately in advance of summoning jurors.

Juvenile Court

Scheduling Hearings

The following court schedules are established to reduce occupancy in court buildings. Juvenile Court will follow Uniform Juvenile Court Rules 12.1 and 12.2 when conducting hearings by phone or videoconference. Pursuant to the Order Extending Declaration of Statewide Judicial Emergency, the Court may compel participation by the parties in certain judicial proceedings via remote video hearings. In the event a party is unable to participate in a video hearing, said party or counsel for said party should contact the Clerk of Court or such other court personnel as may later be designated by the court to make alternate arrangements for participation.

Until such time as full in-person courtroom hearings recommence, the court should follow these protocols:

Essential Hearings

Essential hearings are subject to interpretation; however, some matters that fall into the essential function category are, at a minimum:

- Where an immediate liberty or safety concern is present, requiring the attention of the court as soon as the court is available, and
- Juvenile court delinquency detention hearings and emergency removal matters.

Factors that could be considered in determining whether a hearing is essential are:

- Whether or not there has been a finding after a preliminary hearing or waiver thereof for a child who has been removed from the home into foster care or detention;

- Whether or not there has been an adjudication of delinquency for a child who remains detained after a detention hearing or a waiver thereof;
- Whether or not any party has filed a petition or motion requesting an immediate change in a child's custodian/guardianship circumstances.

As to essential hearings, the same should be scheduled under the standard rules existing in the provisions of Chapter 11 of Title 15 of the Official Code of Georgia Annotated except that, at the court's discretion, said hearings may be held via videoconferencing so long as said hearing(s) comport with due process of law and other legal requirements.

Non-Essential Hearings

Non-essential hearings should be scheduled using the timelines established by the provisions of Chapter 11 of Title 15 of the Official Code of Georgia Annotated and the tolling periods in the Judicial Emergency Orders AND SHOULD BE SCHEDULED AS REMOTE VIDEO HEARINGS when practical to do so.

A "calendar call" may be conducted by the court and further direction given as to times assigned per case or the Clerk of Court or such other designated court personnel should assign specific times to each case and notify all attorneys, CASA, probation, and self-represented litigants. Attorneys should provide all videoconference information to their clients and witnesses.

If any litigant does not have access to the technology necessary to participate in a videoconference, the court should direct the self-represented litigant or their attorney to contact the assigned clerk or other designated court personnel and alternate arrangements should be made to allow the litigant to participate in the hearing. If granting a continuance is necessary to effectuate alternative arrangements, the court should grant such a continuance for good cause shown.

Each court should develop and provide written instructions to attorneys and self-represented litigants on how videoconference hearings will be conducted, along with the virtual location of said hearing.

Delinquency and CHINS Adjudication

All delinquency and Child in Need of Services (“CHINS”) adjudication hearings and contempt matters should be held in-person unless said in-person requirement is waived by the parties.

In each case where a delinquency or CHINS adjudication hearing or a contempt matter is required, the court should inquire of the parties whether they are amenable to conducting a videoconference hearing. If the parties do not desire to do so, the court may, at the court’s discretion, enter an order in any individual case requiring that the time requirements set forth under the provisions of Chapter 11 of Title 15 of the Official Code of Georgia Annotated be instituted and, thereafter, schedule an in-person hearing following the guidelines and directives set forth herein. Alternatively, the court may continue the matter until after the Judicial Emergency Order terminates.

In-Person Hearings

When conducting in-person hearings, Courts must follow the *Georgia Court Reopening Guide* to ensure the safety of staff and all participants.

Access for public: The court should ensure that the public has access to view all hearings that are open to the public pursuant to OCGA § 15-11-700. Should said access be restricted to internet access only, the court should adhere to the notice and procedure requirements set forth in Amended Uniform Juvenile Court Rule 12.2 (e)(4).

Recording of hearings: Regardless of the method of hearing, Uniform Juvenile Court Rule 13 should apply.

Uniform Juvenile Court Rule 12.2 should be followed when conducting videoconference hearings. Courts should ensure confidential attorney-client communications are possible so that clients and attorneys have a private means of communication when in different locations.

For all hearings in which the parties consent to having the matter heard via videoconference, the consent should be made on the record.

Probate, Magistrate, and Municipal Courts

Arraignments

- Utilize written waivers of arraignment whenever practical and allow attorneys to waive via mail or electronic means.
- Coordinate with other judges and courts to avoid scheduling extensive in-person proceedings at the same time.
- When defendants must be physically present, schedule small numbers to appear at a specific time depending on the size of the courtroom and the public health requirements in effect. Stagger the schedule at intervals throughout the day.
- Consider the use of plexiglass barriers in front of the bench, the court reporter, and other in-court staff when six feet of distancing cannot be maintained.
- Mark the seating locations for social distancing or remove seating to require social distancing.
- Allow the first individuals who appear to enter the courtroom until the maximum recommended persons for a room of that size is reached. As others arrive, they will sign in, leave their phone number, and return to their cars and await a text message telling them to report back as space becomes available in the courtroom. (Text messaging apps used by restaurants and health care providers are available at different price points.)
- Provide a copy of the waiver of arraignment on the court's website for the defendant to review.
- Provide a procedure for signing of forms; only forms that are essential should be signed by defendants. If forms are to be signed, provide pens for each person to use and keep or clean each pen after use. The judge could also obtain consent to sign on the defendant's behalf, if appropriate.
- Conduct video arraignments if appropriate. The notice to the defendant could include a statement that they can opt to handle their arraignment via videoconference. The defendant needs to provide an address and be willing to

download the necessary videoconference app. The defendant also needs to be given a date and time to join the meeting. You may have several arraignments at one time in one video "meeting." Video meeting times could be staggered throughout the day in the same manner as in-person meetings.

- Accommodate individuals in high-risk categories.

Failures to Appear

- Provide additional notices and opportunities to appear for first time "no shows."
- Collect contact information when parties are prohibited from entering the courthouse due to COVID-19 symptoms or exposure. (See *Tracking Form for Persons Denied Entry Due to COVID-19 Guidelines* in Section 3.)

