

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA**

**ADMINISTRATIVE ORDER #138 ON REOPENING PROTOCOLS FOR
IN-PERSON COURT HEARINGS**

WHEREAS on July 13, 2020 the U. S. Bankruptcy Court for the Middle District of Georgia, in coordination with the U. S. District Court for the Middle District of Georgia, will begin reopening its courthouses to the public for in-person hearings; and

WHEREAS the Court's Amended Administrative Order #126 on Mandatory Telephonic Hearings During 2020 Pandemic and Amended Administrative Order #129 Temporary Amendment to LBR 5005-4 Allowing For The Use Of Digital Signatures On Papers Filed By Attorneys expire on July 3, 2020; and

WHEREAS the Court wishes to continue to follow the Center for Disease Control and Prevention's (CDC) and other public health organizations' guidance to maximize social distancing opportunities and limit the risk of exposure to people that might occur in crowded courtrooms as the court resumes in-person hearings;

IT IS ORDERED that Amended Administrative Order #126 on Mandatory Telephonic Hearings During 2020 Pandemic is CONTINUED until July 12, 2020 and that in-person bankruptcy hearings may occur at the presiding judge's discretion on or after July 13, 2020; and

IT IS FURTHER ORDERED that Amended Administrative Order #129 Temporary Amendment to LBR 5005-4 Allowing For The Use Of Digital Signatures On Papers Filed By Attorneys is CONTINUED until further order of the Court; and

IT IS FURTHER ORDERED, in order to protect public health, including the health of court staff, parties, court participants, and all other building occupants, that the following persons shall not enter any U. S. Bankruptcy court facility in the Middle District of Georgia without prior permission from the Chief Bankruptcy Judge or his designee:

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a. Persons who have been diagnosed with, or had close contact with, anyone who has been diagnosed with COVID-19 within the last twenty-one (21) days; or

b. Persons who have been asked to self-quarantine by any healthcare provider within the last twenty-one (21) days; or

c. Persons who within the last fourteen (14) days have been on a cruise, traveled outside the United States, or traveled to any area that has been declared in quarantine for COVID-19; or

d. Persons with any symptom of COVID-19 identified by the CDC, including fever or chills, cough, shortness of breath, new loss of taste or smell, nausea or vomiting, and diarrhea.

IT IS FURTHER ORDERED that the following procedures govern the use of masks or other face coverings:

a. Masks or other face coverings must be worn by all persons in all public areas of U. S. Bankruptcy Court facilities in the Middle District of Georgia. Masks will be provided to entrants if necessary.

b. Masks or other face coverings must be content neutral and may not express any offensive or inappropriate content. Masks will be provided if necessary.

c. Masks will be worn to cover both the wearer's nose and mouth.


IT IS FURTHER ORDERED that anyone denied entry due to these precautions, or anyone with a documented health condition that prevents the wearing of a mask or other face covering will be provided with contact information to contact the relevant court or Courtroom Deputy with whom they have business.

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IT IS FURTHER ORDERED that the United States Marshal, his Deputies, and Court Security Officers shall deny entry to anyone attempting to enter in violation of this Order, and shall have the authority to remove anyone from a U. S. Bankruptcy court facility in the Middle District of Georgia for failure to abide by this Order while in our facilities.

IT IS FURTHER ORDERED that Court Staff and all persons attending in-person court proceedings will comply with the Clerk's Office document "Facility Entry Protocols During COVID-19 Pandemic," and any amendments thereto, which can be found on the Court's website by clicking on the link to "Important Information Regarding Court Operations During COVID-19 Outbreak." The protocols established by the Clerk's Office are incorporated by reference to this Order.

IT IS SO ORDERED this 2 day of July, 2020.


JAMES P. SMITH
Chief Judge
United States Bankruptcy Court

Restricted In-Person Hearings

Intent: The procedures described herein will become the new standard for the Court for the foreseeable future until operations return to normal. But the fact that there is a pandemic of uncertain boundaries, capabilities, and threats makes much of what we have done in the past unworkable in this new environment. Our goal is to reduce the number of in-person hearings to the absolute minimum, thus reducing the number of people having to attend court and thus reducing possibilities of exposure to the maximum extent possible. We will also comply with the CDC recommendation of maintaining at least 6 feet for social distancing purposes. You will see where you may be asked to perform a function that, in “normal” times, might be unacceptable to you. For example, you may be asked to sanitize your work area in the courtroom. In the past, local cleaning staff would be responsible for this on a once a day basis. The practicality of our current situation is that we cannot have the cleaning crew come in and sanitize your work area in the courtroom at the end of each hearing. It is simply quicker and more efficient to sanitize work areas as we go along.

