

March 26, 2020

Notice to the Criminal Defense Bar:

On March 14, 2020, the Chief Justice of the Georgia Supreme Court issued an Order Declaring Statewide Judicial Emergency. In keeping with that Order and to ensure continued operation of the Cobb Judicial Circuit, the Superior Court has implemented procedures to protect the health and safety of those serving and appearing in the Superior Court.

The following are procedures that are to be followed in Superior Court during the Judicial Emergency.

1. **Do not come to court if you are coughing, feverish or not feeling well, we will reschedule the matter or someone from the Circuit Defender's Office can cover the hearing for you.**
2. **Only essential matters will be heard in the Ceremonial Courtroom 2000,** i.e. where an immediate liberty or safety concern is present requiring the attention of the court as soon as the court is available. A non-exhaustive list of essential matters might include negotiated pleas, consent revocations, or motions that would get the defendant out of jail. **No out of custody cases will be heard.**
3. If you believe you have an essential matter, contact the Assistant District Attorney assigned to the case and see if it can be worked out with a consent order, negotiated plea, etc. If there is a disagreement as to whether the matter is essential, contact the assigned judge and arrange a conference call with counsel for both sides and the assigned judge.
4. If the resolution can be handled by a proposed consent order then it should be submitted to the assigned judge without a hearing.
5. If the resolution requires a court appearance, is negotiated, and it gets your client out of jail then it should be scheduled at the next available Duty Superior Court Judge day. **In order to make the next calendar day, all parties must be notified by 1 p.m.** The assigned ADA or Duty ADA will contact the Duty Superior Court Judge to schedule and ensure the defendant is brought to court.

6. In advance of the proceeding:

- a. No one may approach the bench or pass the red markers between counsel tables without the consent of the Duty Superior Court Judge.
- b. The Duty ADAs are not going to renegotiate the case. Everything must be negotiated with the assigned ADA prior to court.
- c. The Clerk will provide the defense with an unsigned copy of the subject paperwork (i.e., Boykin rights sheet, sentence form, indictment, revocation consent form, etc.). This will be on the bar behind the defense table.
- d. Counsel for the defendant will go over the Boykin rights sheet and other paperwork with the client in advance of the court proceeding, either on the phone, in a booth in the basement or in the courtroom depending on availability. Nothing needs to be filled out by counsel, just orally reviewed and all rights explained.

7. During the proceeding:

- a. The courtroom is open to the public at all times, but attorneys, parties, and members of the public who are not participants in the matter being heard are strongly encouraged to remain outside the courtroom. There is a monitor outside the courtroom to observe what is occurring in the courtroom.
- b. When your matter is being heard, someone will sound for your case. You will then enter the courtroom. The defendant will be brought out to the defense table. You may sit with your client or anywhere in the courtroom behind the red markers that is not closed off by tape.
- c. The ADAs will remain at the witness area or in the jury room.
- d. The judge will review all documents orally on the record (reading all questions), and will fill in necessary information on the forms as he/she goes (e.g., Boykin responses: "Y", "N", age of defendant, education, etc.).
- e. At the end of each document, the judge will ask each party (defendant, Defense Counsel, and the ADA), if the judge may sign their name with consent. The judge will write the name with "w/p by [judge's initials]". The judge will explain these procedures at the beginning of each hearing and make clear on the record that the procedures are due to the "Statewide Judicial Emergency" declared by the Supreme Court

and Superior Court. If anyone objects, then the judge will use his/her discretion as to how to handle it.

- f. Only the document signed by the Duty Judge in this manner shall be filed with the Clerk.
- g. The defendant will be given a copy of the paperwork that is signed by the judge. If Defense Counsel would like a copy of the signed paperwork, one will be provided.

8. **Videoconferencing:**

- a. Attorneys and witnesses may appear via video-conference. You will need to have a computer with a camera, internet connection, and a general familiarity with internet based technology to operate Webex or Zoom. An appearance via smart phone (other than one with 2 cameras) is not recommended.
- b. Below are the procedures if you wish to appear in court via video-conference:
- c. **Notify the chambers of the Duty Judge by noon the day before your scheduled proceeding** that you and/or your witness(es) prefer to appear via video so that the Duty Judge is aware that you will not be arriving in person and to obtain a specific time for your proceeding.
- d. **Contact David Tyler** in Superior Court Administration at david.tyler@cobbcounty.org or 770-528-8123 **by noon the day before your scheduled proceeding for instructions** on how to login to the Superior Court's Webex or Zoom system.
- e. Be sure that you have gone over all of the Boykin rights and other information with your client prior to court as you will not have the ability to confer with your client privately over the Superior Court's Webex or Zoom systems.
- f. At least 10 minutes prior to your scheduled appearance, login to the Webex or Zoom system to make sure that there are no technical issues.
- g. Wait for the Duty Judge to call your case.

Thank you for your cooperation during this challenging time. With these practices, together we will do everything in our power to keep each other safe while continuing to keep the Cobb Judicial Circuit open.

Reuben Green

Chief Superior Court Judge

Cobb Judicial Circuit