Filings

- Encourage parties to use online filing when not required to do so.
- Encourage courts to contact vendors to determine if fees could be waived for indigent parties.
- Make space available to maintain social distancing while completing the paperwork. Any pens or clipboards used by a member of the public should be sanitized before another member of the public uses the same objects.

Probate Court Related Issues

Courts should continue to give oaths remotely via videoconference whenever possible by adhering to the following best practices:

- Make a record by recording the proceeding. Begin by stating the case and the purpose of the video and record the giving and signing of the oath.
- Conduct remote oaths by videoconference only, NOT over the telephone.
- Email the oath to the individual receiving the oath prior to administering the oath on video.

- Ask for the names of those present and ask to see the photo identification of the person taking the oath on video.
- Give the oath on video.
- Watch the individual sign the oath form during the videoconference.
- Instruct the individual to send the original, signed oath back to the court.
- Save the video.
- Have the court personnel who administered the oath sign the original oath when it is received.

Courts should make guardianship and conservatorship proceedings a priority. Consideration should be given to the following:

- Courts should begin scheduling guardianship/conservatorship proceedings that must be conducted in-person, but whenever possible, courts should continue to conduct all matters via videoconference that can be handled remotely.
- Courts should utilize telephone status conferences to determine the logistics for in-person hearings, including the number of witnesses, accommodations for vulnerable parties or witnesses, video testimony, or video access to the hearing. Courts should review all guardianships and conservatorships for which annual reporting requirements have not been met during the judicial emergency. Courts should send reminders regarding annual returns, personal status reports, inventories, and asset management plans to Guardians and Conservators with language lifting the tolling of deadlines on these matters.
- Courts should carefully screen all annual reporting documents and issue citations to those which indicate or show evidence of misuse of funds.
- Courts should make preparations to address temporary minor guardianships with consideration of the start of school.
- Courts should process uncontested matters during the remaining judicial emergency.

- Courts should make preparations to hold hearings on temporary guardianship cases where hearings will be needed as soon as practical.
- Courts should continue to utilize the precautions previously established in issuing marriage licenses, including the following:
- Require applicants to make appointments to minimize the number of people in the office at one time.
- Require applicants to wear facemasks.
- Limit appointments to the applicants only, without any other family or friends present during the application process.
- Screen applicants at exterior doors, when possible, but allow access to the office as necessary and appropriate.
- Issue marriage licenses to in-state and out-of-state applicants as provided by law.

Courts should continue to process weapons carry applications in accordance with Georgia Law and with the memos issued by the Council of Probate Judges on April 24, 2020, and May 7, 2020.

Magistrate Court Related Issues

Courts should consider clearly informing each litigant of his or her new specific deadline. Merely providing a blanket statement that a defendant has a certain number of days from service to respond may be inaccurate if a case was served immediately before or during the period of judicial emergency. This case-specific information can be communicated through the summons or a supplemental notice.

Beyond communicating specific deadlines and court dates, such notice may also include other critical information, such as online filing availability, public health guidance, courthouse entry procedures and requirements, contact information for low-income legal representation options, where to learn more about the [CARES Act](#), and resources for any court-based rental assistance programs that may exist. This information could also be shared on court websites, social media, and other outlets.

In the interest of public health, courts should generously consider initial continuance requests, untimely Answers, and Motions to Set Aside Default based on direct COVID-19 concerns (a litigant or immediate family member's illness or exhibition of symptoms, exposure to an individual with a confirmed or suspected case of COVID-19, etc.). Before entering a default, courts should take particular care to ensure a defendant was not rejected from the courthouse for a COVID-19 related reason, unable to connect to a virtual hearing due to technical difficulties, or made an attempt to contact and notify the court of his or her related absence caused by the above reasons.

Municipal Court Related Issues

Municipal Court staff are reminded to consult the *Georgia Court Reopening Guide* when working with the public (inside or outside the courtroom) to ensure general infection control measures are being taken and policies to support healthy and safe court employees are being followed whenever possible. In addition, individual court's guidelines should be consulted.

Municipal Courts should follow the Council of Municipal Court Judges Best Practices & Guidelines for Operating Municipal Courts During the COVID-19 Recovery.

Section 3: Resources

Georgia Court Reopening Guide

Addressing Issues of Language Access and Interpretation

Sample Order - Contact During State of Emergency

How to Use Zoom in Court

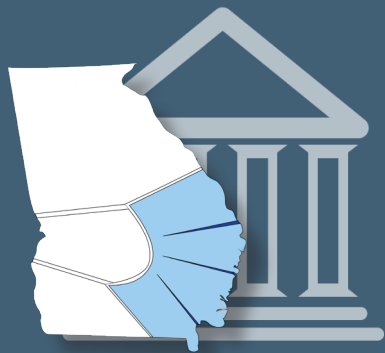
Audio and Internet Concerns During Video Conferencing

Guidance for Litigants Appearing in Virtual Court

Zoom Tutorials and Walkthroughs – Links

Sample Order Requiring Videoconference Hearings

List of Subcommittees and Members



Georgia Court Reopening Guide










Judicial Council Strategic Plan
Standing Committee

When the courts reopen, certain general practices will need to be followed to ensure the health and safety of both court employees and the public. Due to the wide variety of courts across the State, it is impossible to create a one-size-fits-all COVID-19 policy that will work for both small and larger localities. There are, however, certain general practices that could be applied to all courts and adjusted where necessary to meet the unique needs of each court. The practices presented here are to assist all Georgia courts meet the challenges of resuming operations in the wake of the public health emergency caused by COVID-19.

Guiding Principles

- ✓ Reduce the transmission of COVID-19 among court employees and the public.
- ✓ Maintain healthy court operations and facilities for the public.
- ✓ Maintain a healthy work environment for court employees.
- ✓ Exercise flexibility when applying these guidelines to ensure each litigant receives a fair hearing as required by law.

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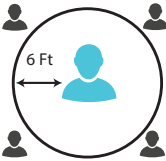


General Infection Control Measures



members of the public seeking entry who do not have one.