These protocols are incorporated by reference in the Court’s Administrative Order #138 on Reopening Protocols for In-Person Court Hearings. These protocols will be amended as we gain more experience conducting in-person hearings in the current environment.

A short recap of our Court’s phased reopening plan is that, based on conditions in the localities in which we hold court and in conjunction and coordination with District Court and state or other local courts, we will gradually return to normal operations by phase.

- We have entered Phase 1 of our plan, which is the addition of staff presence in our court facilities but continued telephonic hearings. On June 22, we lifted access restrictions to the Court for the public to the pre-pandemic standard, with the condition that the public adheres to access protocols (wearing a mask, sanitizing hands, maintaining social distancing).
- When pandemic conditions are acceptable, we will enter Phase 2, which is the resumption of in-person hearings with restrictions. The protocols described below will become applicable when the Court enters Phase 2. We may be in Phase 2 for an extended period (months, perhaps). The only staff that will be present in the court facilities are those required to attend in-person hearings and any support staff as required.
- Phase 3 is the resumption of close to normal pre-pandemic hearings, with some changes relating to mass calendars. Most of our case management staff will remain in a telework posture.
- Phase 4 is the national declaration that the pandemic is over and all employees will return to a pre-pandemic work status.

The below items are common to all court facilities in Albany, Athens, Columbus, Macon, and Valdosta.

1. Before any hearing, Courtroom Deputies must assess, in advance, how many visitors are estimated to attend court on a particular day. Attorneys will provide the Courtroom Deputy the number of people who will attend the hearing no later than 3:00 p.m. the day prior to the hearing. Courtroom Deputies will provide this information to supervisors and Court Security Officers (CSO’s). While there will already be a roster of available Court staff to assist the access protocols described below, supervisors will need

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the information from the Courtroom Deputy to appropriately handle any unusual situation. Parties should contact the Courtroom Deputy to request telephonic hearings when an in-person hearing is not necessary.

2. Also, before any hearing, attorneys are encouraged to work out differences and stipulations with the trustee or other parties to reduce the necessity of a hearing and to reduce the number of people attending any hearing.

3. Prior to resumption of in-person hearings, the following will be accomplished:

a. Outside the front door to the court facility where the public enters (in Macon and Columbus but in Albany, Athens, and Valdosta the courtrooms are inside the building and we do not have control of access to the building so the situation must be adjusted in those locations), markers will be placed on the floor at 7-foot intervals in order to provide visitors proper social distancing. Additionally, we need to be prepared to place chairs for visitors if it appears waiting times will be more than normal. Therefore, chairs will be pre-positioned for that purpose, but not necessarily deployed.

b. Signage will be placed on the doors stating the Court's mandatory mask usage policy.

c. Screening questions that visitors will be asked to answer will be placed inside the court facility but before the visitor passes through the CSO station.

d. A table will be placed near the screening questions location and a dispenser containing masks, tongs, and liquid sanitizer will be placed on the table for use by visitors. The mask dispenser will be monitored throughout the day and will be secured at the conclusion of the day by the CSO's. CSO's will ask visitors to use the hand sanitizer prior to approaching the CSO station.

e. A temporary sanitization station will be placed outside each courtroom. This sanitizer is not intended for Court staff.

f. An "out of order" sign will be placed on the water fountains in all public areas. Visitors will be permitted to bring bottled water (only) into the courtroom for personal use.

g. In the courtroom, where applicable, every other pew will be marked with tape that prevents visitors from using that pew. On each pew, a marker will be placed indicating where the visitor should sit. Generally, there will be 2 seating positions available per pew and this varies according to the courtroom.

h. At the attorney tables, the microphones will be placed such that attorneys are seated on opposite ends of the tables. If there are more than two attorneys per table, the other attorneys may be seated in chairs and spread out to maintain appropriate social distancing. Microphone windscreens will be removed.

i. Surface sanitizer (or sanitizer wipes), paper towels, and hand sanitizer will be placed on one of the attorney's tables for use by attorneys. A trash can will be collocated with the surface sanitizer.

j. Areas will be designated as attorney-client meeting rooms. If there are not enough meeting rooms available, the attorney and client may be required to step back out of the court facility in order to confer with their client and maintain social distancing standards.

k. In the Intake area, signage will be placed to mark where visitors should stand in order to maintain appropriate social distancing. Sneeze guards will be emplaced in Intake areas where practicable. If required, stanchions will be placed to channel visitors to a certain area of the Intake counter where the sneeze guard is located.

l. Evidence that must be entered during a hearing will be passed up in the usual (manual) way. Each participant in the exchange of documents will use hand sanitizer provided by the Court after handling any documents passed to them by another person.

m. Sneeze guards will be placed in areas of the courtroom where the distances between certain positions are not sufficient to comply with the six foot distance requirement.

