

**IN THE CIRCUIT COURT FOR THE
FORTIETH JUDICIAL CIRCUIT OF ALABAMA**

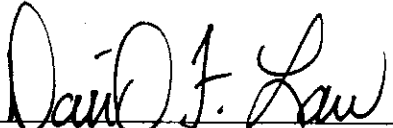
ADMINISTRATIVE ORDER 2020-03-15

On March 13, 2020, the Supreme Court of Alabama entered an Order declaring a state of emergency for the entire Judicial Branch of the State of Alabama, and suspending all in-person proceedings in all state and local courts in Alabama including, but not limited to, proceedings in the circuit court, district court, juvenile court, municipal court, probate court, and appellate courts from March 16, 2020 through April 16, 2020 subject to certain exceptions. A copy of the Supreme Court's Order is attached hereto.

In order to avoid bringing large groups of people together including individuals at higher risk (e.g. those over sixty (60) years of age, those with underlying health conditions, those who are pregnant) and to reduce the risk of spreading COVID-19, **all in-person proceedings previously scheduled for the Fortieth Circuit from March 16, 2020 through April 16, 2020 are SUSPENDED** unless said hearing meets one of the exceptions identified by the Supreme Court's Order.

The circuit court criminal docket scheduled for Clay County on March 18, 2020 is hereby continued generally. However, any defendant that is set for said docket and currently incarcerated and desires to enter into a plea agreement with the State of Alabama, and said agreement will result in the defendant's release from custody, those cases will be heard upon the proper execution and electronic filing of a motion to allow plea of guilty, explanation of rights, and guidelines (if applicable) for each case. All other cases that meet the exceptions as identified by the Supreme Court's Order may be conducted, and to the extent possible, by telephone conference (or video conference, if available) pending further Order of this Court.

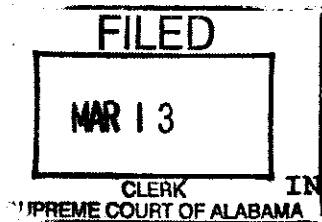
DONE and ORDERED this 15th day of March 2020.



DAVID F. LAW
PRESIDING JUDGE

Via Email Distribution

James Malone, District Judge
Carlton Teel, District Judge
Richard Dean, Probate Judge
Dianne Branch, Probate Judge
Jeffrey Wood, Circuit Clerk
Julie Poe, Circuit Clerk



IN THE SUPREME COURT OF ALABAMA
RE: COVID-19 PANDEMIC EMERGENCY RESPONSE

March 13, 2020

**ADMINISTRATIVE ORDER SUSPENDING ALL IN-PERSON COURT
PROCEEDINGS FOR THE NEXT THIRTY DAYS**

The President of the United States having declared a national emergency and the Governor of Alabama having declared a state of emergency for the State of Alabama amid the Coronavirus Disease 2019 ("COVID-19") pandemic, the Supreme Court of Alabama, pursuant to the authority vested in it under Article VI, §§ 139, 140, and 150, Ala. Const. 1901, hereby declares a state of emergency for the entire Judicial Branch of the State of Alabama.

The local and state courts of the State of Alabama are open and will remain open under all circumstances, subject to the provisions of this order.

Under the constitutional, statutory, and inherent authority of the Supreme Court, we adopt the following provisions. All in-person proceedings in all state and local courts in Alabama, including, but not limited to, proceedings in the circuit court, district court (including cases on the small claims docket), juvenile court, municipal court, probate court, and appellate courts, are suspended beginning Monday, March 16, 2020 through Thursday, April 16, 2020, subject to the exceptions below.

Exceptions to this suspension of in-person court proceedings include, but are not limited to:

- Proceedings necessary to protect constitutional rights of criminal defendants, including bond-related matters and plea agreements for incarcerated individuals.
- Civil and criminal jury trials that are in progress as of March 13, 2020.
- Proceedings related to protection from abuse.
- Proceedings related to emergency child custody and protection orders.
- Department of Human Resources emergency matters related to child protection.

- Proceedings related to petitions for temporary injunctive relief.
- Proceedings related to emergency mental health orders.
- Proceedings related to emergency protection of elderly or vulnerable persons.
- Proceedings directly related to the COVID-19 public health emergency.
- Any emergent proceeding as needed by law enforcement.
- Other exceptions as approved by the Chief Justice.

The presiding judge or the designee of the presiding judge of each judicial circuit is authorized to determine the manner in which in-person court proceedings for the exceptions listed above are to be conducted. Other exceptions to the suspension of in-person court proceedings must be approved by the Chief Justice. Any permitted in-court proceedings shall be limited to attorneys, parties, witnesses, security officers, and other necessary persons, as determined by the trial judge.

Judges are charged with the responsibility of ensuring that core constitutional functions and rights are protected. Additionally, court clerks are charged with ensuring that court functions continue. Nevertheless, all judges and court clerks are urged to limit in-person courtroom contact as much as possible by utilizing available technologies, including electronic filing, teleconferencing, and videoconferencing. Any Alabama state or local rule, criminal or civil, that impedes a judge's or court clerk's ability to utilize available technologies to limit in-person contact is suspended until April 16, 2020.

This order expressly does not prohibit court proceedings by telephone, video, teleconferencing, or other means that do not involve in-person contact. This order does not affect courts' consideration of matters that can be resolved without in-person proceedings.


Any deadlines that are set by or subject to regulation by this Court that are set to expire between March 16, 2020 and April 16, 2020, are hereby extended to April 20, 2020. This Court cannot extend any statutory period of repose or statute of limitations period.

Orders of protection and temporary injunctions that would otherwise expire between March 16, 2020, and April 16, 2020, are hereby extended until April 16, 2020, unless the trial court elects to enter an order to the contrary.

This order is subject to modification, revision, or rescission by the Supreme Court at any time during the time periods stated herein.

Parker, C.J., Bolin, Shaw, Wise, Bryan, Stewart, and Mitchell, JJ., concur.

Witness my hand and seal this the 13th day of March, 2020.


Julia Jordan Weller
Clerk, Supreme Court of Alabama