Require all employees and the public to wear a mask or face covering when entering the court facility. If possible, provide a mask to employees and



Limit room capacity throughout the court facility. Calculate room capacity using the area of a circle with a radius of six feet, which is equal to approximately 113 square feet per person. Use your best judgment to adjust this calculation to the specific layout of each room and to accommodate cohabitating groups sitting together.

- **Provide the public with access** to handwashing and multiple hand sanitizer stations throughout the facility.
- **Provide signage** to direct the public to bathrooms for handwashing and hand sanitizer stations.
- **Request that housekeeping personnel clean and sanitize bathrooms and other areas** more frequently and adequately to control the transmission of COVID-19.
- **Restrooms should be well-stocked** with soap and paper towels at all times.
- **Post signage limiting restroom capacity** to facilitate social distancing.
- **Prohibit the use** of water fountains.
- **Consider physical barriers** like plexiglass to protect court employees and the public.
- **Permit employees and the public to wear their own protective equipment**, including a face covering.
- **Any person not wearing a mask** should remain at least ten feet away from other people.
- **Ventilation system:** Work with public health to evaluate ventilation needs. The CDC recommends

Maintain Safe Behavioral Practices

- ✓ Frequently wash hands or use alcohol-based (at least 60 percent alcohol) hand sanitizer when soap and water are not available.
- ✓ Wear a mask or other face covering. If wearing a mask would negatively impact a litigant's right to a fair hearing, consider transparent face shields, physical distancing, or other infection control measures in consultation with a public health or medical professional.
- ✓ Avoid touching eyes, nose, and mouth.
- ✓ Stay at least six feet (about two arms' length) from other people.
- ✓ Stay home when sick.
- ✓ Clean and disinfect frequently touched objects and surfaces, including door handles, security bins, countertops, public access computers, and seating throughout the facility.

improving central air filtration to a MERV-13 filter or the highest compatible with the filter rack, as well as sealing the edges of the filter to limit bypass.

- **Locate additional space:** Identify other government facility space to provide more room, e.g., commission meeting rooms, jury assembly rooms, auditoriums, etc.
- **Coordinate your efforts** with the other tenants in your building to ensure uniform practices throughout the facility.
- **Isolate persons who become symptomatic** while in the court facility until they are able to leave and remove others from any rooms they have occupied.
- **Consult a public health or medical professional** if you have questions or need help adapting these guidelines to your unique circumstances.



Provide Notice to the Public of Increased Health and Safety Measures



Modify the existing hearing notice to include that the court has taken certain health and safety measures to limit the transmission of COVID-19.

2 Continued next page

2 Provide Notice to the Public of Increased Health and Safety Measures *continued*

Add information to the existing hearing notice about how to contact the court to request a continuance in the event that the noticed party:

- ✓ Is currently infected with COVID-19 or in quarantine due to exposure to a person with COVID-19.
- ✓ Is a member of an immune-compromised or medically fragile population (or living in a household with someone who is immune-compromised or medically fragile).
- ✓ Is over age 65.
- ✓ Has small children but does not have child care due to COVID-19.

Include information about how to request a reasonable and necessary accommodation in advance of arriving to court, such as an interpreter.

Post adequate signage to provide the public with instructions on how to comply with health and safety measures.

Post signage and floor decals to direct the flow of foot traffic throughout the court facility.



3 Provide Healthy and Safe Access to the Courtroom



SCREENING

Establish a process to screen individuals for COVID-19 before entering the court building and the courtroom.

Ask a series of questions to each individual before or upon entry to the building, such as:

- ? Whether or not they have traveled to or from any areas in which COVID-19 is particularly active.
- ? If they have, within the past ten days, experienced symptoms of COVID-19, including: cough, shortness of breath or difficulty breathing, fever above 100.0 degrees, chills, muscle pain, sore throat, headache, or new loss of taste or smell.
- ? If they have been in contact with someone known to have COVID-19 within the last 14 days.
- ? If they have been tested for the virus and the result of such test.
- ? If possible, take the temperature of each individual seeking to enter the building with a no-contact thermometer and deny entry to anyone with a fever of 100.0 degrees or higher. Persons reporting a fever above 100.0 degrees in the past 72 hours should also be denied entry.
- ? Any person denied entry for health reasons should have his or her case continued and be advised to seek medical evaluation and testing.
- ? The following information should be collected from any person denied entry for health reasons: name, contact information, the court he or she was scheduled to attend and why, and the specific reason for denying entry.

STAGING

Individuals should not congregate in common areas while waiting to access the courtroom.

Design a process to facilitate social distancing while individuals wait to enter the courtroom, such as:

- ✓ Floor or sidewalk markings to keep individuals six feet apart.
- ✓ Outdoor distancing so individuals can spread out.
- ✓ Waiting in cars.
- ✓ Set up a tent where individuals can wait in compliance with social distancing measures.
- ✓ Call or send a text message when it's time to enter the building.

FLOW

Control the route that people will take through your building to access the courtroom to encourage social distancing, such as:

- ✓ Roping or taping off certain seating areas or hallways.
- ✓ Placing arrows on the floors to direct foot traffic.
- ✓ Requiring people to enter through one door and exit through another.
- ✓ Limiting elevator capacity to facilitate social distancing (e.g., two person maximum) and offering the stairs as an alternative route.



Maintain a Healthy and Safe Courtroom

Maintain a six foot distance in the courtroom between individuals who do not reside together to facilitate adequate social distancing.

Limit Courtroom Capacity

Do not schedule more individuals to arrive at the courtroom (including staff) than the square footage of the courtroom can accommodate to allow for social distancing.

One way to calculate room capacity is to use the area of a circle with a radius of six feet, which is equal to approximately 113 square feet per person.

Continue to conduct virtual hearings by video conference or teleconferencing whenever possible.

Consider providing a live YouTube, Facebook, Zoom or other link to individuals who want to see what is going on in the courtroom but cannot be present due to room capacity.

Rotate individuals in and out of the courtroom as quickly as possible to limit contact.