4. In-Person Hearings Entry Protocol:

a. The Chief Deputy (or Deputy in Charge, as required) in conjunction with the Operations Manager, will select individuals who will be tasked to perform "Gatekeeper" duties for in-person court hearings. The Gatekeeper's primary duty is for controlling the flow of visitors in and out of the court facility and courtroom. The Gatekeeper is not responsible for performing CSO security duties. The CSO and Gatekeeper may work together to control access and entry, but the Gatekeeper's job is to ensure that visitors maintain appropriate social distancing as required by our reopening plan. The roster of Gatekeepers will be developed two weeks prior to scheduled hearings. All Court staff are eligible to perform the Gatekeeper duties. The Gatekeeper will be provided a "cue card" with instructions to give to visitors.

b. Prior to the hearing:

i. The Gatekeeper will be present at the CSO desk in order to direct visitors that are waiting outside the court facility main door. When notified by the Courtroom Deputy, the Gatekeeper will instruct visitors to enter the CSO control area. The CSO will direct the visitor to signage which has COVID-19 related health screening questions the visitor must answer in the negative in order to gain entry. If the visitor answers in the affirmative, they will be asked to exit the court facility and call the case manager (or whomever the Gatekeeper asks them to call) in order to receive additional instructions which will involve the scheduling of a teleconference or videoconference hearing (for those visitors attending hearings). The visitor, if he or she is an attorney or an attorney's client, should have a mask provided by the attorney. If the visitor arrives without a mask, the CSO will direct the visitor to the table where the visitor can obtain a mask. All visitors will be asked to use hand sanitizer.

ii. Assuming the visitor gives all negative answers to the COVID-19 related health screening questions, the CSO will direct the visitor to the security screening area in order to conduct normal security screening operations. The CSO will then direct the visitor towards the appropriate

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courtroom and ask that they take direction from the Electronic Court Reporter (ECRO) or take a seat on one of the benches outside the courtroom. If a visitor refuses to don a mask, the CSO will deny that person entry and will immediately notify the Clerk, the Chief Deputy, or the Operations Manager, in that order. One of them (Clerk, Chief Deputy, or Operations Manager) will take appropriate action with the visitor who refuses to don a mask. Appropriate action may include consultation with the presiding judge or the Clerk as to how to handle the immediate situation. If a visitor is denied entry to the court facility, they will be provided documentation from the Court showing that the individual was present at the court facility but could not or would not comply with facility entrance requirements, or other appropriate action.

c. The intent is for the Gatekeeper to rotate between visitors waiting outside the main door of the court facility (if applicable and practicable) and assisting the Courtroom Deputy and ECRO in letting visitors into and out of the courtroom. Prior to the hearing, the Courtroom Deputy will let the Gatekeeper know who should come in first, depending on the order on the calendar. The Courtroom Deputy is responsible for providing the Gatekeeper with a copy of the calendar.

d. In all courtrooms, Courtroom Deputies need to consider where the witness boxes are located and whether, when a witness approaches the bench, the witness should be directed to a specific location to be sworn in to ensure social distancing standards are met.

e. As court participants are dismissed, the ECRO and the Gatekeeper will coordinate and move the next visitors and attorneys into the courtroom. Care must be taken to allow visitors exiting the courtroom and court facility to not bunch up and to maintain social distancing. The CSO should also be part of this process to assist the Gatekeeper.

f. If visitors to the court facility cohabitate (i.e. family members who reside together), they are not required to maintain social distancing standards and will occupy social distancing positions as if they were one person. If it appears the visitors are close relatives, the Gatekeeper and/or CSO can ask them if that is the case and if so can give appropriate social distancing instructions. If the cohabitating visitors go to the Intake counter in Macon, they will not be required to ride separately on the elevator.

g. Sanitization and Mask Usage:

i. Prior to hearings: The local cleaning contractor needs to make sure they conduct a sanitization of tables, chairs, lectern, witness box, and pews in the courtroom that are used by multiple visitors. The Courtroom Deputy is responsible for sanitizing their own workspace and the judge's workspace (unless the judge wishes to sanitize his own space). The ECRO is responsible for sanitizing their own workspace and the microphones. The law clerk, if present, is responsible for sanitizing their own workspace. As visitors enter the court facility, they will be required to wear a mask (see above for attorney/client requirements). If the visitor does not have a mask, the Court may provide one. Masks will be worn so as to cover both the wearer's nose and mouth.