Use microphones capable of picking up audio from a safe distance or clean close proximity microphones after each use. Court employees should wear gloves and hold handheld microphones if used.

Limit contact with shared documents and exhibits as much as possible. Present documents and exhibits electronically if possible and appropriate.

Conduct bench conferences in a room that provides for adequate social distancing (defendant may need to waive his or her presence if necessary).

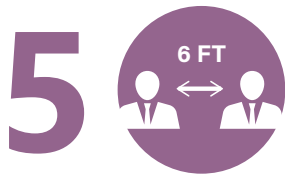
Disinfect the courtroom after each proceeding or as frequently as practicable.

Consider Staggered Scheduling

Under normal circumstances, it is common to have large calendar calls in many courts where many people report at one time.

To maintain adequate social distancing, stagger the arrival of persons participating in proceedings to ensure that a large number of individuals do not arrive at the same time.

For example, if a courtroom can accommodate twelve people, do not schedule your normal 50 person calendar for 8:30 a.m. Rather, schedule the first group of 12 for 8:30 a.m. and the second group of 12 for 10:00 a.m., etc.



Healthy and Safe Court Employees

Implement staggered shifts for all court employees and implement teleworking for all possible court employees.

Discourage employees from sharing phones, desks, offices, surfaces, or other equipment.

Provide for adequate spacing between employee workstations to facilitate social distancing.

Provide a separate entrance to the court facility for employees, if possible.

If six feet of separation is not possible, consider options like plexiglass barriers and frequently disinfecting shared surfaces, such as table tops, door knobs, elevator buttons, pens, security bins, etc.

Require all employees to wear face coverings at all times.

Consider temperature checks of employees when employees report to work each day with a no-contact thermometer.

Require employees who exhibit signs of illness to stay home or seek medical attention.

Provide courtroom employees with adequate personal protective equipment, including face coverings.

Courtroom employees should be trained on best practices to prevent infection, including frequent hand washing for at least 20 seconds with soap and water.

Clean and disinfect offices daily or as frequently as possible.



Healthy and Safe Jurors and Potential Jurors

The number of jurors and potential jurors should be limited to the amount a room or facility can accommodate with social distancing and other infection control measures.

Potential jurors:

- ✓ Likely to have more conflicts than prior to COVID-19 (e.g., childcare, looking for work, or working in the medical field).
- ✓ Will likely have health concerns about being around a group of strangers.

Jury selection may take longer due to social distancing and other infection control measures.

Jury holding and deliberations:

- ✓ Likely cannot take place in a typical jury room due to size.
- ✓ Use a larger room, such as the courtroom or another large meeting room to facilitate social distancing.
- ✓ Turn off video and audio recording in the room if the jury is deliberating there.
- ✓ Limit jury deliberations to two hours at a time with 15-minute breaks to go outside into fresh air and/or separate from each other. Jurors should not deliberate for more than eight hours per day.

Provide individual boxed lunches and bottled water to jurors. Vending machines should be wiped down regularly and have a hand sanitizing station nearby.

Juror transportation: If jurors are shuttled to the court facility, provide for proper spacing in transport vehicles and sanitize vehicles after each use. Jurors should stay six feet apart while waiting for the shuttle.

Require all jurors to wear a mask or face covering while in the court facility and the juror shuttle, if applicable. If wearing a mask would make it difficult to evaluate the demeanor of jurors or otherwise negatively impact a litigant's right to a fair hearing, consider transparent face shields, physical distancing, or other infection control measures in consultation with a public health or medical professional.



Healthy and Safe Inmates and Detainees

- ✓ **Use video conferencing** for proceedings whenever possible.
- ✓ **Screen inmates and detainees** for COVID-19 symptoms before transport to court.
- ✓ **Work with law enforcement** to provide for proper spacing in transport vehicles and masks for inmates and detainees during transport. Stagger arrivals and departures to facilitate spacing in transportation vehicles and holding areas.
- ✓ **Sanitize transport vehicles** after use.
- ✓ **Label holding areas** to provide for social distancing.
- ✓ **Sanitize holding areas**, restraints, and other commonly used items after each use.
- ✓ **Make hand sanitizer available** to inmates and detainees.
- ✓ **Require** all inmates and detainees to wear a mask or face covering while in the court facility. If wearing a mask would negatively impact an inmate or detainee's right to a fair hearing, consider transparent face shields, physical distancing, or other infection control measures in consultation with a public health or medical professional.
- ✓ **Ensure** deputies who are required to be in close proximity to inmates and detainees have face coverings and gloves.

Addressing Issues of Language Access and Interpretation:

Continuing Guidance and Support

- Create an Advisory Council to guide the reopening of the courts concerning Language Access, oversee implementation of processes and procedures, and be available to assist courts with best practices for proceedings based on the specific needs of the courts, interpreters, and parties
- Provide training for courts, staff, clerks, interpreters, etc. on best practices for interpreting remote proceedings, in-person proceedings with safety policies and considerations, and hybrid proceedings
- Create a number/hotline for clarification of best practices for Language Access Services and when working with interpreters
- Provide an advisory opinion from the Georgia Commission on Interpreters or National Center for State Courts regarding possible drawbacks, costs, and liabilities of not using a qualified interpreter, including a number of interpreters (teams), using an interpreter who is fatigued beyond the recommended time, interpreters who do not understand safety guidelines (masks, social distancing, remote interpreting) may influence or alter the message, or any significant error committed by an interpreter under these circumstances.
- Provide an advisory opinion from the Georgia Commission on Interpreters or National Center for State Courts regarding possible drawbacks, costs, and liabilities of any issues or errors in interpretation caused by delays in video or audio feeds during remote interpretation.
 - Grant the Georgia Commission on Interpreters ("COI") and the Administrative Office of the Courts ("AOC") oversight over American Sign Language ("ASL") interpreters and firms to facilitate vetting of these interpreters given the multiple available credentials in this field.
 - Create VRI Training for Georgia Licensed interpreters, add a VRI endorsement to the interpreters' license, only allowing interpreters

licensed in Georgia to offer VRI and interpret in cases where VRI might be needed.

- Require interpreting agencies to register with the Georgia Commission on Interpreters (similar to Court Reporting Agencies) to monitor the use of licensed interpreters.

Guidance and Support for Available Resources

Safety considerations must be balanced with the specific situation surrounding each proceeding and the needs of the Limited English Participant (“LEP”) and the Court.

Update Existing Resources

- Supplement current Spoken and Sign Language Interpreting Bench Cards. Cover each of the modalities of interpreting: remote proceedings, in-court proceedings with COVID-19 Safety measures, and the hybrid approach where some individuals are remote, and some are in person.
- Supplement the Model Administrative Protocol issued by the Georgia Commission on Interpreters (MAP).
- Create an Online repository of relevant documents (see below).

Create New Resources and New General Guidelines

- Create Templates and Checklists that can be used uniformly by any county or jurisdiction and adjusted to their needs. Make these documents available through a centralized website resource webpage managed by the Georgia Commission on Interpreters.
- Recommendations regarding the vetting and qualifying of interpreters in remote settings; qualification and use of non-licensed interpreters; the use of agencies to procure licensed interpreters for the courts; and guidelines requiring them to vet and qualify interpreters according to court protocols in advance.
- Create guidelines for the use of vetted bilingual staff in linking with court administration for customer service purposes.

- Create guidelines in easy to read cards on how to verify interpreter qualifications in the courtroom and online.
 - Courts should not assume that an agency or contracted interpreter has the appropriate court training, regardless of what the agency or interpreter has indicated, (unless the agencies are held accountable for sending unqualified interpreters).
- Create a list of acceptable certifications and certification definitions for courts, clerks, staff, and judges to reference when vetting an interpreter
- Create a standardized template for interpreters to state their credentials and require that they do so on the record (Name /Certifying Body / Number / Category)
 - If the interpreter is unlicensed or licensing information is unknown, the court should interview the interpreting according to the standard required by the Commission on Interpreters (see the Commission's webpage coi.georgiacourts.gov).
- Create planning guidelines to assist in identifying interpreter needs and teams and mitigating interpreter fatigue and cognitive overload, including the type of proceeding, length, location or platform, number of LEPs, etc.
- Create a template form for the request of interpreters, which considers the type of proceeding, the number of interpreters needed, roles of LEPs, consults with attorneys or sight translations required, etc.
- Create accessible checklists outlining instructions and best practices for all parties to follow when participating in remote, in-person, and hybrid interpretation settings
- Create guidelines for the use of technology during hearings and minimum technological requirements for access to remote proceedings (broadband, phone, remote satellite locations, devices, microphones, visual and auditive feedback, framing, lighting, acoustic feedback and shock, speakers, etc.)
- Create and maintain an easily accessible inventory of assistive listening and wireless interpreting equipment and encourage personnel to become familiar with its use and how to make it available whenever needed

Maintain a document repository with common sight-translated documents or other documents useful for LEPs and court administrators (plea sheets, applications, probation notices, probation instructions, sentences, arraignment colloquies, bond orders, revocation of arrest warrants, etc.)

- Information for LEPs on their Language Access Rights; Language Identification cards
- Templates for courthouse signs (entryways, directions, interpreter requests, language identifications, directions to receive assistance, etc.)
- Training materials which are developed for court personnel on best practices for booking, scheduling and working with interpreters (link from NCS, NAJIT or other or GA specific training material)
- Information and easy read cards on how to qualify interpreters in the courtroom and online
- Links to White papers and other resources on interpreter best practices
- Document guidelines on using assistive listening equipment and remote interpreting equipment, plus appropriate platforms and technology requirements for online proceedings using interpreters

Sample Order - Contact During State of Emergency

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

IN RE: FAM 1)	
CONTACT DURING STATEWIDE)	JUDGE REBECCA CRUMRINE RIEDER
JUDICIAL EMERGENCY)	
)	
)	

Please be aware that pursuant to the Supreme Court Order Declaring Judicial Emergency, entered August 11, 2020, we are hearing matters that may be conducted via video-, tele-conference, or person pursuant to the Order. This will remain in effect until September 10, 2020.

Reset notices will be sent. Please contact Judge Rieder's Chambers if you have any questions or needs to ensure compliance with this Order at Tameka.Black@fultoncountyga.gov.

To assist with case management, we will hold status conferences and litigation matters via videoconferencing (see below for access information) **as requested and re-scheduled** on a case by case basis and in conformity with the Emergency Order.

If you would like to proceed via videoconferencing, or feel your matter is an emergency and cannot wait the thirty (30) days, please contact Will Williams (for 30 or 60 Day Status Conference matters) at Will.Williams@fultoncountyga.gov or Susan Shaver (for any 120-Day Status Conference, Emergency Hearings or Final Trials) at Susan.Shaver@fultoncountyga.gov.

If you are set for a Zoom hearing/trial, please see EXHIBIT A ATTACHED HERETO, and:

- (1) This is open Court, and you are to appear and behave as such;
- (2) Use the best internet connection and plan ahead for Zoom meetings to ensure reliable connectivity;
- (3) Remain in a stationary place (at a desk/table);
- (4) Your video is to remain on at all times absent specific excusal from Court;
- (5) Your name screen ID name should be displayed as your full name to include first and last name;
- (6) Desktops and laptops are preferred for a better video and audio quality, do not attend a hearing/trial on a mobile cellular device, these devices are only permitted as a last option;
- (7) Attorneys, please ensure your client is aware of and abides by all provisions;
- (8) Provide access to exhibits exchanged to your client *prior* to the hearing/trial.
- (9) Recording/Photographs/Reproduction: Any video recording, audio recording, photographing, taking screenshots, or reproducing of the livestream, if any, is strictly prohibited. The recording, publishing, broadcasting or other copying or transmission of courtroom proceedings by video, audio, still photography or any other means is strictly prohibited except as provided in Uniform Superior and State Court Rule 22, which requires application by the party seeking to record the proceedings and approval of the court prior to the beginning of the

proceeding. Violations of Rule 22 is subject to the penalties for contempt of court. Observers should keep their video off and sound on mute.