ii. During hearings: We will make available solid surface sanitizer and hand sanitizer for attorney tables that attorneys will use at the conclusion of their hearing to sanitize their table. Court staff will sanitize as necessary. For the lectern microphone during argument, a sanitizing hand wipe will

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be made available to allow attorneys to sanitize the lectern microphone before they speak if they desire to do so. ECRO's will sanitize attorney microphones and the microphone at the lectern after each hearing using a hand wipe, and will NOT spray sanitizer so as to not damage the microphones. Regarding mask usage during a hearing, because of the importance of the attorneys and witnesses to see the judge's facial expressions, and because the judges are separated by more than 6 feet from attorneys or witnesses, judges will not be required to wear a mask while on the bench. Attorneys and witnesses, while actively participating in a hearing, are for similar reasons not required to wear a mask until such time that their hearing is concluded and they prepare to exit the courtroom. All other visitors in the courtroom, not actively participating in their hearing or awaiting their hearing, are required to wear a mask.

iii. After each hearing: Attorney workspace should be sanitized by the last attorney to use that workspace. The Courtroom Deputy, ECRO, and Gatekeeper will be responsible for sanitizing other areas if local contract cleaners are not available.

h. Court staff will conduct a rehearsal with all potential Gatekeepers as well as Chambers staff to ensure all staff know their role in this process.

i. A diagram showing the intent of the process is attached. The diagram depicts Courtroom A in Macon as a representative example of how the process will work. Each courtroom may have individual differences which must be accounted for prior to opening of court. The process can be summarized in 6 steps:

- Step 1: Visitors queue up outside the court facility (if arriving before normal opening time).
- Step 2: Visitors will be allowed in the court facility in a controlled manner, one at a time.
- Step 3: The visitor will be directed to the Sanitization point and asked to use hand sanitizer and answer COVID-19 related health questions. If the visitor does not have a mask, they may obtain one provided by the court (however, attorneys and clients are required to provide their own masks).
- Step 4: The visitor will clear security as usual.
- Step 5: The visitor will enter the courtroom and be seated where directed. Seating is marked with a blue masking tape "X."
- Step 6: Exiting the courtroom and court facility will be done on a one at a time basis.

5. Intake Access and Exit Protocol: Initial entry procedures for visitors wishing to go to the Intake counter to conduct business with the Court will be similar as stated above for visitors attending hearings. However, there may not be a Gatekeeper available because hearings may not be conducted when someone wishes to proceed to the Intake counter. Therefore, the CSO will have to make sure that no more than two visitors are allowed into the Intake area at any given time. If more than two visitors are in the court facility at the same time, visitors awaiting their turn will be asked to wait in a designated waiting area.

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Protocols that are pertinent to a specific courtroom.

1. Macon:

a. For attorneys who need to coordinate with the Courtroom Deputies in Macon, Courtroom Deputies will need to consider a variety of ways to communicate with attorneys prior to hearings. This includes allowing attorneys entry to the courtroom prior to the beginning of the calendar where they will be required to maintain social distancing standards while speaking with the Courtroom Deputy or waiting their turn to speak with the Courtroom Deputy; calling the Courtroom Deputy on the phone; or coming to the Courtroom Deputy's office door and speaking with the Courtroom Deputy without entering her office.

b. In the public restrooms in Macon, one stall in each restroom will be placed off-limits and one sink in each restroom will be placed off-limits. A sign will be placed on the door which limits the number of occupants to two.

c. For visitors going to the Intake area in Macon, a sign will be placed on the elevator which limits only one occupant at a time.

d. Maximum occupancy of the pews in the Macon courtrooms is 12.

e. Maximum occupancy of the attorney conference rooms is 2.

f. A sneeze guard will be placed between the closest Court staff and the witness chair because the distance is only 5 feet.

2. Columbus:

a. For attorneys who need to coordinate with the Courtroom Deputy in Columbus, Courtroom Deputies will need to consider a variety of ways to communicate with attorneys prior to hearings. This includes allowing attorneys entry to the courtroom prior to the beginning of the calendar where they will be required to maintain social distancing standards while speaking with the Courtroom Deputy or waiting their turn to speak with the Courtroom Deputy; calling the Courtroom Deputy on the phone; or coming to the Courtroom Deputy's office door and speaking with the Courtroom Deputy without entering her office.

b. Maximum occupancy of the pews in the Columbus courtroom is 9 in the pews and 2 in chairs at the rear wall.

c. Maximum occupancy of the attorney conference rooms is 3.

d. A sneeze guard will be placed between the Courtroom Deputy and the ECRO because the distance is only 5 feet.