- (10) Upon the court or either party invoking the rule of sequestration, no witness may observe or listen to any portion of the proceeding until he or she has been called to testify. Witnesses listening or observing the proceedings is strictly prohibited in those instances, and violators will be subject to contempt of court.

Failure to comply with the provisions of this Standing Order may result in Contempt of Court and monetary fines.

If you are set for an in-person hearing/trial:

- (1) You must comply with the Declaration of Statewide Judicial Emergency dated August 11, 2020.
- (2) As set forth therein, anyone entering the Courthouse must wear a face mask. Please bring your own face mask.
- (3) Stay home and immediately notify Chambers staff if you feel sick or are experiencing any symptoms of COVID-19 or have had them within the past ten days. <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>.

SO ORDERED, this, the ____ day of ____, 2020.

How to Use Zoom in Court

To conduct Court via Zoom, you will need a **desktop computer, laptop, or smartphone that is equipped with a camera and microphone and a stable internet connection**. If you do not have access to those devices, see **Call-In Options** at the bottom of this document. The instructions for attending a remote hearing are as follows:

Step 1: Install Zoom For Free

For **smartphones** and **tablets**, install ZOOM from the Play Store or App Store.

For your **desktop computer, laptop**, or notebook device with webcam and microphone, please visit www.zoom.us and follow the instructions to download the app.

Step 2: Create an Account

Create a Zoom account by going to Zoom.us, and click, "sign up, it's free" and follow the prompts from there. You will need to use your email address and create a password. You only need to do this one time; this is the account you will use each time you enter a Zoom virtual hearing.

You will need to obtain a premium (paid) membership to hold hearings without disruption. The maximum time limit for free accounts is 45 minutes per meeting.

You should test audio and video at least 24 hours before the conference. This can be done in the "Preferences" or "Settings" window of the program. You will also want to test the program to be sure that you have a strong WiFi connection. If your signal strength is too weak this may impact your ability to participate in the virtual hearing. If you are unable to participate by video, see the section titled "Call-In Options."

Step 3: Join the Zoom Call

Be sure to join the Zoom call 15 minutes before the start time.

To join, you will need to access the Zoom remote court session information, which includes the meeting ID and password. This information should be emailed to the participants prior to the hearing.

- Please take note of the Meeting ID and Password for that specific court session.

- A "Join Now" link to the hearing will be provided. Clicking on the Join Now link will open your Zoom app and may ask you to enter the Zoom session's meeting ID and password.
- After you enter the meeting ID and password, a screen should load showing your face, after you see this screen, click "**join with video.**"
- Once these above steps have been completed, you will have joined the Zoom session and be placed into the Zoom Waiting Room. (When in the Waiting Room, you cannot hear or see the court proceedings.)
- The name that you choose for yourself will be shown on the screen during the call. You **must** use your full name as it appears in your case and your case number so that you can be identified. If you fail to do so, you may not be admitted into the proceeding from the Waiting Room.
- When the court is ready to hear your case, you will be allowed entry into the Zoom meeting from the Waiting Room.
- A message box will then appear asking you to "**join with computer audio,**" or "**join with internet audio.**" Selecting this will allow you to hear the meeting and speak through your device.
- Mute all sounds from other applications when videoconferencing (i.e., email notifications, chat messaging, etc.).
 - If the programs do not allow for muting, then close the application completely.
 - Avoid using a mobile device for video. While tablets (iPads) and smartphones can be used, their platform functionality is limited, and the video performance is inferior.

If using a laptop, avoid using battery power only. Plug into a suitable power source while in a meeting. (Videoconferencing tasks are intensive functions for your computer and will drain power faster.)

- Avoid running any unnecessary applications besides Zoom (or other videoconferencing platform), to conserve your computer's processing power and networking.
- Restart your computer every day and before every new hearing. This refreshes your computer's memory and allows the new meeting to run smoothly.
- Avoid using an open microphone and speakers, such as those that are built into laptops or webcams. Using a good quality headset (headphones with a microphone) will often help ensure you can be heard and can hear others with maximum quality.
- Avoid distracting real or virtual backgrounds.
- Avoid poor camera positioning. Try to frame yourself so you take up most of the screen at eye level.
- For trial calendars, parties should be instructed to disable audio and video until the judge calls their case. This limits the potential distraction for others participating in the proceeding.
- If the parties are unwilling or unable to do it themselves, instructions are included below that allows the judge or their staff attorney to turn off those functions for participants manually.
- Avoid using WiFi. Connection via a hardwire Ethernet cable will always be faster and more reliable than WiFi. If you must use WiFi, make sure you are close to the router. Avoid sharing your internet service with others during the session. (i.e., others in the household watching Netflix or other video streaming platforms.)

Tips:

- Do not join the Zoom meeting while in a moving vehicle. Internet connectivity may affect your Zoom connection.
- You may join the Zoom court session if you join before the host is ready to start the session. **Please do not leave the meeting;** once the host begins the session, you will be placed into the Waiting Room

- Join the Zoom Court Session 15 minutes before the scheduled time. If you arrive late, you will end up waiting longer in the Waiting Room.
- When you are admitted from the Waiting Room, you should mute yourself by clicking on the microphone icon. A red line through the microphone indicates that you are muted and cannot be heard by the people in the meeting. When it is your turn to speak, you will need to unmute yourself by clicking the microphone.
- If you have not previously clicked on the "Join by Video" button, you may click on "start video" after joining the meeting so that others can see you. If the "start video" icon on the bottom left corner has a red line through it, that means that no one else can see you.

Utilizing Videoconferencing in Domestic Litigation

When possible, videoconference hearings should be conducted by the presiding judge in a courtroom or other designated room open to the public with social distancing capabilities.

Conducting a hearing pursuant to this section will allow the court to forgo sending links or passwords to the public, as outlined below. Any interested parties will be able to view the proceedings from the gallery as they have previously done.

If the presiding judge is unable to conduct their portion of a videoconference hearing from an open courtroom, then the following guidelines should be followed:

- We discourage the use of livestreaming platforms. Popular livestreaming platforms include, but are not limited to, Facebook Live, Instagram Live, Periscope, and YouTube Live.
- Only use videoconferencing platforms with upgraded security measures. A non-exhaustive list includes Cisco WebEx, Blue Jeans, GoToMeeting, and Zoom. Platforms with 256-bit, end-to-end encryption are strongly preferred.
- Prior to beginning hearings, everyone accessing the hearing should be reminded to check for and update their platform software to ensure it is up to date. This ensures that any security updates which have been made available by the platform are in place when the hearing begins.
- Only the judge's office or designee should send out or post-meeting invitations and passwords.
- Prior to sending out meeting invitations, all settings should be reviewed in the application settings and the web browser platform profile.
- Always turn off the ability for parties to record through the application itself. Have the attorneys/parties state on the record that they are not recording the proceeding using other means.
- Utilize passwords for all hearings. This practice limits interested parties from unintentionally gaining access to proceedings or "Zoombombing" them.
- Only provide meeting links and passwords directly to attorneys or self-represented parties.

- Provide meeting links to the public only when requested on a case by case basis, if possible. This does not bar the public from participating. This rule is designed to make it more difficult for those with ill-intentions to access and disrupt proceedings.

Do not allow screen-sharing of exhibits during trial proceedings when the public potentially has access to the proceedings electronically. Doing so allows for the potential public disclosure and misuse of mental health diagnoses, Guardian ad Litem reports, confidential or proprietary business information, and could lead to instances of identity fraud.

If the presiding judge cannot hold the hearing electronically in a courtroom or other area open to the public, pre-marked exhibits should be exchanged electronically or by courier by close of business the day before the trial, or at another time ordered by the court. This creates the same type of knowledge an interested party would have with exhibits in pre-pandemic proceedings.

Additional guidance:

- Utilize waiting rooms by automatically having meeting attendees go straight to the meeting room when they log in, and the court will manually add them to the proceeding.
- Turn off messaging/chatting functions for all parties and attorneys during the hearing.
- If the public does attend electronically, the court should turn off its video and audio to limit potential disruptions.

Audio and Internet Concerns During Videoconferencing

In general, the necessary internet speed to effectively videoconference is between 2-4 Mbps for small groups, while larger groups can require up to 8-10 Mbps (download speed). Most widely available consumer internet plans start at 15-25 Mbps, with plans increasing to 1 Gbps. So, regardless of party's home internet provider, there should be sufficient speed to effectively videoconference from home. So, regardless of the party's home internet provider, there should be sufficient speed to effectively videoconference from home. This is not a concern for business internet providers, as their internet speeds typically equal or exceed consumer internet speeds.

When possible, a “hard wire” connection should be used in lieu of a wireless connection when utilizing videoconferencing. When possible, a “hardwire” connection should be used in lieu of a wireless connection when utilizing videoconferencing. The speeds that are quoted by internet service providers are hardwire speeds and generally do not maintain the same level of consistency or performance over a wireless connection, especially the further away you are from the router. If you must use your wireless connection, you should be as close to your router as possible (i.e., no walls between your computer and the router).

Any participants that are not technologically savvy should be encouraged to utilize only the video portion of their computer when participating in hearings. Allowing these participants to utilize their telephone for their audio needs limits the potential start/stops associated with poor internet quality. (i.e., the audio/video feed of a participant continuously freezing or buffering no longer impacts the hearing because their audio is done over a separate (cellular) network.) Instructions for how to enable and utilize this feature are included below.

Guidance for Litigants Appearing in Virtual Court

Behave as You Would in a Courtroom

- You should be appropriately dressed if appearing by video for a virtual hearing.
- Be aware of your background (area behind you). Make sure it is appropriate; it will be seen by the Judge and other people attending the hearing. Make sure you are not sitting directly in front of or behind a window, because the light or reflection can affect the video.
- Choose a quiet place to participate in the hearing. Cell phones should be muted, doors to rooms closed and disruptions minimized.
- You should remain on mute until it is your time to speak. Do not speak over anyone, and do not interrupt anyone. Use appropriate language as you would in a courtroom.
- A court reporter or language interpreter may interrupt from time to time to clarify who is speaking.

- If you do not follow the Court's rules, you may be removed from the Court hearing, and the Judge can impose a fine or other punishment.
- Recording/Photographs/Reproduction: Any video recording, audio recording, photographing, taking screenshots, or reproducing of the livestream, if any, is strictly prohibited. The recording, publishing, broadcasting or other copying or transmission of courtroom proceedings by video, audio, still photography or any other means is strictly prohibited except as provided in Uniform Superior and State Court Rule 22, which requires application by the party seeking to record the proceedings and approval of the court prior to the beginning of the proceeding. Violations of Rule 22 is subject to the penalties for contempt of court. Observers should keep their video off and sound on mute.
- Upon the court or either party invoking the rule of sequestration, no witness may observe or listen to any portion of the proceeding until he or she has been called to testify. Witnesses listening to or observing the proceeding is strictly prohibited in those instances and violators will be subject to contempt of court.

Zoom Tutorials and Walkthroughs – Links

Click on the links below for video tutorials on the specifics of each of these functions.