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3. Albany:

a. For attorneys who need to coordinate with the Courtroom Deputy, they will be allowed entry to the Clerk's office area and be seated in a chair outside of the Courtroom Deputy's office but within easy and private conversation distance (about 16 feet).

b. A chair will be placed outside the Clerk's office door for the next attorney waiting to speak with the Courtroom Deputy.

c. The chair currently in the outer waiting area of the Clerk's office area will be placed in the rotunda area for others waiting to see the Courtroom Deputy.

d. The attorney tables in the courtroom in Albany are configured one in front of the other but there is sufficient distance to allow two attorneys per table.

e. Maximum occupancy of the pews in the Albany courtroom is 8. Additionally, 2 chairs may be placed that meet social distancing standards, for a total occupancy of 10.

f. There are three attorney conference rooms in the anteroom outside the court where attorneys/clients or other visitors can wait. Maximum occupancy of the attorney conference rooms is 2.

g. There are two pews in the lobby adjacent to the rotunda that can seat 4 persons and maintain social distancing standards.

h. While not preferable, in the event more people are required to be in the courtroom, the jury box is available.

i. Because distances between people in the Albany courtroom, under the occupancy plan, are in no cases less than 6 feet, a sneeze guard is not required for any situation. However, we have purchased a sneeze guard for Albany and the sneeze guard will be stored in the Courtroom Deputy's office.

4. Athens:

a. For attorneys who need to coordinate with the Courtroom Deputy, they will be allowed entry to the Clerk's office area and be seated in a chair outside of the Courtroom Deputy's office but within easy and private conversation distance (about 15 feet).

b. A chair will be placed outside the Clerk's office door for the next attorney waiting to speak with the Courtroom Deputy.

c. At the attorney table closest to the lectern, the chair closest to the lectern will be removed because there is not sufficient social distancing space between the chair and the lectern.

d. A sneeze guard will be placed in between the Courtroom Deputy and the ECRO because there is not sufficient space to maintain social distancing.

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e. Some chairs in front of the ropes separating the gallery and the attorney tables will be removed to accommodate social distancing. A total of 4 chairs will be made available.

f. Because the distance between the chairs mentioned above and the first row of pews (looking from inside the courtroom to the back of the courtroom) is only 4 feet, the first row will be blocked off. The second row will have 2 seats available. The third row will be blocked off and the fourth row will have 2 seats available (the same for both sides of the pews). A total of 8 seats will be available in the pews plus the 4 chairs available in front of the ropes for a total of 12 seats available behind the attorney tables.

g. In the event additional space is required for visitors, 3 seats in the jury box will be available that meet social distancing requirements.

h. In the event the law clerk does not attend court, there is an additional table between one of the attorney tables and the bench at which one visitor may be seated.

i. In the lobby, there are three pews that can accommodate 2 visitors each plus a table with 1 seat, providing an additional 7 seats available which meet social distancing requirements.

5. Valdosta:

a. For attorneys who need to coordinate with the Courtroom Deputy, there is no dedicated Clerk's Office space and attorneys will continue to coordinate with the Courtroom Deputy in the courtroom either before or after hearings. However, attorneys will utilize the unused extra lectern at the counter nearest the Courtroom Deputy. Attorneys waiting to speak with the Courtroom Deputy will practice social distancing within the courtroom at designated positions (attorney table, chairs in front of the rope, pews).

b. Maximum occupancy of the pews in the Valdosta courtroom is 17. The lectern in Valdosta is situated adjacent to the rear attorney's table and the jury box. Because of the distances involved, there can only be two seats available in the pew directly behind the lectern.

c. There is no conference room available for attorneys in Valdosta unless special arrangements are made by Court Staff. Attorneys typically confer with their clients in the hallway adjacent to the courtroom.

d. The attorney tables in the courtroom in Valdosta are configured one in front of the other but there is sufficient distance to allow two attorneys per table.

e. In the event additional space is required for visitors, 3 seats in the jury box will be available that meet social distancing requirements.

f. If the law clerk needs to be close to the judge in order to assist the judge in bringing up cases on the laptop, there is sufficient space on the bench for them to have 6 feet between them. The law

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clerk can bring up the case on the laptop and turn it toward the judge for him to digitally sign, without the need to violate social distancing.

g. There is a table against the right wall (looking toward the bench) designated for Probation Office staff. One visitor can sit at that table.

Macon Courtroom A COVID-19 Protocol Diagram (not to scale)