- Schedule a Meeting
 - [Video walkthrough](#)
 - [Video and screenshots](#)
 - Features for a premium (paid) membership always include:
 - Meeting password
 - Webcam usage
 - [Enable join before host](#)
 - Enable waiting Room
 - Allow for telephone and computer audio
 - Breakout room pre-assign
- [Sending Meeting Invitations](#)
 - This can be done at the same time as scheduling a meeting or afterwards
- Meeting Audio
 - [Enable “join by telephone.” The number to call in will be in the Zoom invitation you received for your hearing.](#)
- [Meeting Controls](#)
 - Basic controls
 - Mute/Unmute button
 - Bottom left-hand corner, microphone icon,
 - Additional drop-down options allow a user to change how they are connecting to the audio portion of the hearing

- Video on/off button
 - Bottom left-hand corner, second icon from the left, camera icon
 - Should always be on for parties and attorneys during trial proceedings
 - Ability to invite participants while the hearing is ongoing
 - Useful for adding witnesses to the proceeding as necessary
- [Manage participants](#)
 - Allows your office the ability to modify permissions for participants during proceedings if necessary
 - Also contains “mute all” button
 - Turn on enter/exit chimes so you as the host know when people join and leave
- [Share Screen](#)
 - This feature must be used with caution as third parties can record or otherwise capture the screen being shared which could grant access to personal/confidential information.
 - Examples of documents that should not be shared this way include:
 - Guardian ad Litem reports, business information, personal financial information, and medical information.
- Chat Functions
 - [Controlling and Disabling in meeting chat](#)
 - These should not be used as it allows for potential harassment
- Record Session
 - This function should be turned off for participants

- End Meeting
 - Make sure you end the meeting for all participants at the conclusion of the hearing
- [Join Meeting](#)
- [Video Breakout Rooms](#)
- [Enable Breakout Rooms](#)
 - Breakout room button is only available to a host or co-host
 - You can add co-hosts after the hearing begins
 - Button is on bottom right-hand side of program
 - Hosts can alternate between rooms
 - Ability to pre-assign break out rooms during meeting creation
 - [Managing Breakout Rooms](#)
- [Waiting Rooms](#)
 - The [Waiting Room](#) feature allows the host to control when a participant joins the meeting.
 - Individuals who join the meeting must be admitted manually by the host.
 - This prevents unwanted guests/participants from accessing the videoconference
- [In Meeting Security Features](#)
 - [How to Navigate the Security Icon](#)
 - Hosts and co-hosts only can: enable waiting room, lock the meeting, edit participant permissions.



**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA
FAMILY COURT DIVISION**

Petitioner

And

Defendant

§
§
§
§
§

CIVIL ACTION FILE NO.:

ORDER REQUIRING VIDEO CONFERENCE HEARINGS

Due to the Order Declaring Judicial Emergency entered March 13, 2020, by the Chief Judge of Fulton County Superior Court and the Order Declaring Statewide Judicial Emergency entered March 14, 2020 by the Chief Justice of Supreme Court of Georgia, pursuant to O.C.G.A §38-3-61, all non-emergency hearings shall be conducted via video - conference during the COVID -19 emergency period if possible.

All Status Conferences and hearings shall be conducted by video conference. The Court has set up video conferencing through Zoom. *Zoom Basic Personal Meeting* is available free of charge and can be downloaded onto your computer at <https://zoom.us/pricing> or *Zoom Cloud Meeting App* is available for free in the Google play store of iPhone. You can join the meeting at <https://us02web.zoom.us/j/>

The Court will conduct this trial by video conferencing through Zoom. This time set for this trial is at **10:00 A.M.** on **July 8, 2020**. It is imperative that you call or join by video in at the time set forth above. If the Court has not joined the meeting please stay connected and wait for the Judge to join in the event a prior conference exceeds the allotted time. **Please review the CONTACT DURING STATEWIDE JUDICIAL EMERGENCY ORDER located at _____.** Please note when appearing by video it is required for all participants to turn the camera feature on and keep it on at all times. Use a reliable internet connection and remain in a stationary place. Your screen ID name should be displayed as your first and last name.

Recording/Photographs/Reproduction: Any video recording, audio recording, photographing, taking screenshots, and/or reproducing of the livestream, if any, is strictly prohibited except as provided in Uniform Superior and State Court Rule 22, which requires application by the party seeking to record the proceedings and approval of the court prior to the beginning of the proceeding. Violations of Rule 22 is subject to the penalties for contempt of court. Observers should keep their video off and sound on mute.

The meeting ID for your meeting is _____

This Order supersedes your previously filed Order to Attend Status Conference or other hearing notice.

So Ordered __ day of _____, 2020.

Tracking Form for Persons Denied Entry Due to COVID-19 Guidelines

This form is to be completed by all individuals denied entry because of COVID-19 guidelines

Name: _____

Address: _____

Phone Number: _____

Email Address: _____

Reason for Court Appearance (Plaintiff, Defendant, Criminal Defendant, Witness, etc.):

Judge: _____

Courtroom: _____

.....

This section is to be completed by Security/Sheriff's/Marshall's personnel

Reason for Denied Entry into Courthouse (Body temperature over 100.4°, Health symptoms consistent with COVID-19, Exposure to Coronavirus/COVID-19, etc.):

Signature: _____

Date: _____

Subcommittee Members

Criminal Matters

Judge Kenneth B. Hodges III – Co-chair
Jimmonique R.S. Rodgers – Co-chair
Judge Brendan Murphy
Judge Norman Cuadra
Judge Kathlene F. Gosselin
Judge Rob Leonard
Robert Smith
Don Samuel
Terry Norris
Sheila Ross

Civil Matters

Judge Russ McClelland - Chair
Judge Walter Davis
Judge Kathlene F. Gosselin
Judge Rebecca Rieder
Judge Jeff Bagley
Judge Ben Studdard
Judge Al Wong
Judge Jeff Hanson
Elizabeth Fite
Catherine Vandenberg
Adam Malone
David Nelson
William Custer
Tina Shadix Roddenbery

Grand Jury

Judge Melanie Bell - Chair
Cindy Mason
Robert Smith
Debra Nesbit

Other Court

Judge Lindsay Burton - Chair
Judge Russ McClelland
Judge Brendan Murphy
Judge Norman Cuadra
Judge Melanie Bell
Debra Nesbit
Cathy Vandenberg
Michael Lucas

Juvenile

Judge Lindsay Burton – Chair
Judge Melanie Bell
Cindy Mason
Jimmonique R.S. Rodgers
Michelle Barclay

Court Reporters & Interpreters

Judge Norman Cuadra - Chair
Judge Russ McClelland
Judge Melanie Bell
Judge Brendan Murphy
Judge Dax Lopez
Robin Rooks
John Botero
Lashawn Murphy
Paul Panusky
Maria Ceballos-Wallis
Rene Weatherford